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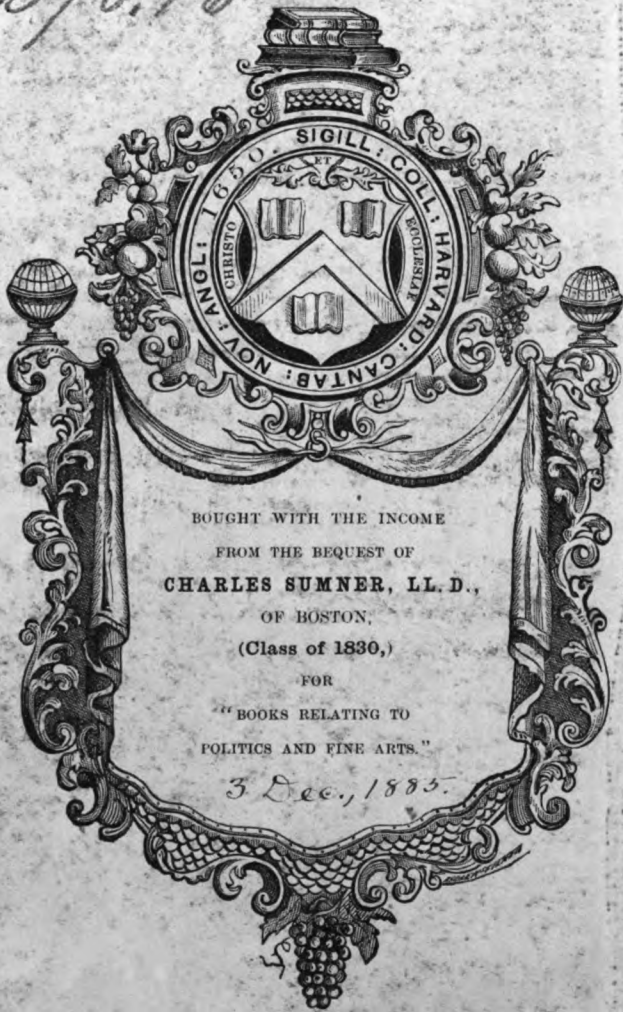
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FOR  
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*3 Dec., 1885.*







A  
COMPLETE COLLECTION  
OF THE  
**TREATIES AND CONVENTIONS,**  
AND RECIPROCAL REGULATIONS AT PRESENT SUBSISTING BETWEEN  
**GREAT BRITAIN AND FOREIGN POWERS:**  
AND OF THE  
LAWS, DECREES, ORDERS IN COUNCIL, &c.,  
CONCERNING THE SAME; SO FAR AS THEY RELATE TO  
COMMERCE AND NAVIGATION, THE SLAVE TRADE,  
POST-OFFICE COMMUNICATIONS, COPYRIGHT, &c. :  
AND TO THE  
PRIVILEGES AND INTERESTS OF THE SUBJECTS OF THE  
HIGH CONTRACTING PARTIES.

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COMPILED FROM AUTHENTIC DOCUMENTS,  
By SIR EDWARD HERTSLET, C.B.,  
LIBRARIAN AND KEEPER OF THE PAPERS, FOREIGN OFFICE.

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VOL. XV.

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## AFRICA. (East Coast.)

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ACT to amend "*The Slave Trade (East African Courts Act, 1873*"\* (*Aden, Zanzibar, Muscat, Madagascar, Egypt*).

[42 & 43 Vict., c. 38.]

[August 11, 1879.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "*The Slave Trade (East African Courts) Act, 1879.*"

This Act shall be construed as one with "*The Slave Trade (East African Courts) Act, 1873,*" and that Act and this Act may be cited together as "*The Slave Trade (East African Courts) Acts, 1873 and 1879.*"

*Vice-Admiralty Courts at Aden, Consular Courts at Zanzibar, Muscat, and Madagascar.*

2. Whereas by Section 2 of "*The Slave Trade (East African Courts) Act, 1873,*" the term "*East African Courts*" is defined to mean the Vice-Admiralty Court at Aden, and any of Her Majesty's Consuls within the dominions of the Sovereigns of Zanzibar, Muscat, and Madagascar, when exercising jurisdiction in pursuance of the Order in Council recited in the said Act, and it is expedient to amend the said definition, be it therefore enacted as follows :

In "*The Slave Trade (East African Courts) Act, 1873,*" the term "*East African Courts*" shall mean the Vice-Admiralty Court at Aden, and any of Her Majesty's Consular officers within the dominions of the Sovereigns of Zanzibar, Muscat, and Madagascar, on whom jurisdiction in relation to vessels captured on suspicion of being engaged in the Slave Trade, or otherwise in relation to the Slave Trade, has been conferred by an Order in Council, made whether before or after the passing of this Act.

So much of Section 2 of "*The Slave Trade (East African Courts) Act, 1873,*" as defines the term "*East African Courts*" is hereby repealed, without prejudice to anything already done or suffered in pursuance thereof.

*Treaties to which Act applies.*

3. Whereas by Section 7 of "*The Slave Trade (East*

\* 36 & 37 Vict. c. 59. See Vol. 14. Page 3.

African Courts) Act, 1873," Her Majesty is authorized by Order in Council to direct that a Treaty in relation to the Slave Trade made by or on behalf of Her Majesty with any of the foreign States therein mentioned in Arabia or Africa shall be deemed to be an existing East African Slave Trade Treaty within the meaning of the above-mentioned Act:

*Treaty with Egyptian Government.*

And whereas doubts have arisen as to whether the said section applies to a Treaty with the Government of Egypt, and it is expedient to remove such doubts, be it therefore enacted as follows:

A Treaty in relation to the Slave Trade made either before or after the passing of this Act by or on behalf of Her Majesty with the Government of Egypt shall be deemed to be a Treaty in relation to the Slave Trade to which Section 7 of "The Slave Trade (East African Courts) Act, 1873," applies, and Orders in Council in relation to such Treaty may be made accordingly in pursuance of the said section.

*Jurisdiction over British Vessels.*

4. Each of the East African Courts shall have the same jurisdiction in regard to a British vessel seized on suspicion of being engaged in or fitted out for the Slave Trade, and to the persons, slaves, goods, and effects on board thereof, when the vessel, in pursuance of any existing East African Slave Trade Treaty, is seized and brought for trial by the commander or officer of any ship belonging to the foreign state with whom such Treaty is made, as such Court would have if the vessel had been seized by the commander or officer of any of Her Majesty's ships.

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## AFRICA. (*West Coast.*)

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TREATIES of Peace, Commerce, Slave Trade, &c., between Great Britain and Native Chiefs and States on the West Coast of Africa. 1868-1871.

(1.)—TREATY with Ahwoonlah and Addah. Peace. Volta River. Settlement of Disputes, &c. Volta River, November 30, 1868.\*

TREATY OF PEACE between Her Majesty and the Ahwoonlah and Addah Nations of the Protectorate, entered into at the River Volta, on board the colonial steamer *Eyo*, this 30th

\* See also Treaty, May 10, 1871. Page 4.

day of November, 1868, through the mediation and in the presence of Sir Arthur Edward Kennedy, C.B., Governor-in-Chief, on the part of Her Majesty the Queen of England, and between the undersigned Representatives of the Ahwoonlah and Addah Nations of the Protectorate.

WHEREAS an unhappy war broke out in the month of March, 1865, and has continued up to this time, whereby much damage has been caused to the trade and social welfare of the Ahwoonlah and Addah nations, their dependents, and allies, who are members of the same Protectorate, and whose interest it is to live together in peace and amity.

It is hereby agreed by the representatives of both people that there should be peace and friendship between the two nations henceforth and for ever.

The following Articles being fully discussed and understood, are agreed to :—

ART. I. The River Volta shall be kept open for all lawful traders; and both parties to this Treaty shall use their best efforts to discourage any dishonest or unlawful interference with legitimate traders of whatever country or nation.

II. The Ahwoonlah and Addah nations undertake and promise to observe and enforce the foregoing Article as being absolutely necessary to the peace and prosperity of all the tribes and nations bordering on the Volta.

III. If any difference or dispute shall in the future arise between the Ahwoonlah and Addah nations, or between either of them and any other tribe or nation, it shall be submitted to the Governor-in-Chief, whose decision, after full hearing, shall be final and binding upon both parties.

IV. Other tribes or nations having been unhappily drawn into this war as friends and allies, the Ahwoonlah and Addah nations agree and solemnly promise that they will immediately call upon all such to lay down their arms and consolidate a peace which is honourable to all parties.

In proof of our truth and sincere desire for peace, we subscribe our names to this Treaty, a copy of which will be retained by each party.

Their  
 X LOZABAGBA, *King of Ahwoonlah.*  
 X ABRAHAM AUGUSTT, *on part of the King of Ahwoonlah.*  
 X GARMOO, *King's Messenger.*  
 X JORDOR, *2nd Officer, Jellah-Coffee.*  
 X ARBOJEE, *Representative of Armayar.*  
 X THOUGH, *Representative of Arvoonah.*  
 X POTEE, *for Yarhoe-tar-nar-curoe.*  
 X THOUGH II, *for Folee, Chief of Jellah-Coffee.*  
 X ACALLEE, *for Chief Jorcoetoe.*

marks.

## ADDAHS.

Their  
 X OCLUF, *Chief of Addah.*  
 X KING TACKEE.  
 X KING CUDJOE.  
 X TAYEE, *for Dosoo.*  
 X ICOO, *for the King of Christiansborg.*  
 marks.

Witnessed :

JOHN H. GLOVER, *Administrator of Lagos.*  
 CHARLES WM. ANDREW, *Commander H.M.S. Lee.*  
 THOS. GEO. LAWSON, *Government Interpreter, Sierra Leone.*  
 W. ADDO, *Government Interpreter, Accra.*

AQUAMOOS, MARCH 3, 1869.

Their  
 X QUAMIN ARKOTOE, *King of Aquamoo.*  
 X CUDJOE DADBRAH, *Captain of Aquamoo.*  
 X QUAMIN BARKAYE, *Captain of Aquamoo.*  
 X ORFAYE QUASHIE, *Captain of Aquamoo.*  
 X CUDJOE YAMPOO, *Captain of Pesse.*  
 X COFFEE MENSAH, *Captain of Arcradie.*  
 marks.

The above signatures were affixed at Aquamoo on the 3rd day of March, 1869, in the presence of us,  
 W. H. SIMPSON, *Acting Administrator, Gold Coast.*  
 W. ADDO, *Government Interpreter.*  
 PET AZRE-ODUNNASI, *late Schoolmaster.*

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(2.)—TREATY *with Ahwoonlah, Accra, and Addah. (Peace. Volta River, &c.) Jellah-Coffee, May 10, 1871.*

TREATY between the undersigned Kings, Chiefs, and Headmen of the Ahwoonlah, Accra, and Addah Nations or Tribes, and Sir A. E. Kennedy, C.B., Governor-in-Chief of the West Africa Settlements, &c., on behalf of Her Majesty the Queen of Great Britain.

WE, the undersigned Kings, Chiefs, and duly accredited Delegates from Accra and Ahwoonlah, having this day met on board Her Majesty's colonial steamer *Sherbro*, at Jellah-Coffee, on the invitation of Sir A. E. Kennedy, C.B., Governor-in-Chief of the West Africa Settlements, hereby agree to and solemnly bind ourselves to the following terms and conditions, subject to the approval and ratification of the Kings and Chiefs of Accra and the Kings and Chiefs of Ahwoonlah:—

I. That though peace at present exists between the Accra, the Addah, and the Ahwoonlah people, it is desirable for the

good and progress of each and all, that a lasting friendship should be established among people who are all under the protectorate of Great Britain.

II. That all parties to the Treaty of the Volta, agreed to and signed on board Her Majesty's colonial steamer *Fyo*, on the 30th day of November, 1868,\* again pledge themselves to adhere to the terms and conditions of that Treaty.

III. With a view to securing a permanent peace and more enduring friendship, the Kings, Chiefs, and Delegates, parties to this Treaty, pledge themselves to assist each other to the utmost of their power in repelling any inroad or invasion of any part of the Protectorate by the Ashantee power; though nothing in this clause or Treaty shall be construed to mean or justify any opposition to legitimate and peaceful trade with Ashantee.

IV. That the Accra, Addah, and Ahwoonlah nations hold themselves jointly and separately responsible for the safe and free navigation of the River Volta, and pledge themselves to combine to oppose any nation or tribe who may disturb or obstruct legitimate commerce on the river.

V. That in addition to Clause III of the Treaty dated 30th November, 1868, binding all parties thereto to submit any differences which may arise between them to the arbitration of the Governor-in-Chief of the West Africa Settlements, it is hereby further agreed that all the parties to this Treaty pledge themselves to submit to, and pay, any fine which may, as the result of such arbitration, be imposed upon them for any breach of this or the former Treaty of 30th November, 1868.

VI. That all the parties to this Treaty hold themselves responsible for the safety of all legitimate traders and missionaries, whether European or native, within their respective territories; it being understood that no European or native trader shall contravene any law or custom which is not inconsistent with the letter or spirit of the laws of the Protectorate.

VII. It having been agreed upon as one of the primary conditions to peace that one Geraldo, a former servant to Lima, a Portuguese slave-dealer (for many years resident at Keta), should be given up to the Gold Coast Government, to be dealt with according to law, and this Geraldo having absconded from his residence to some inland town, the Ahwoonlahs hereby pledge themselves to inform the Gold Coast Government and give him up at any time he may return to the coast.

VIII. It is further agreed and demanded by the Ahwoonlahs in presence of the Accras parties to the Treaty, that the British authorities shall take steps to destroy the now deserted residence of Geraldo (being within the Ahwoonlah territory), to prevent his return thereto, as they attribute the wars and

\* See Page 2.

disasters which have for many years distracted their country to the presence and bad influence of Geraldo over a portion of the Ahwoonlah people.

IX. It is further agreed that three or more delegates duly accredited from Ahwoonlah should accompany and return with the Delegates from Accra to be present at the ratification of this Treaty.

Signed at Jellah-Coffee, on board Her Majesty's colonial steamer *Sherbro*, this 10th day of May, 1871.

Their

- X PHANEWAH (for King LOZABAGBA).
- X ABOCO (for King of Quitta).
- X FOLY, *Chief of Jellah-Coffee.*
- X NOOGPASAY, *Chief of Jellah-Coffee.*
- X JOHN TAY, *Chief of Jellah-Coffee.*
- X GPONGSOO, *an Officer of War at Jellah-Coffee.*
- X FUOHGBAE, *2nd Officer.*
- X AMAYLAH, *Chief of Ahtokkoh, near entrance of the Volta.*
- X QUASHIE, *for Aghboho.*
- X AWOYAMAH, *Chief of Surombgae.*
- X LABITOE, *Chief of Hooti.*
- X ARYECOO (for the King of Christiansborg).
- X MENSAH (for King CUDJOE of Accra).
- X BOCHUE AFLAR (for King TACKIE of Accra).

marks.

Witnesses :

- O'CALLAGHAN, *Captain 1st W. I. Regiment.*
- J. P. MCEWEN, *Navigating Lieutenant Royal Navy, Commanding Her Majesty's colonial steamer Sherbro.*
- THOS. GEO. LAWSON, *Government Messenger and Interpreter, Sierra Leone.*
- ROBERT BANNERMAN, *Delegate from Accra.*

I have heard this Treaty read to me by Mr. Lawson and Mr. Bannerman, and I agree to its contents.

His

- X LOZOGBAGBA, *King of Ahwoonlah.*

mark.

Witnesses to marks :

- ROBERT BANNERMAN, *Delegate from Accra.*
- THOS. GEO. LAWSON, *Government Messenger and Interpreter, Sierra Leone.*

We, the Undersigned, hereby agree to, and ratify, the foregoing Treaty.

Their

- X TACKIE, *King of Accra.*
- X CUDJOE, *King of James Town.*

marks.



- Their
- XX MARKU, *King of Christiansborg.*
  - XX JÉTAY AGIN, *Chief of Ussher Town.*
  - XX AOKRAMAH, *Chief of Ussher Town.*
  - XX ARMOO DARQUOR, *Chief of Ussher Town.*
  - XX ANNEGAY, *Chief of James Town.*
  - XX AMMANEH ACQUAY, *Chief of James Town.*
  - XX H. BADD00, *Headman in James Town.*
  - XX NAH OCAUSEY, *on behalf of the King of Addah.*
  - XX OOLU, *Interpreter to the King of Addah.*
  - XX MANGKRALOH, *for Head Chief of Christiansborg.*

Signed at Accra, this 12th day of May, 1871.\*

Witnesses :

C. O'CALLAGHAN, *Captain 1st W. I. Regiment.*

ROBERT BANNERMAN, *Delegate from Accra.*

THOS. GEO. LAWSON, *Government Messenger and Interpreter, Sierra Leone.*

W. ADDO.

## ARGENTINE REPUBLIC.

DECREE of the Argentine Republic, suppressing the British and French Postal Agencies. Buenos Ayres, January 29, 1873.

(Translation.)

*Department of the Interior,*

*Buenos Ayres, January 29, 1873.*

CONSIDERING : that by Decrees of the 1st February and 25th September, 1858, of the Government of Buenos Ayres, concessions were granted to the steamers of the English Royal Mail Steam Packet Company and of the Messageries Impériales of France, in virtue of which there has passed through the English and French Consulates the correspondence not only for the intermediate ports, the object of the concession, but also a large portion of that intended to be conveyed by these steamers to Europe :

That the Republic being to-day in very frequent communication by the sea-route with that part of the world as well as with the Empire of Brazil and the Pacific Republics, the motives which gave origin to that concession have now ceased :

That the sale of English and French postage stamps, as well as those of other nations, is made not only by the

\* Approval of British Government proclaimed at Cape Coast, October 26, 1871.

respective Consulates, but also by many commercial houses, so that the complete prepayment of over-sea correspondence can be made with facility and without prejudicing commercial interests by the discontinuance of the concession referred to :

That postal receipts are a source of national revenue, and consequently should be collected in accordance with the laws :

In view of the explanations given by the Minister of Foreign Affairs in his Memorandum of the 4th September last, as well as those given by the Postmaster-General and the National Advocate, the President of the Republic decrees :—

ART. 1. The concession by the Government of the Province above referred to is cancelled.

2. All correspondence which may leave the Republic, or be received therein, shall be under the charge of the postal authorities, subject to the laws and regulations affecting the same.

3. As the law does not prohibit the use of foreign postage stamps for the forwarding of letters beyond the Republic, the Post Office will receive and forward to its destination all correspondence delivered to it in this form, provided always that it bears the corresponding national stamps, and until such time as the respective Postal Conventions are arranged.

4. The Decree to come into force on the 1st of July in the present year.

5. Communicate, publish, and insert this in the "National Register."

SARMIENTO.

ULADESLAS FRIAS.

Approved,

Y. S. DE BUSTAMENTE.

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## AUSTRIA.

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INTERNATIONAL TELEGRAPH CONVENTION *between Great Britain and various Foreign Powers, modifying the Conventions signed at Paris, May 17, 1865,\* and at Vienna, July 21, 1868.† Signed at Rome, January 14, 1872.‡*

[This Convention, as well as that signed at St. Petersburg, July 22, 1875 (see Vol. 14, Page 95), was revised by the Convention signed at London, July 28, 1879. See Page 9.]

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\* State Papers. Vol. 56. Page 295.

† State Papers. Vol. 59. Page 322.

‡ State Papers. Vol. 66. Page 975.

**AUSTRIAN LAW for the admission of Foreign Insurance Societies, including Joint Stock Companies, into Austrian Dominions. Vienna, March 29, 1873.**

(Translation.)

WITH the consent of both Houses of the Reichsrath I ordain as follows :

§ 1. The exclusion of foreign insurance societies from carrying on business in this country, declared in the Imperial Ordinance of November 29, 1865,\* is abrogated.

§ 2. The legal provisions some time in force respecting the admission of societies abroad to carry on business in this country are henceforth to be applicable to the admission of foreign insurance societies as well, including both joint stock societies and private shareholders who carry on the business of insurance, as also mutual insurance societies, for the purpose of carrying on business in the kingdoms and countries represented in the Reichsrath; with the restrictions, however, contained in the following § 3.

§ 3. If, in any foreign State, regulations exist, by which private insurance societies are wholly or partly forbidden to act through an insurance branch, then the societies belonging to that State are not allowed to act through such an insurance branch in this country.

§ 4. This Law comes into operation on the day of its promulgation.

The Ministers of the Interior, of Justice, and of Finance are charged with the execution hereof.

Vienna, March 29, 1873.

FRANCIS JOSEPH.

AUERSPERG. LASSER. GLASER. PRETIS.

**INTERNATIONAL TELEGRAPH CONVENTION** *between Great Britain, Austria-Hungary, Belgium, France, Germany, Greece, India, Italy, Japan, Netherlands, Norway, Portugal, Roumania, Russia, Servia, Spain, Sweden, Switzerland, Turkey, and New Zealand. Signed at London, 28th July, 1879.*

**RÈGLEMENT de Service International annexé à la Convention Télégraphique de St. Pétersbourg.**

*Révision de Londres.*

*Article XIII de la Convention du 22 Juillet, 1875.†*

Les dispositions de la présente Convention sont complétées par un règlement, dont les prescriptions peuvent être, à toute

\* See State Papers. Vol. 63. Page 1082.

† See Vol. 14. Page 95.

époque, modifiées d'un commun accord par les Administrations des États Contractants.

### 1. Réseau International.

#### *Article IV de la Convention.*

Chaque Gouvernement s'engage à affecter au service télégraphique international des fils spéciaux, en nombre suffisant pour assurer une rapide transmission des télégrammes.

Ces fils seront établis et desservis dans les meilleures conditions que la pratique du service aura fait connaître.

I. 1. Les villes entre lesquelles l'échange des correspondances est continu ou très-actif sont, autant que possible, reliées par des fils directs, d'un diamètre d'au moins 5 millimètres et dont le service, dégagé du travail des bureaux intermédiaires, n'est affecté, dans la règle, qu'aux relations entre les deux villes désignées comme leurs points extrêmes.

2. Ces fils peuvent être détournés de cette affectation spéciale en cas de dérangement des lignes; mais ils doivent y être ramenés dès que le dérangement a cessé.

3. Les Administrations Télégraphiques indiquent, sur chaque fil, un ou plusieurs bureaux intermédiaires obligés de prendre les correspondances en passage, si la transmission directe entre les deux bureaux extrêmes est impossible.

II. 1. Les Administrations concourent, dans les limites de leur action respective, à la sauvegarde des fils internationaux et des câbles sous-marins; elles combinent, pour chacun d'eux, les dispositions qui permettent d'en tirer le meilleur parti.

2. Les chefs de service des circonscriptions voisines des frontières s'entendent directement pour assurer, en ce qui les concerne, l'exécution de ces mesures.

III. Les appareils Morse et Hughes restent concurremment adoptés pour le service des fils internationaux, jusqu'à une nouvelle entente sur l'introduction d'autres appareils.

IV. 1. Entre les villes importantes des États Contractants le service est, autant que possible, permanent, le jour et la nuit, sans aucune interruption.

2. Les bureaux ordinaires, à service de jour complet, sont ouverts au public, au moins, de 8 heures du matin à 9 heures du soir.

3. Les heures d'ouverture des bureaux à service limité sont fixées par les Administrations respectives des États Contractants. Chaque État peut appliquer, le Dimanche, aux bureaux à service complet les heures du service limité; cette mesure est notifiée au Bureau International, qui en avertit les autres Administrations.

4. Les bureaux dont le service n'est point permanent ne peuvent prendre clôture avant d'avoir transmis tous leurs télégrammes internationaux à un bureau permanent.

5. Entre deux bureaux d'États différents communiquant par un fil direct, la clôture est donnée par celui qui appartient à l'État dont la capitale a la position la plus occidentale.

6. Cette règle s'applique à la clôture des procès-verbaux et à la division des séances dans les bureaux à service permanent.

7. Le même temps est adopté par tous les bureaux d'un même État. C'est généralement le temps moyen de la capitale de cet État.

V. Les notations suivantes sont adoptées dans les tarifs internationaux pour désigner les bureaux télégraphiques :

N bureau à service permanent (de jour et de nuit);

$\frac{N}{2}$  bureau à service de jour prolongé jusqu'à minuit ;

C bureau à service de jour complet ;

L bureau à service limité (c'est-à-dire, ouvert pendant un nombre d'heures moindre que les bureaux à service de jour complet) ;

B bureau ouvert seulement pendant la saison des bains ;

H bureau ouvert seulement pendant la saison d'hiver ;

E bureau ouvert seulement pendant le séjour de la Cour ;

Ces notations peuvent se combiner avec les précédentes.

L bureau ouvert avec service complet dans la saison des

BC bains et limité pendant le reste de l'année ;

L bureau ouvert avec service complet pendant l'hiver et

HC limité pendant le reste de l'année ;

F station de chemin de fer ouverte à la correspondance des particuliers ;

P bureau appartenant à une Compagnie privée ;

S bureau sémaphorique ;

\* bureau à ouvrir prochainement.

## 2. Dispositions Générales relatives à la Correspondance.

### Article I de la Convention.

Les Hautes Parties Contractantes reconnaissent à toutes personnes le droit de correspondre au moyen des télégraphes internationaux.

### Article II de la Convention.

Elles s'engagent à prendre toutes les dispositions nécessaires pour assurer le secret des correspondances et leur bonne expédition.

### Article III de la Convention.

Toutefois, elles déclarent n'accepter, à raison du service de la télégraphie internationale, aucune responsabilité.

*Article V de la Convention.*

Les télégrammes sont classés en trois catégories :—

1. Télégrammes d'État : ceux qui émanent du Chef de l'État, des Ministres, des Commandants en Chef des forces de terre ou de mer, et des Agents Diplomatiques ou Consulaires des Gouvernements Contractants, ainsi que les réponses à ces mêmes télégrammes.

2. Télégrammes de service : ceux qui émanent des Administrations Télégraphiques des États Contractants et qui sont relatifs, soit au service de la télégraphie internationale, soit à des objets d'intérêt public déterminés de concert par les dites Administrations.

3. Télégrammes privés.

Dans la transmission, les télégrammes d'État jouissent de la priorité sur les autres télégrammes.

*Article VII de la Convention.*

Les Hautes Parties Contractantes se réservent la faculté d'arrêter la transmission de tout télégramme privé qui paraîtrait dangereux pour la sécurité de l'État ou qui serait contraire aux lois du pays, à l'ordre public ou aux bonnes mœurs.

*Article VIII de la Convention.*

Chaque Gouvernement se réserve aussi la faculté de suspendre le service de la télégraphie internationale pour un temps indéterminé, s'il le juge nécessaire, soit d'une manière générale, soit seulement sur certaines lignes et pour certaines natures de correspondances, à charge par lui d'en aviser immédiatement chacun des autres Gouvernements Contractants.

*3. Rédaction et Dépôt des Télégrammes.**Article VI de la Convention.*

Les télégrammes d'État et de service peuvent être émis en langage secret, dans toutes les relations.

Les télégrammes privés peuvent être échangés en langage secret entre deux États qui admettent ce mode de correspondance.

Les États qui n'admettent pas les télégrammes privés en langage secret, au départ et à l'arrivée, doivent les laisser circuler en transit, sauf le cas de suspension défini à l'Article VIII.

VI. Les télégrammes peuvent être rédigés en langage clair, en langage convenu, ou en langage chiffré.

VII. 1. Les télégrammes en langage clair doivent offrir un sens compréhensible en l'une quelconque des langues usitées sur les territoires des États Contractants, ou en langue Latine.

2. Chaque Administration désigne, parmi les langues usitées

sur les territoires de l'État auquel elle appartient, celles qu'elle considère comme propres à la correspondance télégraphique internationale en langage clair.

3. Les télégrammes de service sont rédigés en Français lorsque les Administrations en cause ne se sont pas entendues pour l'usage d'une autre langue.

4. Cette disposition est applicable aux indications du préambule et aux avis de service ou d'office qui accompagnent la transmission des correspondances.

VIII. 1. On entend par langage convenu l'emploi de mots qui, tout en présentant chacun un sens intrinsèque, ne forment point des phrases compréhensibles pour les offices en correspondance.

2. Ces mots sont extraits de vocabulaires admis pour la correspondance internationale en langage convenu, mais dont la composition varie selon qu'il s'agit du régime Européen ou du régime extra-Européen.

3. Dans le régime Européen, les télégrammes en langage convenu ne doivent contenir que des mots appartenant à l'une des langues mentionnées au paragraphe 2 de l'Article VII. Tout télégramme ne doit contenir que des mots puisés dans une même langue.

4. Dans le régime extra-Européen, les télégrammes en langage convenu ne peuvent contenir que des mots appartenant aux langues Allemande, Anglaise, Espagnole, Française, Italienne, Néerlandaise, Portugaise, et Latine. Tout télégramme peut contenir des mots puisés dans toutes les langues susmentionnées.

5. Les noms propres ne peuvent pas entrer dans la composition des vocabulaires. Ils ne sont admis dans la rédaction des télégrammes en langage convenu qu'avec leur signification en langage clair.

6. Le bureau d'origine peut demander la production du vocabulaire, afin de contrôler l'exécution des dispositions qui précèdent.

IX. 1. Sont considérés comme télégrammes en langage chiffré :—

a. Ceux qui contiennent un texte chiffré ou en lettres secrètes ;

b. Ceux qui renferment, soit des séries ou des groupes de chiffres ou de lettres dont la signification ne serait pas connue du bureau d'origine, soit des mots, des noms ou des assemblages de lettres, ne remplissant pas les conditions exigées pour le langage clair (Article VII) ou convenu (Article VIII).

2. Le texte des télégrammes chiffrés peut être soit entièrement secret, soit en partie secret et en partie clair. Dans ce dernier cas les passages secrets doivent être placés entre deux parenthèses, les séparant du texte ordinaire qui précède ou qui

suit. Le texte chiffré doit être composé exclusivement de lettres de l'alphabet ou exclusivement de chiffres Arabes.

3. Les offices extra-Européens sont autorisés à ne pas admettre sur leurs lignes les télégrammes privés contenant des lettres secrètes.

X. 1. La minute du télégramme doit être écrite lisiblement, en caractères qui aient leur équivalent dans le tableau réglementaire des signaux télégraphiques (Article XI) et qui soient en usage dans le pays où le télégramme est présenté.

2. Le texte doit être précédé de l'adresse, qui peut être écrite sous une forme convenue ou abrégée. Toutefois, la faculté pour un destinataire de se faire remettre à domicile un télégramme dont l'adresse est ainsi composée est subordonnée à un arrangement entre ce destinataire et le bureau télégraphique. Toute adresse doit contenir, au moins, deux mots, le premier représentant l'adresse du destinataire, le second indiquant le nom du bureau télégraphique de destination.

3. La signature peut également revêtir la forme abrégée ou être omise. Quand elle figure dans les mots à transmettre, elle doit être placée après le texte. Si elle est omise, le dernier mot du texte la remplace pour signaler les télégrammes dans les communications de service qui s'y rapportent.

4. L'expéditeur doit écrire sur la minute, entre parenthèses et immédiatement avant l'adresse, les indications éventuelles relatives à la remise à domicile, à la réponse payée, à l'accusé de réception, aux télégrammes urgents, collationnés ou à faire suivre, &c.

5. Ces indications peuvent être écrites sous la forme abrégée adoptée pour les indications de service entre les bureaux. Dans ce cas elles ne sont comptées chacune que pour un mot. Lorsqu'elles sont exprimées en langage ordinaire elles doivent être écrites en Français.

6. Tout interligne, renvoi, rature, ou surcharge doit être approuvé de l'expéditeur du télégramme ou de son représentant.

XI. Les caractères disponibles pour la rédaction des télégrammes sont les suivants :

*Lettres :*

A, B, C, D, E, É, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U,  
V, W, X, Y, Z.

*Chiffres :*

1, 2, 3, 4, 5, 6, 7, 8, 9, 0.

*Signes de ponctuation et autres :*

Point (.), virgule (,), point et virgule (;), deux points (:), point d'interrogation (?), point d'exclamation (!), apostrophe ('), trait



d'union (-), parenthèses ( ), guillemet ("), barre de fraction (/), souligné.

*Signes conventionnels :*

Télégramme privé urgent *D*, réponse payée *RP*, télégramme collationné *TC*, accusé de réception *CR*, télégramme à faire suivre *FS*, poste payée *PP*, exprès payé *XP*, télégramme remis ouvert *RO*.

*Avec l'appareil Morse seulement :*

Les lettres Ä, Å, ou Á, Ñ, Ö, Ü.

*Avec l'appareil Hughes seulement :*

Les signes : croix (+), double trait (=).

XII. 1. L'adresse doit porter toutes les indications nécessaires pour assurer la remise du télégramme à destination. Ces indications, à l'exclusion des noms de personnes, doivent être écrites en Français ou dans la langue du pays de destination.

2. L'adresse des télégrammes privés doit toujours être telle que la remise au destinataire puisse avoir lieu sans recherches, ni demandes de renseignements.

3. Elle doit comprendre, pour les grandes villes, la mention de la rue et du numéro, ou, à défaut de ces indications, celle de la profession du destinataire ou autres analogues.

4. Pour les petites villes même, le nom du destinataire doit être, autant que possible, accompagné d'une indication complémentaire capable de guider le bureau d'arrivée en cas d'altération du nom propre.

5. La mention du pays de destination est essentielle dans toutes les circonstances où il peut y avoir doute sur la direction à donner au télégramme.

6. Les télégrammes dont l'adresse ne satisfait pas aux conditions prévues par les paragraphes précédents doivent néanmoins être transmis.

7. Dans tous les cas l'expéditeur supporte les conséquences de l'insuffisance de l'adresse.

XIII. Les télégrammes d'État doivent être revêtus du sceau ou du cachet de l'autorité qui les expédie. Cette formalité n'est pas exigible lorsque l'authenticité du télégramme ne peut soulever aucun doute.

2. Le droit d'émettre une réponse comme télégramme d'État est établi par la production du télégramme d'État primitif.

3. Les télégrammes des Agents Consulaires qui exercent le commerce ne sont considérés comme télégrammes d'État que lorsqu'ils sont adressés à un personnage officiel et qu'ils traitent d'affaires de service. Toutefois, les télégrammes qui ne remplissent pas ces dernières conditions ne sont pas refusés par le

bureau de départ, mais celui-ci les signale immédiatement à l'Administration Centrale.

XIV. 1. La signature n'est pas transmise dans les télégrammes de service ; l'adresse de ces télégrammes affecte la forme suivante :

*Paris de St. Pétersbourg.*

*Directeur-Général à Directeur-Général.*

2. Quand il s'agit d'avis de service échangés entre bureaux au sujet des incidents de la transmission, on transmet simplement le numéro et le texte du télégramme, sans adresse ni signature.

XV. 1. L'expéditeur d'un télégramme privé est tenu d'établir son identité, lorsqu'il y est invité par le bureau d'origine.

2. Il a, de son côté, la faculté de comprendre dans son télégramme la légalisation de sa signature. Il peut faire transmettre cette légalisation, soit textuellement, soit par la formule : "*Signature légalisée par. . .*"

3. Le bureau vérifie la sincérité de la légalisation. Hormis le cas où la signature lui est connue, il ne peut la considérer comme authentique que si elle est pourvue du sceau ou cachet de l'autorité signataire. Dans le cas contraire il doit refuser l'acceptation et la transmission de la légalisation.

4. La légalisation, telle qu'elle est transmise, entre dans le compte des mots taxés ; elle prend place après la signature du télégramme.

#### 4. *Taxation.*

##### *Article X de la Convention.*

Les Hautes Parties Contractantes déclarent adopter, pour la formation des tarifs internationaux, les bases ci-après.

La taxe applicable à toutes les correspondances échangées, par la même voie, entre les bureaux de deux quelconques des États Contractants, sera uniforme. Un même État pourra toutefois, en Europe, être subdivisé, pour l'application de la taxe uniforme, en deux grandes divisions territoriales au plus.

Le taux de la taxe est établi d'État à État, de concert entre les Gouvernements extrêmes et les Gouvernements intermédiaires.

Les taxes des tarifs applicables aux correspondances échangées entre les États Contractants pourront, à toute époque, être modifiées d'un commun accord.

Le franc est l'unité monétaire qui sert à la composition des tarifs internationaux.

##### *Article XI de la Convention.*

Les télégrammes relatifs au service des télégraphes internationaux des États Contractants sont transmis en franchise sur tout le réseau des dits États.

XVI. 1. Le tarif applicable aux correspondances internationales est fixé conformément aux tableaux qui font suite au présent Règlement, sauf les modifications du taux ou des bases d'application des tarifs qui pourront être arrêtées entre États intéressés, en vertu du paragraphe 4 de l'Article X et de l'Article XVII de la Convention.

2. Ces modifications devront avoir pour but et pour effet, non point de créer une concurrence de taxes entre les voies existantes, mais bien d'ouvrir au public, à taxes égales, autant de voies que possible, et les combinaisons nécessaires seront réglées de telle manière que les taxes terminales des Offices d'origine et de destination restent égales, quelle que soit la voie suivie.

3. Toute taxe ou disposition nouvelle, toute modification d'ensemble ou de détail, ne seront exécutoires que deux mois, au moins, après leur notification par le Bureau International.

XVII. 1. La taxe est établie par mot sur tout le parcours.

2. Dans la correspondance Européenne, à défaut d'arrangements particuliers entre États intéressés, la taxe s'établit sans condition de minimum pour le nombre de mots; il est ajouté à la taxe résultant du nombre effectif des mots, une taxe égale à celle de cinq mots, par télégramme.

XVIII. 1. Les Administrations et les bureaux télégraphiques prennent les mesures nécessaires pour diminuer, autant que possible, le nombre et l'étendue des télégrammes de service jouissant du privilège de la gratuité qui leur est attribué par l'Article XI de la Convention.

2. Les renseignements qui ne présentent point un caractère d'urgence sont demandés ou donnés par la poste, au moyen de lettres affranchies.

XIX. 1. Tout télégramme rectificatif, completif et, généralement, toute communication échangée, soit entre l'expéditeur et le destinataire, soit par l'un d'eux avec un bureau télégraphique, à l'occasion d'un télégramme transmis ou en cours de transmission, est un télégramme privé, traité et taxé conformément aux dispositions du présent Règlement.

2. La taxe est restituée si la communication a été motivée par l'une des circonstances qui donnent lieu au remboursement de la taxe, aux termes de l'Article LXV. En cas de rectification d'erreurs de service dans des télégrammes non-collationnés, les taxes des télégrammes rectificatifs sont seules remboursées.

3. Le bureau télégraphique qui reçoit une communication de l'espèce y donne suite et répond, si la réponse est payée et dans les limites indiquées.

4. Les dispositions qui font l'objet du paragraphe 1<sup>er</sup> de l'Article LXIV sont applicables aux communications dont il s'agit dans le présent Article.

XX. 1. La taxe est calculée d'après la voie la moins coûteuse

entre le point de départ du télégramme et son point de destination, à moins que l'expéditeur n'ait indiqué une autre voie conformément à l'Article XXXVIII.

2. L'indication de la voie écrite par l'expéditeur est transmise dans le préambule comme indication de service et n'est point taxée.

3. Les Administrations des États Contractants s'engagent à éviter, autant qu'il sera possible, les variations de taxes qui pourraient résulter des interruptions de service des conducteurs sous-marins.

XXI. 1. Les taxes à percevoir en vertu des Articles XVI et XVII peuvent être arrondies, en plus ou en moins, soit après application des taxes normales par mot fixées d'après les tableaux annexés au présent Règlement, soit en augmentant ou en diminuant ces taxes normales, d'après les convenances monétaires ou autres du pays d'origine. Dans ce dernier cas l'Administration expéditrice a, en outre, la faculté de modifier, pour la perception, le nombre de mots qui constitue la taxe additionnelle.

2. Les modifications opérées en exécution du paragraphe précédent ne s'appliquent qu'à la taxe perçue par le bureau d'origine et ne portent point altération à la répartition fixée par les dits tableaux, au profit des autres offices intéressés. Elles doivent être réglées de telle manière que l'écart entre la taxe à percevoir pour un télégramme de 15 mots et la taxe exactement calculée d'après les tableaux, au moyen des équivalents du paragraphe suivant, ne dépasse pas le 15<sup>ème</sup> de cette dernière taxe.

3. Il sera perçu, au maximum, pour un frane :

En Allemagne, 0.85 mark ;

En Autriche et en Hongrie, 50 kreuzer (valeur Autrichienne) ;

En Danemark, 0.75 krone ;

En Égypte, 3 piastres 34 paras, monnaie tarif ;

En Espagne, 1 peseta ;

Dans la Grande-Bretagne, 10 pence ;

En Grèce, 1.20 drachme ;

Dans l'Inde Britannique, 0.50 roupie ;

En Italie, 1 lira ;

Au Japon, 0.24 dollar Mexicain ;

En Norvège, 0.75 krone ;

Dans les Pays-Bas et dans les Indes Néerlandaises, 0.50 florin ;

En Perse, 23 schahis ;

En Portugal, 200 reis ;

En Roumanie, 1 piastre nouvelle ;

En Russe, 0.25 rouble ;

En Serbie, 1 dinar ;

En Suède, 0-75 krona :

En Turquie, 4 piastres, 13 paras, 1 aspre Medjidiés.

4. Le paiement pourra être exigé en valeur métallique.

5. *Comptes des Mots.*

XXII. 1. Tout ce que l'expéditeur écrit sur la minute de son télégramme, pour être transmis, entre dans le calcul de la taxe, sauf ce qui est dit au paragraphe 8 de l'Article suivant et au paragraphe 2 de l'Article XX.

2. Les mots, nombres ou signes ajoutés par le bureau, dans l'intérêt du service, ne sont pas taxés.

3. Le nom du bureau de départ, la date, l'heure et la minute du dépôt sont inscrits d'office sur la copie remise au destinataire.

4. L'expéditeur peut insérer ces indications, en tout ou en partie, dans le texte de son télégramme. Elles entrent alors dans le compte des mots.

XXIII. 1. Le maximum de longueur d'un mot est fixé à 15 caractères selon l'alphabet Morse ; l'excédant, toujours jusqu'à concurrence de 15 caractères, est compté pour un mot.

2. Pour la correspondance extra-Européenne, ce maximum est fixé à 10 caractères.

3. Les expressions réunies par un trait d'union sont comptées pour le nombre de mots qui servent à les former.

4. Les mots séparés par un apostrophe sont comptés comme autant de mots isolés.

5. Les réunions ou altérations de mots contraires à l'usage de la langue ne sont point admises. Toutefois, les noms propres de villes et de personnes, les noms de lieux, places, boulevards, &c., les titres, prénoms, particules ou qualifications, ainsi que les nombres écrits en toutes lettres, sont comptés pour le nombre de mots employés par l'expéditeur à les exprimer.

6. Les nombres écrits en chiffres sont comptés pour autant de mots qu'ils contiennent de fois cinq chiffres, plus un mot pour l'excédant. La même règle est applicable au calcul des groupes de lettres. Pour la correspondance extra-Européenne, le nombre de mots auquel correspond un groupe de chiffres ou de lettres s'obtient en divisant les chiffres par trois et ajoutant, s'il y a lieu, un mot pour le reste.

7. Tout caractère isolé, lettre ou chiffre, est compté pour un mot ; il en est de même du souligné.

8. Les signes de ponctuation, traits d'union, apostrophes, guillemets, parenthèses, alinéas, ne sont pas comptés. Sur les lignes extra-Européennes la transmission de ces signes n'est pas obligatoire.

9. Sont toutefois comptés pour un chiffre : les points et les virgules qui entrent dans la formation des nombres, ainsi que les barres de division.



	Correspondance.	
	Européenne.	Extra-Européenne.
CH23 (marque de commerce).. .. .	2 mots.	2 mots.
ADVGMY ( " " ).. .. .	2 " "	2 " "
AP ( " " ).. .. .	1 " "	2 " "
<u>M</u> ( " " ).. .. .	2 " "	2 " "
C.H.F.45 ( " " ).. .. .	4 " "	4 " "
L'affaire est urgente; partir sans retard (7 mots et deux soulignés*).. .. .	9 " "	9 " "

XXV. Dans les télégrammes qui contiennent un langage convenu ou un langage chiffré, les mots clairs sont comptés conformément aux paragraphes 1 à 5 inclus de l'Article XXIII. Les mots en langage convenu admis sont comptés d'après les mêmes règles. Enfin, les groupes de chiffres ou de lettres, ainsi que les mots, noms ou assemblages de lettres non admis dans le langage clair ou convenu, sont comptés d'après les règles établies par les paragraphes 6 à 10 inclus de l'Article XXIII précité.

#### 6. Perception des Taxes.

XXVI. 1. La perception des taxes a lieu au départ, sauf les exceptions prévues pour les télégrammes à faire suivre (Article LII, § 6), les frais d'express (Article LVI, § 1) et les télégrammes sémaphoriques (Article LVIII, § 6), qui donnent lieu à une perception par le bureau d'arrivée.

2. L'expéditeur d'un télégramme international a le droit d'en demander reçu avec mention de la taxe perçue.

3. L'office d'origine a la faculté de percevoir, de ce chef, une rétribution à son profit, dans les limites d'un quart de franc.

4. Dans tous les cas où il doit y avoir perception à l'arrivée, le télégramme n'est délivré au destinataire que contre paiement de la taxe due.

5. Si la taxe à percevoir à l'arrivée n'est pas recouvrée, la perte est supportée par l'office d'arrivée, à moins de Conventions spéciales conclues conformément à l'Article XVII de la Convention, sauf ce qui est prévu aux Articles LII et LVIII ci-après, pour les réexpéditions des télégrammes à faire suivre et pour les télégrammes sémaphoriques.

6. Les Administrations Télégraphiques prennent toutefois, autant que possible, les mesures nécessaires pour que les taxes à percevoir à l'arrivée et qui n'auraient pas été acquittées par le destinataire, soient recouvrées sur l'expéditeur. Quand ce

\* Le signal souligné est transmis avant et après chaque mot ou passage souligné.

recouvrement a lieu, l'office qui le fait en tient compte à l'office intéressé.

XXVII. 1. Les taxes perçues en moins par erreur, et les taxes et frais non perçus sur le destinataire par suite de refus ou de l'impossibilité de le trouver, doivent être complétés par l'expéditeur.

2. Les taxes perçues en plus par erreur sont de même remboursées aux intéressés. Toutefois, le montant des timbres appliqués en trop par l'expéditeur n'est remboursé que sur sa demande.

### 7. *Transmission des Télégrammes.*

#### *a. Signaux de Transmission.*

XXVIII. Les tableaux ci-dessous indiquent les signaux employés dans le service des appareils Morse et Hughes :

#### *A. Signaux de l'Appareil Morse.*

##### *Espacement et Longueur des Signes.*

1. Une barre est égale à 3 points.
2. L'espace entre les signaux d'une même lettre est égal à 1 point.
3. L'espace entre deux lettres est égal à 3 points.
4. L'espace entre deux mots est égal à 5 points.

##### *Lettres.*

a	— — — —
ä	— — — — — — — —
á ou à	— — — — — — — — — —
b	— — — — —
c	— — — — — — — —
ch	— — — — — — — — — —
d	— — — — —
e	—
é	— — — — — — — —
f	— — — — — — — —
g	— — — — — — — —
h	— — — — —
i	— —
j	— — — — — — — —
k	— — — — — — — —
l	— — — — — — — —
m	— — — — — — — —
n	— — — — —
ñ	— — — — — — — — — —
o	— — — — — — — —
ö	— — — — — — — —
p	— — — — — — — —
q	— — — — — — — —
r	— — — — — — — —
s	— — — — —
t	— — — — —
u	— — — — — — — —



ü ---  
 v ---  
 w ---  
 x ---  
 y ---  
 z ---

*Chiffres.*

1 ---  
 2 ---  
 3 ---  
 4 ---  
 5 ---  
 6 ---  
 7 ---  
 8 ---  
 9 ---  
 0 ---

Barre de fraction ---

On peut aussi employer, pour exprimer les chiffres, les signaux suivants, mais seulement dans les répétitions d'office :—

1 ---  
 2 ---  
 3 ---  
 4 ---  
 5 ---  
 6 ---  
 7 ---  
 8 ---  
 9 ---  
 0 ---

Barre de fraction ---

*Signes de Ponctuation et autres.*

Point .. .. .	[.]	---
Point et virgule .. .. .	[,]	---
Virgule .. .. .	[,]	---
Deux points .. .. .	[.]	---
Point d'interrogation ou demande de répétition d'une transmission non comprise	[?]	---
Point d'exclamation .. .. .	[!]	---
Apostrophe .. .. .	[']	---
Alinéa .. .. .	[ ]	---
Trait d'union .. .. .	[ - ]	---
Parentèses (avant et après les mots) .. .. .	[ ( ) ]	---
Guillemets .. .. .	[ " " ]	---
Souligné (avant et après les mots ou le membre de phrase) .. .. .	[ _ ]	---
Signal séparant le préambule de l'adresse, l'adresse du texte, et le texte de la signature .. .. .	[ ]	---

*Indications de Service.*

Télégramme d'État .. .. .	---
"  de service .. .. .	---
"  privé urgent .. .. .	---
"  "  ordinaire .. .. .	---
Réponse payée .. .. .	---
Télégramme collationné .. .. .	---
Accusé de réception .. .. .	---
Télégramme à faire suivre .. .. .	---
Poste payée .. .. .	---
Express payé .. .. .	---
Télégramme remis ouvert .. .. .	---
Appel (préliminaire de toute transmission) .. .. .	---
Compris .. .. .	---
Erreur .. .. .	---
Fin de la transmission .. .. .	---
Invitation à transmettre .. .. .	---
Attente .. .. .	---
Réception terminée .. .. .	---

*B. Signaux de l'Appareil Hughes.**Lettres.*

A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V,  
W, X, Y, Z.

*Chiffres.*

1, 2, 3, 4, 5, 6, 7, 8, 9, 0.

*Signes de Ponctuation et autres.*

Point, virgule, point et virgule, deux points, point d'interrogation, point d'exclamation, apostrophe, croix +, trait d'union, È accentué, barre de fraction /, double trait =, parenthèse de gauche (, parenthèse de droite ), &, guillemet ".

L'espace entre deux nombres est marqué par deux blancs. Dans la transmission et dans le collationnement d'un nombre fractionnaire non décimal, le nombre entier doit être séparé par un blanc du numérateur de la fraction ordinaire qui suit. (Exemple : 1 3/4 et non 13/4.)

Les mots et passages soulignés sont précédés et suivis de deux traits d'union (Exemple : — — *sans retard* — —), et soulignés à la main par l'employé d'arrivée.

*Indications de Service et Signes Conventionnels.*

Télégramme d'État .. .. .	S.
"  de service .. .. .	A.
"  privé urgent .. .. .	D.
"  "  non urgent .. .. .	P.
Réponse payée .. .. .	RP.

Télégramme collationné	..	..	..	TC.
Accusé de réception	..	..	..	CR.
Télégramme à faire suivre	..	..	..	FS.
Poste payée	..	..	..	PP.
Express payé	..	..	..	XP.
Télégramme remis ouvert	..	..	..	RO.

Pour appeler le poste avec lequel on est en communication ou pour lui répondre : le blanc et l'N répétés alternativement ;

Pour régler le synchronisme et demander dans ce but la répétition prolongée du même signe : une combinaison composée du blanc, de l'I et du T, reproduite autant de fois qu'il est nécessaire ;

Pour demander ou faciliter le réglage de l'électro-aimant : une combinaison formée des quatre signaux suivants : le blanc, l'I, l'N, et le T, répétée autant de fois qu'il est nécessaire ;

Pour donner attente : la combinaison ATT, suivie de la durée probable de l'attente ;

Pour indiquer une erreur : deux ou trois N consécutifs, sans aucun signe de ponctuation ;

Pour interrompre la transmission du bureau correspondant : deux ou trois lettres quelconques convenablement espacées.

Les accents sur E sont tracés à la plume ou au crayon noir à la fin des mots (avec ou sans s) et lorsqu'ils sont essentiels au sens. (Exemple : *Achète, acheté.*) Dans ce dernier cas, le transmetteur répète le mot après la signature, en y faisant figurer l'E accentué entre deux blancs, pour appeler l'attention du poste qui reçoit. Pour ä, ö, et ü, on transmet respectivement ae, oe, et ue.

### b. Ordre de Transmission.

XXIX. 1. La transmission des télégrammes a lieu dans l'ordre suivant :

- a. Télégrammes d'État ;
- b. „ de service ;
- c. „ privés urgents ;
- d. „ „ non urgents.

2. Tout bureau qui reçoit par un fil international un télégramme présenté comme télégramme d'État ou de service, le réexpédie comme tel.

3. Les avis de service émanant des divers bureaux et relatifs aux incidents de transmission circulent sur le réseau international comme télégrammes de service.

XXX. 1. Un télégramme commencé ne peut être interrompu pour faire place à une communication d'un rang supérieur qu'en cas d'urgence absolue.

2. Les télégrammes de même rang sont transmis par les bureaux de départ dans l'ordre de leur dépôt, et par les bureaux intermédiaires dans l'ordre de leur réception.

3. Dans les bureaux intermédiaires, les télégrammes de départ et les télégrammes de passage qui doivent emprunter les mêmes fils sont confondus et transmis indistinctement, en suivant l'heure du dépôt ou de la réception.

4. Entre deux bureaux en relation directe, les télégrammes de même rang sont transmis dans l'ordre alternatif.

5. Il peut être toutefois dérogé à cette règle et à celle du paragraphe 1<sup>er</sup> de l'Article XXIX, dans l'intérêt de la célérité des transmissions, sur les lignes dont le travail est continu ou qui sont desservies par des appareils spéciaux.

XXXI. 1. À l'appareil Morse les télégrammes d'État ou de service et les télégrammes privés urgents ne sont pas comptés dans l'ordre alternatif des transmissions.

2. La transmission des télégrammes échangés par l'appareil Hughes s'effectue par séries alternatives. Les chefs des deux bureaux en correspondance fixent, en tenant compte de la longueur des télégrammes et des exigences du service, le nombre des télégrammes, de quelque nature qu'ils soient, constituant chaque série. Cependant la série ne peut comprendre plus de 10 télégrammes. Les télégrammes d'une même série sont considérés comme formant une seule transmission qui ne doit être interrompue que dans le cas d'urgence exceptionnelle. En général, tout télégramme de 200 mots ou au-dessus est considéré comme formant une seule série. Ce mode de transmission peut être appliqué à l'appareil Morse sur les lignes importantes dont le travail est continu, mais dans ce cas chaque série ne peut être composée de plus de cinq télégrammes.

3. Le bureau qui a transmis une série est en droit de continuer, lorsqu'il survient un télégramme d'État, de service ou privé urgent auquel la priorité de transmission est accordée, à moins que le bureau qui vient de recevoir n'ait déjà commencé de transmettre à son tour.

4. Dans les deux systèmes d'appareil, la transmission du télégramme ou de la série terminée, le bureau qui vient de recevoir transmet à son tour, s'il a un télégramme; sinon, l'autre continue. Si de part ou d'autre il n'y a rien à transmettre, les deux bureaux se donnent réciproquement le signal *zéro*.

#### *Mode de procéder.*

XXXII. 1. Toute correspondance entre deux bureaux commence par le signal d'appel ou par indicatif du bureau appelé.

2. Le bureau appelé doit répondre immédiatement, en donnant son indicatif, et, s'il est empêché de recevoir, le signal d'attente, suivi d'un chiffre indiquant en minutes la durée probable de l'attente. Si la durée probable excède 10 minutes, l'attente doit être motivée.

3. Aucun bureau appelé ne peut refuser de recevoir les

télégrammes qu'on lui présente, quelle qu'en soit la destination. Toutefois, en cas d'erreur évidente, le bureau qui transmet est tenu de la redresser, aussitôt que le bureau correspondant la lui a signalée par avis de service.

4. On ne doit ni refuser ni retarder un télégramme, si les indications de service ne sont pas régulières. Il faut le recevoir et puis en demander, au besoin, la régularisation au bureau d'origine par un avis de service, conformément à l'Article LXII ci-après.

XXXIII. 1. Lorsque le bureau qui vient d'appeler a reçu, sans autre signal, l'indicatif du bureau qui répond, il transmet dans l'ordre suivant les indications de service, constituant le préambule du télégramme :

a. Nature du télégramme, au moyen d'une des lettres, S, A, D, quand c'est un télégramme d'État, de service ou privé urgent ;

b. Bureau de destination\* ;

c. Bureau d'origine précédé de la particule "de." (Exemple : *Paris de Bruxelles*)† ;

d. Numéro du télégramme ;

e. Nombre de mots (dans les télégrammes chiffrés on indique : 1<sup>o</sup>, le nombre total des mots qui sert de base à la taxe ; 2<sup>o</sup>, le nombre des mots écrits en langage ordinaire ; 3<sup>o</sup>, s'il y a lieu, le nombre des groupes de chiffres ou de lettres) ;

f. Dépôt du télégramme (par trois nombres, date, heure et minute, avec l'indication "m" ou "s" [matin ou soir]) ;

Dans la transmission par l'appareil Morse, les indications "m" ou "s," ainsi que la date, peuvent être omises, quand il n'y a aucun doute ;

Dans la transmission par l'appareil Hughes, la date est donnée sous la forme d'une fraction, dont le numérateur indique le jour et le dénominateur le mois ;

g. Voie à suivre (quand l'expéditeur l'a indiquée par écrit dans son télégramme) (Article XX, § 2, et XXXVIII, § 5) ;

h. Indications éventuelles que l'expéditeur n'est pas tenu de comprendre dans le texte taxé.

Les indications contenues sous les lettres b, d, et f ne sont pas obligatoires pour les Offices extra-Européens.

2. À la suite du préambule spécifié ci-dessus, on télégraphie successivement les indications éventuelles de l'expéditeur entre parenthèses (Article X, § 4), l'adresse, le texte et la signature du télégramme.

3. Dans les télégrammes transmis par l'appareil Morse, le

\* Lorsque le télégramme est à destination d'une localité non pourvue d'un bureau télégraphique, le préambule indique, non la résidence du destinataire, mais le bureau télégraphique par les soins duquel le télégramme doit être remis à destination ou envoyé à la poste.

† Indiquer le pays ou la situation géographique du bureau d'origine, quand il y a un autre bureau du même nom.

signe de séparation (— — — —) est placé entre le préambulé et l'adresse, entre l'adresse et le texte, entre le texte et la signature. On termine par le signal de "fin de la transmission" (- - - -).

4. Dans les télégrammes transmis par l'appareil Hughes, on emploie un double trait (=) pour séparer le préambulé de l'adresse, l'adresse du texte, le texte de la signature, et on termine chaque télégramme par la croix (+).

5. Si l'employé qui transmet s'aperçoit qu'il s'est trompé, il doit s'interrompre par le signal d'erreur, répéter le dernier mot bien transmis, et continuer, à partir de là, transmission rectifiée.

6. De même, l'employé qui reçoit, s'il rencontre un mot qu'il ne parvient pas à saisir, doit interrompre son correspondant par le même signal, et répéter le dernier mot compris en le faisant suivre d'un point d'interrogation. Le correspondant reprend alors la transmission à partir de ce mot, en s'efforçant de rendre ses signaux aussi clairs que possible.

7. Hormis les cas déterminés de concert par les diverses Administrations, il est interdit d'employer une abréviation quelconque, en transmettant le texte d'un télégramme, ou de modifier ce texte de quelque manière que ce soit. Tout télégramme doit être transmis tel que l'expéditeur l'a écrit et d'après sa minute.

#### *d. Réception et Répétition d'Office.*

XXXIV. Aussitôt après la transmission, l'employé qui a reçu compare, pour chaque télégramme, le nombre des mots transmis au nombre annoncé, et il accuse réception du télégramme ou des télégrammes constituant la série. Cet accusé de réception prend la forme suivante: *R . . . . (nombre des télégrammes reçus).*

XXXV. 1. En cas de différence dans le nombre des mots, il la signale à son correspondant. Si ce dernier s'est simplement trompé dans l'annonce du nombre des mots, il répond: *admis*; sinon, il répète la première lettre de chaque mot, jusqu'au passage omis, qu'il rétablit.

2. Lorsque cette différence ne provient pas d'une erreur de transmission, la rectification du nombre de mots annoncé ne peut se faire que d'un commun accord entre le bureau d'origine et le bureau correspondant. Faute de cet accord, le nombre de mots annoncé par le bureau d'origine est admis.

XXXVI. 1. Les employés peuvent, pour mettre leur responsabilité à couvert, donner ou exiger la répétition partielle ou intégrale des télégrammes qu'ils ont transmis ou reçus. Cette répétition se fait, à l'appareil Morse, par l'employé qui a reçu et, à l'appareil Hughes, par l'employé qui a transmis, à la fin du télégramme ou de la série. L'employé qui donne cette répétition doit, à l'appareil Morse, s'il y a rectification, reproduire les

mots ou nombres rectifiés. En cas d'omission, cette seconde répétition est exigée par l'employé qui a transmis. Les télégrammes d'État en langage secret (chiffres ou lettres) doivent être répétés intégralement et d'office.

2. Quand on donne la répétition des nombres suivis de fractions, ou des fractions dont le numérateur est formé de deux chiffres ou plus, on doit répéter, en toutes lettres, le numérateur de la fraction, afin d'éviter toute confusion. Ainsi pour  $1\frac{1}{8}$  il faut répéter en Français 1 un 16, afin qu'on ne lise pas  $1\frac{1}{8}$ ; pour  $\frac{1}{3}$  il faut répéter treize 4, afin qu'on ne lise pas  $1\frac{1}{3}$ .

3. Cette répétition ne peut être retardée ni interrompue sous aucun prétexte. La vérification achevée, le bureau qui a reçu donne à celui qui a transmis le signal de *réception terminée*, suivi, s'il s'agit d'une série, du nombre des télégrammes reçus.

XXXVII. 1. Les rectifications relatives à des télégrammes d'une série précédemment transmise sont faites par avis de service adressés aux bureaux de destination. Ces avis rappellent le nom et l'adresse des destinataires.

2. Les demandes de renseignements qui se produisent dans les mêmes conditions font également l'objet d'un avis de service.

3. S'il arrive que, par suite d'interruption ou par une autre cause quelconque, on ne puisse recevoir la répétition, cette circonstance n'empêche pas la remise du télégramme au destinataire, sauf à lui communiquer ultérieurement la rectification, le cas échéant.

#### *e. Direction à donner aux Télégrammes.*

XXXVIII. 1. Lorsque l'expéditeur n'a prescrit aucune voie à suivre, chacun des Offices à partir desquels les voies se divisent reste juge de la direction à donner au télégramme.

2. Si, au contraire, l'expéditeur a prescrit la voie à suivre, les Offices respectifs sont tenus de se conformer à ses indications, à moins d'interruption de la voie indiquée, auquel cas il ne peut élever aucune réclamation.

3. Les différentes voies que peuvent suivre les télégrammes sont indiquées par des formules concises, arrêtées de commun accord par les Offices intéressés.

4. Lorsque l'expéditeur a demandé que son télégramme soit transmis par télégraphe jusqu'au bureau qu'il indique et, de là, par poste jusqu'à destination, les bureaux doivent procéder conformément à ces indications.

5. L'expéditeur qui veut prescrire la voie à suivre doit écrire lui-même, en marge de sa minute, la formule correspondante. Cette indication est transmise dans le préambule (Article XX, § 2, et XXXIII, § 1, g), mais seulement jusqu'au point où elle peut être utile.

*f. Interruption des Communications Télégraphiques.  
Transmissions par Ampliation.*

XXXIX. 1. Lorsqu'il se produit au cours de la transmission d'un télégramme une interruption dans les communications télégraphiques régulières, le bureau à partir duquel l'interruption s'est produite, expédie immédiatement le télégramme par la poste (lettre recommandée d'office ou portée par exprès) ou par un moyen de transport plus rapide s'il en dispose, par exemple, par une voie télégraphique détournée (Article LXX, § 4). Les frais de poste sont supportés par le bureau qui fait cette réexpédition. La lettre expédiée par la poste doit porter l'annotation *télégramme*.

2. Le bureau qui recourt à un mode de réexpédition autre que le télégraphe adresse le télégramme, suivant les circonstances, soit au premier bureau télégraphique en mesure de le réexpédier, soit au bureau de destination, soit au destinataire même, lorsque cette réexpédition se fait dans les limites de l'État de destination. Dès que la communication est rétablie, le télégramme est de nouveau transmis par la voie télégraphique, à moins qu'il n'en ait été précédemment accusé réception ou que, par suite d'encombrement exceptionnel, cette réexpédition ne doive être manifestement nuisible à l'ensemble du service.

3. Les télégrammes à destination des pays extra-Européens ne sont réexpédiés par une voie plus coûteuse que dans le cas où l'expéditeur a déposé la taxe de ce parcours.

XL. 1. Les télégrammes qui, par un motif quelconque, sont adressés par la poste à un bureau télégraphique, sont accompagnés d'un bordereau numéroté. En même temps le bureau qui fait cette expédition en avertit le bureau auquel il l'adresse, pourvu que les communications télégraphiques le permettent, par un télégramme de service indiquant le nombre des télégrammes expédiés et l'heure du courrier.

2. A l'arrivée du courrier le bureau correspondant vérifie si le nombre des télégrammes annoncé est bien arrivé. En ce cas il en accuse réception sur le bordereau et le renvoie immédiatement au bureau expéditeur. Il renouvelle cet avis après le rétablissement des communications télégraphiques par un télégramme de service dans la forme suivante :

*Reçu 63 télégrammes conformément au bordereau No. . . . . du  
30 Mars.*

3. Les dispositions du paragraphe précédent s'appliquent également au cas où un bureau télégraphique reçoit par la poste un envoi de télégrammes sans en être averti.

4. Lorsqu'un envoi de télégrammes annoncé n'arrive pas, le bureau expéditeur en doit être averti immédiatement. Celui-ci peut, selon les circonstances, répéter l'envoi par la poste, ou



transmettre les télégrammes par la voie télégraphique, si les correspondances ultérieures ne doivent pas en souffrir.

5. Le bureau qui réexpédie par télégraphe des télégrammes déjà transmis par la poste en informe le bureau sur lequel les télégrammes ont été dirigés, par un avis de service rédigé dans la forme suivante :

*Berlin de Görlitz. Télégrammes Nos. . . . du bordereau No. . . . réexpédiés par ampliation.*

6. Quand un télégramme est envoyé directement au destinataire dans le cas prévu à l'Article XXXIX, il est accompagné d'un avis indiquant l'interruption des lignes.

7. Lorsque pour une cause quelconque un télégramme transmis déjà par une autre voie, soit par poste, soit par un autre fil, est réexpédié par télégraphe, cette réexpédition par ampliation doit être signalée par une indication de service dans la préambule, par exemple :

*Ampliation, déjà expédié à . . . (nom du bureau) le . . . (date) par le fil No. . . . (ou) par la voie de . . . (ou) par la poste.*

#### *g. Arrêt de Transmission.—Contrôle.*

XLI. 1. Tout expéditeur peut, en justifiant de sa qualité, arrêter, s'il en est encore temps, la transmission du télégramme qu'il a déposé.

2. Lorsqu'un expéditeur retire ou arrête son télégramme avant que la transmission en ait été commencée, la taxe lui est remboursée, sous déduction d'un droit fixe d'un demi-franc au profit de l'Office d'origine.

3. Si le télégramme a été transmis par le bureau d'origine, l'expéditeur ne peut en demander l'annulation que par un télégramme privé dont il acquitte la taxe. Autant que possible, ce télégramme est successivement transmis aux bureaux auxquels le télégramme primitif a été transmis, jusqu'à ce qu'il ait rejoint ce dernier. Si l'expéditeur a aussi payé le prix d'une réponse télégraphique, le bureau qui annule le télégramme en donne avis au bureau d'origine. Dans le cas contraire il lui adresse ce renseignement par la poste. Le bureau d'origine rembourse à l'expéditeur les taxes du télégramme primitif et du télégramme d'annulation, en raison du parcours non effectué.

XLII. 1. Il ne doit être fait usage de la faculté réservée, à l'Article VII de la Convention, d'arrêter la transmission de tout télégramme privé qui paraîtrait dangereux pour la sécurité de l'État, ou qui serait contraire aux lois du pays, à l'ordre public ou aux bonnes mœurs, qu'à charge d'en avertir immédiatement l'Administration de laquelle dépend le bureau d'origine.

2. Ce contrôle est exercé par les bureaux télégraphiques

extrêmes ou intermédiaires, sauf recours à l'Administration Centrale, qui prononce sans appel.

3. La transmission des télégrammes d'État se fait de droit. Les bureaux télégraphiques n'ont aucun contrôle à exercer sur eux.

#### 8. *Remise à destination.*

XLIII. 1. Les télégrammes peuvent être adressés, soit à domicile, soit poste restante, soit bureau télégraphe restant.

2. Ils sont remis ou expédiés à destination dans l'ordre de leur réception.

3. Les télégrammes adressés à domicile, dans la localité que le bureau télégraphique dessert, sont immédiatement portés à leur adresse.

4. Les télégrammes qui doivent être déposés poste restante sont immédiatement remis à la poste par le bureau télégraphique d'arrivée, sans frais pour l'expéditeur ni pour le destinataire.

5. Les télégrammes adressés aux passagers d'un navire qui fait escale dans un port leur sont remis, autant que possible, avant le débarquement.

XLIV. 1. Un télégramme porté à domicile peut être remis, soit au destinataire, soit aux membres adultes de sa famille, à ses employés, locataires ou hôtes, soit au concierge de l'hôtel ou de la maison, à moins que le destinataire n'ait désigné par écrit un délégué spécial, ou que l'expéditeur n'ait demandé que la remise n'eût lieu qu'entre les mains du destinataire seul. L'expéditeur peut demander aussi que le télégramme soit remis ouvert. Ce dernier mode de remise n'est pas obligatoire pour les Offices qui déclarent ne pas l'accepter.

2. Ces deux dernières demandes sont mentionnées avant l'adresse du télégramme et reproduites, à la souscription, par le bureau d'arrivée qui donne au porteur les instructions nécessaires.

3. Lorsqu'un télégramme ne peut pas être remis, le bureau d'arrivée envoie au bureau d'origine un avis de service dans la forme suivante :—

*No. . . . du (date et adresse textuellement conformes à celles qui ont été reçues) inconnu.*

4. Le bureau de départ vérifie l'exactitude de l'adresse et la rectifie sur-le-champ, si elle a été dénaturée.

5. Sinon, il communique autant que possible l'avis à l'expéditeur, chaque Office ayant la faculté de frapper cette communication d'une taxe spéciale qui ne peut dépasser un demi-franc. L'expéditeur ne peut compléter, rectifier ou confirmer l'adresse que par un télégramme payé.

6. Si, par suite d'adresse inexacte ou insuffisante, d'absence

ou de refus du destinataire, des frais d'express n'ont pas été acquittés à l'arrivée, le montant de ces frais est indiqué dans l'avis, afin que l'expéditeur puisse être requis de les rembourser.

7. Si la porte n'est pas ouverte à l'adresse indiquée, ou si le porteur ne trouve personne qui consente à recevoir le télégramme pour le destinataire, avis est laissé au domicile indiqué, et le télégramme est rapporté au bureau, pour être délivré au destinataire sur sa réclamation.

8. Lorsque le télégramme est adressé bureau restant, il n'est délivré qu'au destinataire ou à son délégué.

9. Dans les cas prévus par les paragraphes 7 et 8 du présent Article, tout télégramme qui n'a pas été réclamé au bout de six semaines est anéanti.

### 9. *Télégrammes Spéciaux.*

#### *Article IX de la Convention.*

Les Hautes Parties Contractantes s'engagent à faire jouir tout expéditeur des différentes combinaisons arrêtées de concert par les Administrations Télégraphiques des États Contractants, en vue de donner plus de garanties et de facilités à la transmission et à la remise des correspondances.

Elles s'engagent également à le mettre à même de profiter des dispositions prises et notifiées par l'un quelconque des autres États, pour l'emploi de moyens spéciaux de transmission ou de remise.

#### *a. Télégrammes Privés Urgents.*

XLV. 1. L'expéditeur d'un télégramme privé peut obtenir la priorité de transmission, en inscrivant le mot "urgent" avant l'adresse et en payant le triple de la taxe d'un télégramme ordinaire de même longueur pour le même parcours.

2. Les télégrammes privés urgents ont la priorité sur les autres télégrammes privés, et leur priorité entre eux est réglée dans les conditions prévues par le paragraphe 2 de l'Article XXX.

3. Les dispositions des paragraphes précédents ne sont pas obligatoires pour les Administrations qui déclarent ne pas pouvoir les appliquer, soit à une partie, soit à la totalité des télégrammes qui empruntent leurs lignes.

4. Les Administrations qui n'acceptent les télégrammes urgents qu'en transit doivent les admettre, soit sur les fils où la transmission est directe à travers leurs territoires, soit dans leurs bureaux de réexpédition, entre les télégrammes de même provenance et de même destination. La taxe de transit qui leur revient est triplée comme pour les autres parties du trajet.

#### *b. Réponses Payées.*

XLVI. 1. Tout expéditeur peut affranchir la réponse qu'il demande à son correspondant; toutefois l'affranchissement ne

peut dépasser la taxe d'un télégramme ordinaire de 30 mots pour le même parcours.

2. Si l'expéditeur n'a pas indiqué le nombre de mots payés pour la réponse, il est perçu la taxe d'un télégramme ordinaire de 10 mots, transmis par la même voie.

3. Dans le cas contraire l'expéditeur doit compléter la mention "Réponse payée" ou "RP" par l'indication du nombre de mots payés pour la réponse et acquitter la somme correspondante, dans les limites autorisées par le paragraphe 1 du présent Article.

XLVII. 1. Au lieu de destination, le bureau d'arrivée remet au destinataire un bon qui lui donne la faculté d'expédier gratuitement, et dans les limites de la taxe payée d'avance, un télégramme à une destination quelconque. Ce bon n'est valable que pendant six semaines, à dater du jour où il a été établi. Passé ce délai il est considéré comme nul et non avenue, et la taxe perçue reste acquise à l'Office qui l'a délivré.

2. La somme versée pour la réponse peut être remboursée à l'expéditeur, lorsque le destinataire n'a pas fait usage du bon.

3. A cet effet le destinataire doit, avant l'expiration du délai de six semaines fixé par le paragraphe 1<sup>er</sup> du présent Article, déposer le bon au bureau qui l'a délivré, en l'accompagnant d'une demande de remboursement au profit de l'expéditeur.

4. Il est procédé alors comme en matière de remboursement de taxe.

5. Si le destinataire refuse la formule affectée à la réponse, le bureau d'arrivée en informe immédiatement l'expéditeur par un avis de service, tenant lieu de réponse.

6. Cet avis de service est émis, comme télégramme privé, dans la forme suivante :—

"Réponse à No. . . . . de . . . . . Le destinataire a refusé."

7. Lorsque le télégramme ne peut être remis dès l'arrivée, dans les circonstances prévues par le paragraphe 3 de l'Article XLIV, un avis de service est transmis dans la forme prescrite par ce paragraphe.

8. S'il n'y a pas de rectification, la réponse d'office est émise, dans la même forme que ci-dessus, au bout de huit jours ou même dans un délai plus rapproché, lorsque les recherches faites pour trouver le destinataire sont restées infructueuses.

XLVIII. 1. Les dispositions des deux Articles précédents ne sont pas obligatoires pour les Offices extra-Européens qui déclarent ne point pouvoir les appliquer.

2. Dans les relations avec ces Offices, la taxe déposée pour la réponse est portée en compte à l'Office d'arrivée, qui adopte tel moyen qu'il juge convenable pour mettre le destinataire en mesure d'en profiter.

*c. Télégrammes Collationnés.*

**XLIX. 1.** L'expéditeur de tout télégramme a la faculté d'en demander le collationnement. Dans ce cas les divers bureaux qui concourent à la transmission en donnent le collationnement intégral.

**2.** Ce collationnement est donné, à tous les appareils, par le bureau qui a reçu et immédiatement après la transmission du télégramme à collationner.

**3.** La taxe du collationnement est égale à la moitié de celle d'un télégramme ordinaire de même longueur pour le même parcours.

*d. Accusés de Réception.*

**L. 1.** L'expéditeur de tout télégramme peut demander que l'indication de l'heure à laquelle son télégramme sera remis à son correspondant lui soit notifiée par télégraphe aussitôt après la remise.

**2.** La taxe de l'accusé de réception est égale à celle d'un télégramme ordinaire de 10 mots par la même voie.

**LI. 1.** L'accusé de réception est annoncé par l'abréviation C R et transmis dans la forme suivante :—

“C R. Paris de Berne.—Télégramme No. . . . remis à . . . (adresse du destinataire) le . . . (date, heure et minute), (ou motif de non-remise).”

**2.** Les accusés de réception reçoivent un numéro d'ordre au bureau qui les envoie. Ils jouissent de la priorité sur les télégrammes privés.

**3.** Dans le cas prévu par le paragraphe 3 de l'Article XLIV, l'accusé de réception est précédé de l'avis de service prescrit par ce paragraphe. L'accusé de réception est transmis ensuite, soit après la remise du télégramme, si elle est devenue possible, soit après 24 heures, si elle n'a pu avoir lieu.

*e. Télégrammes à faire suivre.*

**LII. 1.** Tout expéditeur peut demander, en inscrivant avant l'adresse les indications nécessaires, que le bureau d'arrivée fasse suivre son télégramme dans les limites de l'Europe.

**2.** Lorsqu'un télégramme porte la mention “faire suivre.” sans autre indication, le bureau de destination, après l'avoir présenté à l'adresse indiquée, le réexpédie immédiatement, s'il y a lieu, à la nouvelle adresse qui lui est désignée au domicile du destinataire.

**3.** Si aucune indication ne lui est fournie, il garde le télégramme en dépôt, en observant les dispositions des paragraphes 3 et 7 de l'Article XLIV. Si le télégramme est réexpédié et que le second bureau ne trouve pas le destinataire à l'adresse nouvelle, le télégramme est conservé par ce bureau.

4. Si la mention "faire suivre" est accompagnée d'adresses successives, le télégramme est successivement transmis à chacune des destinations indiquées jusqu'à la dernière, s'il y a lieu, et le dernier bureau se conforme aux dispositions du paragraphe précédent.

5. Le texte primitif du télégramme à faire suivre doit être intégralement transmis aux bureaux de destination successifs et reproduit sur la copie adressée au destinataire; mais, dans le préambule, chaque bureau ne reproduit, après les mots "faire suivre," que les adresses auxquelles le télégramme peut encore être expédié.

6. La taxe internationale à percevoir au départ pour les télégrammes à faire suivre est simplement la taxe afférente au premier parcours, l'adresse complète entrant dans le nombre des mots. La taxe complémentaire est perçue sur le destinataire.

7. A partir du premier bureau indiqué dans l'adresse, les taxes à percevoir sur le destinataire, pour les parcours ultérieurs, doivent, à chaque réexpédition, être indiquées d'office dans le préambule.

8. Cette indication est formulée comme il suit: "Taxes à percevoir . . . francs . . . centimes." Si les réexpéditions ont lieu dans les limites de l'État auquel appartient le bureau d'arrivée, la taxe complémentaire à percevoir sur le destinataire est calculée, pour chaque réexpédition, suivant le tarif intérieur de cet État. Si les réexpéditions ont lieu hors de ces limites, la taxe complémentaire est calculée en considérant comme autant de télégrammes séparés chaque réexpédition internationale. Le tarif pour chaque réexpédition est le tarif applicable aux correspondances échangées entre l'État qui réexpédie et celui auquel le télégramme est réexpédié.

9. Si la taxe de réexpédition n'est pas recouvrée par l'Office d'arrivée, l'Administration dont ce bureau relève est remboursée du montant des taxes dues aux Administrations, moyennant bulletin de remboursement.

LIII. 1. Toute personne peut demander, en fournissant les justifications nécessaires, que les télégrammes qui arriveraient à un bureau télégraphique, pour lui être remis dans le rayon de distribution de ce bureau, lui soient réexpédiés, dans les conditions de l'Article précédent, à l'adresse qu'elle aura indiquée.

2. Les demandes de réexpédition doivent être faites par écrit.

3. Chaque Administration se réserve la faculté de faire suivre, quand il y aura lieu, d'après les indications données au domicile du destinataire, les télégrammes pour lesquels aucune indication spéciale n'aurait d'ailleurs été fournie.

#### *f. Télégrammes Multiples.*

LIV. 1. Un télégramme multiple peut être adressé, soit à

plusieurs destinataires dans un même localité, soit à un même destinataire à plusieurs domiciles dans la même localité.

2. Les télégrammes adressés dans une même localité à plusieurs destinataires ou à un même destinataire à plusieurs domiciles, avec ou sans réexpédition par la poste, sont taxés comme un seul télégramme ; mais il est perçu, à titre de droit de copie, autant de fois un demi-franc, par télégramme ne dépassant pas 100 mots, qu'il y a de destinations, moins une. Au-delà de 100 mots ce droit est augmenté d'un demi-franc par série ou fraction de série de 100 mots. Dans ce compte figure la totalité des mots à taxer, y compris les adresses.

3. En transmettant un télégramme adressé dans une même localité, ou dans des localités différentes mais desservies par un même bureau télégraphique, à plusieurs destinataires ou à un même destinataire à plusieurs domiciles, avec ou sans réexpédition par la poste ou par exprès, il faut indiquer dans le préambule le nombre des adresses.

4. Dans le premier cas prévu par le paragraphe 1 du présent Article, chaque exemplaire du télégramme ne doit porter que l'adresse qui lui est propre, à moins que l'expéditeur n'ait demandé le contraire.

5. Cette indication doit entrer dans le corps de l'adresse et, par conséquent, dans le nombre des mots taxés.

*g. Télégrammes à Destination de Localités non desservies par le Réseau International.*

L.V. 1. Les télégrammes adressés à des localités non desservies par les télégraphes internationaux peuvent être remis à destination, suivant la demande de l'expéditeur, soit par exprès, soit par la poste ; toutefois, l'envoi par exprès ne peut être demandé que pour les États qui, conformément à l'Article IX de la Convention, ont organisé, pour la remise des télégrammes, un mode de transport plus rapide que la poste et ont notifié aux États les dispositions prises à cet égard.

2. L'adresse des télégrammes à transporter au-delà des lignes télégraphiques est formulée ainsi qu'il suit : "Exprès (ou poste) M. Müller, Johannisthal, Berlin ;" le nom du bureau télégraphique d'arrivée étant exprimé le dernier.

L.VI. 1. Les frais de transport au-delà des bureaux télégraphiques, par un moyen plus rapide que la poste, dans les États où un service de cette nature est organisé, sont perçus sur le destinataire.

2. Toutefois, l'expéditeur d'un télégramme avec accusé de réception peut affranchir ce transport, moyennant le dépôt d'une somme qui est déterminée par le bureau d'origine, sauf liquidation ultérieure. L'accusé de réception fait connaître le montant des frais déboursés.

3. Il n'est fait exception à cette règle que dans les relations

extra-Européennes pour des transports dont l'Office d'arrivée a prévu et notifié les frais, qui sont alors perçus par le bureau d'origine, sans exiger ni accusé de réception ni règlement ultérieur.

4. Dans tous les cas prévus par les paragraphes 2 et 3 qui précèdent, les mots "expres payé" (ou XP) sont inscrits avant l'adresse et sont taxés.

LVII. 1. Le bureau télégraphique d'arrivée est en droit d'employer la poste :

a. A défaut d'indication, dans le télégramme, du moyen de transport à employer ;

b. Lorsque le moyen indiqué diffère du mode adopté et notifié par l'État d'arrivée, conformément à l'Article IX de la Convention ;

c. Lorsqu'il s'agit d'un transport à payer par un destinataire qui aurait refusé antérieurement d'acquitter des frais de même nature. Dans ce dernier cas le télégramme peut être déposé à la boîte, comme lettre non-affranchie.

2. Dans tous les cas l'emploi de la poste est obligatoire pour le bureau d'arrivée lorsqu'il n'use pas d'un moyen plus rapide.

3. Les télégrammes de toute nature qui doivent être transmis à destination par voie postale sont remis à la poste, par le bureau télégraphique d'arrivée, sans frais pour l'expéditeur, ni pour le destinataire, sauf dans les deux cas suivants.

4. Les correspondances qui doivent traverser la mer sont soumises à une taxe variable, à percevoir par le bureau d'origine. Le montant de cette taxe est fixé par l'Administration qui se charge de l'expédition et notifié à toutes les autres Administrations.

5. Les télégrammes transmis à un bureau télégraphique situé près d'une frontière, pour être expédiés par poste sur le territoire voisin, sont déposés à la boîte, comme lettres non-affranchies, et le port est à la charge du destinataire.

6. Toutefois, si la communication télégraphique franchissant la frontière est matériellement interrompue, il est procédé conformément à l'Article XXXIX.

7. Lorsqu'un télégramme à expédier par lettre recommandée ne peut être soumis immédiatement à la formalité de la recommandation tout en pouvant profiter d'un départ postal, il est mis d'abord à la poste par lettre ordinaire ; une ampliation est adressée par lettre recommandée aussitôt qu'il est possible.

#### *h. Télégrammes Sémaphoriques.*

LVIII. 1. Les télégrammes sémaphoriques sont les télégrammes échangés avec les navires en mer par l'intermédiaire des sémaphores établis ou à établir sur le littoral de l'un quelconque des États Contractants.



2. Ils doivent être rédigés, soit dans la langue du pays où est situé le sémaphore chargé de les signaler, soit en signaux du code commercial universel. Dans ce dernier cas ils sont considérés comme des télégrammes chiffrés.

3. Quand ils sont à destination des navires en mer, l'adresse doit comprendre, outre les indications ordinaires, le nom ou le numéro officiel du bâtiment destinataire et sa nationalité.

4. Pour les télégrammes d'État sémaphoriques expédiés d'un navire en mer, le sceau est remplacé par le signe distinctif du commandement. Le nom du bâtiment doit être désigné.

5. Tout télégramme sémaphorique doit porter dans le préambule l'indication "sémaphorique."

6. La taxe des télégrammes à échanger avec les navires en mer, par l'intermédiaire des sémaphores, est fixée à 2 francs par télégramme. Cette taxe s'ajoute au prix du parcours électrique calculé d'après les règles générales. La totalité est perçue sur l'expéditeur, pour les télégrammes adressés aux navires en mer, et sur le destinataire, pour les télégrammes provenant des bâtiments (Article XXVI, § 1). Dans ce dernier cas le préambule doit contenir l'indication: "taxe à percevoir . . . . . francs . . . . . centimes." Si cette taxe ne peut être perçue, l'Office d'arrivée est remboursé du montant des taxes dues, moyennant bulletin de remboursement.

LIX. 1. Les télégrammes provenant d'un navire en mer sont transmis à destination en signaux du code commercial, lorsque le navire expéditeur l'a demandé.

2. Dans le cas où cette demande n'a pas été faite, ils sont traduits en langage ordinaire par le préposé du poste sémaphorique et transmis à destination.

3. Les télégrammes qui dans les 30 jours du dépôt n'ont pu être signalés par les postes sémaphoriques aux bâtiments destinataires sont mis au rebut.

4. Dans le cas où le bâtiment auquel est destiné un télégramme sémaphorique n'est pas arrivé dans le terme de 28 jours, le sémaphore en donne avis à l'expéditeur le 29<sup>e</sup> jour au matin. L'expéditeur a la faculté, en acquittant le prix ordinaire d'un télégramme terrestre de 10 mots, de demander que le sémaphore continue à présenter son télégramme, pendant une nouvelle période de 30 jours, et ainsi de suite; à défaut de cette demande, le télégramme sera mis au rebut le 30<sup>e</sup> jour.

*i. Dispositions Générales applicables aux Télégrammes Spéciaux.*

LX. Dans l'application des Articles précédents on combinera les facilités données au public pour les télégrammes urgents, les réponses payées, les télégrammes collationnés, les accusés de réception, les télégrammes à faire suivre, les télégrammes multiples et les télégrammes à remettre au-delà des lignes, en se conformant aux prescriptions des paragraphes 4 et 5 de l'Article X.

10. *Télégrammes de Service.**Article V de la Convention.*

Les télégrammes sont classés en trois catégories:—

1. Télégrammes d'État : ceux qui, &c.
2. Télégrammes de service : ceux qui émanent des Administrations Télégraphiques des États Contractants et qui sont relatifs soit au service de la télégraphie internationale, soit à des objets d'intérêt public déterminés de concert par les dites Administrations . . . . .

*Article XI de la Convention.*

Les télégrammes relatifs au service des télégraphes internationaux des États Contractants sont transmis en franchise sur tout le réseau des dits États.

LXI. 1. Les télégrammes de service se distinguent en télégrammes de service proprement dits, dont la forme est donnée par le paragraphe 1 de l'Article XIV, et en avis de service dont il est traité au paragraphe 2 du même Article.

2. Les télégrammes de service doivent être limités aux cas qui présentent un caractère d'urgence (Article XVIII).

3. Ils peuvent être émis en langage secret dans toutes les relations (Article VI de la Convention), et doivent en règle générale être rédigés en Français (Article VII, § 3).

LXII. 1. Les avis de service sont échangés, de bureau à bureau, toutes les fois que les incidents de la transmission le nécessitent, notamment lorsque les indications de service d'un télégramme déjà transmis ne sont pas régulières (Article XXXII, § 4), lors de rectifications ou de renseignements relatifs à des télégrammes d'une série précédemment transmise (Article XXVII, §§ 1 et 2), en cas d'interruption dans les communications télégraphiques, lorsque les télégrammes ont été adressés par poste à un bureau télégraphique (Article XL), lorsqu'un télégramme ne peut pas être remis au destinataire (Article XLIV), lorsque le bâtiment auquel est destiné un télégramme sémaphorique n'est pas arrivé dans le terme de 28 jours (Article LIX, § 4).

2. Les avis de service relatifs à un télégramme précédemment transmis sont dirigés, autant que possible, sur les bureaux par où le télégramme primitif a transité. Ces avis doivent reproduire toutes les indications propres à faciliter les recherches des télégrammes primitifs, telles que la date de l'expédition, l'adresse et la signature de ces télégrammes.

3. Lorsque les bureaux de passage ont tous les éléments nécessaires pour donner suite aux avis de service, ils prennent les mesures propres à en éviter une réexpédition inutile.

11. *Archives.*

LXIII. 1. Les originaux des télégrammes et les documents y relatifs, retenus par les Administrations, sont conservés au moins pendant six mois, à compter de leur date, avec toutes les précautions nécessaires au point de vue du secret.

2. Ce délai est porté à 18 mois pour les télégrammes extra-Européens.

LXIV. 1. Les originaux ou les copies des télégrammes ne peuvent être communiqués qu'à l'expéditeur ou au destinataire, après constatation de son identité, ou bien au fondé de pouvoirs de l'un d'eux.

2. L'expéditeur et le destinataire d'un télégramme ou leur fondé de pouvoirs ont le droit de se faire délivrer des copies certifiées conformes de ce télégramme ou de la copie remise à l'arrivée, si cette copie a été conservée par l'Office de destination. Ce droit expire après le délai fixé pour la conservation des archives.

3. Il est perçu, pour toute copie délivrée conformément au présent Article, un droit fixe d'un demi-franc par télégramme ne dépassant pas 100 mots. Au-delà de 100 mots, ce droit est augmenté d'un demi-franc par série ou fraction de série de 100 mots.

4. Les Administrations Télégraphiques ne sont tenues de donner communication ou copie des pièces désignées ci-dessus que si les expéditeurs, les destinataires ou leurs ayants-droit fournissent les indications nécessaires pour trouver les télégrammes auxquels se rapportent leurs demandes.

12. *De Taxes et Remboursements.*

LXV. 1. Est remboursée à l'expéditeur par l'Administration qui l'a perçue, sauf recours contre les autres Administrations, s'il y a lieu :—

a. La taxe intégrale de tout télégramme qui a éprouvé un retard notable, ou qui n'est pas parvenu à destination, par le fait du service télégraphique ;

b. La taxe intégrale de tout télégramme collationné qui, par suite d'erreurs de transmission, n'a pu manifestement remplir son objet.

2. En cas d'interruption d'une ligne sous-marine, l'expéditeur de tout télégramme a droit au remboursement de la partie de la taxe afférente au parcours non effectué, déduction faite des frais déboursés, le cas échéant, pour remplacer la voie télégraphique par un mode de transport quelconque.

3. Ces dispositions ne sont pas applicables aux télégrammes empruntant les lignes d'un Office non-adhérent qui refuserait de se soumettre à l'obligation du remboursement.

4. Dans les cas prévus par les paragraphes précédents, le

remboursement ne peut s'appliquer qu'aux taxes des télégrammes mêmes qui ont été omis, retardés ou dénaturés, y compris les taxes accessoires, et aux taxes des télégrammes prévus à l'Article XIX, mais non aux correspondances qui auraient été motivées ou rendues inutiles par l'omission, l'erreur ou le retard.

LXVI. 1. Toute réclamation en remboursement de taxe doit être formée, sous peine de déchéance, dans les deux mois de la perception. Ce délai est porté à six mois pour les télégrammes extra-Européens.

2. Toute réclamation doit être présentée à l'Office d'origine et être accompagnée des pièces probantes, savoir : une déclaration écrite du bureau de destination ou du destinataire, si le télégramme n'est point parvenu, et la copie qui lui a été remise, s'il s'agit d'erreur ou de retard. Toutefois, la réclamation peut être présentée par le destinataire à l'Office de destination qui juge s'il doit y donner suite ou la faire présenter à l'Office d'origine.

3. Lorsqu'une réclamation a été reconnue fondée par les Administrations intéressées, le remboursement est effectué par l'Office d'origine.

4. L'expéditeur qui ne réside pas dans le pays où il a déposé son télégramme peut faire présenter sa réclamation à l'Office d'origine, par l'intermédiaire d'un autre Office. Dans ce cas l'office qui l'a reçue est, s'il y a lieu, chargé d'effectuer le remboursement.

5. Les réclamations communiquées d'Office à Office sont transmises avec un dossier complet, c'est-à-dire, qu'elles contiennent (en original, en extrait ou en copie) toutes les pièces ou lettres qui les concernent. Ces pièces doivent être analysées en Français, lorsqu'elles ne sont pas rédigées dans cette langue ou dans une langue comprise de tous les Offices intéressés.

6. Les réclamations ne sont point transmises d'Office à Office :

a. Lorsque le fait signalé ne donne point droit au remboursement ;

b. Lorsqu'il s'agit d'un télégramme qui, n'étant pas conforme aux conditions réglementaires imposées au public, en ce qui concerne la rédaction, la langue, la clarté de l'écriture, l'adresse et les indications relatives au transport au-delà des lignes, &c., a été accepté aux risques et périls des intéressés.

LXVII. 1. Pour tout télégramme non remis à destination, le remboursement est supporté par les Offices sur les lignes desquels ont été commises les irrégularités qui ont empêché le télégramme de parvenir au destinataire.

2. Si la réclamation de non-remise est repoussée, la remise du télégramme doit être constatée par un reçu ou par une déclaration de l'Administration destinataire.

3. En cas de retard, le droit au remboursement est absolu, lorsque le télégramme n'est point arrivé à destination plus tôt qu'il n'y serait parvenu par la poste, ou lorsque le retard dépasse deux fois 24 heures pour un télégramme Européen et six fois 24 heures pour un télégramme sortant des limites de l'Europe.

4. Le remboursement intégral de la taxe est effectué aux frais des Offices par le fait desquels le retard s'est produit, et dans la proportion des retards imputables à chaque Office.

5. En cas d'altération d'un télégramme collationné, l'Office d'origine détermine les erreurs qui ont empêché le télégramme de remplir son objet, et la part contributive des diverses Administrations est réglée d'après le nombre des fautes ainsi déterminées, un mot omis ou ajouté comptant pour une erreur.

6. La part contributive pour l'altération d'un mot dénaturé successivement sur les lignes de plusieurs Administrations est supportée par la première de ces Administrations.

7. Les erreurs ou omissions sont imputables :

a. Aux deux bureaux : lorsque des mots, nombres ou caractères ayant été omis ou ajoutés, le bureau qui a reçu n'a pas vérifié le compte des mots ; lorsque le collationnement payé a été omis ou incomplet ; lorsqu'à l'appareil Hughes il y a eu un défaut non rectifié ;

b. Au bureau qui a reçu : lorsqu'il n'a pas tenu compte de la rectification faite à son collationnement par son correspondant ; lorsqu'en cas de répétition d'office il n'a pas rectifié la première transmission d'après cette répétition ;

c. Au bureau qui a transmis : dans tous les autres cas.

8. Dans le cas de remboursement partiel d'un télégramme avec une ou plusieurs copies, le quotient obtenu en divisant la taxe totale perçue par le nombre de copies détermine l'indemnité à accorder pour chaque copie, le télégramme comptant à cet égard également pour une copie.

9. Lorsque, par suite de l'absence ou de l'insuffisance des documents, le bureau responsable d'une erreur ou omission ne peut être désigné, le remboursement est mis à la charge de l'Administration où la preuve fait défaut.

10. Lorsqu'une réclamation a été présentée et mise en circulation dans les délais fixés par le paragraphe 1 de l'Article LXVI, et que la solution n'a point été notifiée dans les délais fixés par l'Article LXIII pour la conservation des archives, l'Office qui a reçu la réclamation rembourse la taxe réclamée et le remboursement est mis à la charge de l'Administration qui a retardé l'instruction.

11. Pour les correspondances extra-Européennes, le remboursement est supporté par les différentes Administrations d'État ou de compagnies privées par les lignes desquelles le télégramme a été transmis, chaque Administration abandonnant sa part de taxe.

LXVIII. 1. La taxe d'un télégramme arrêté en vertu des Articles VII et VIII de la Convention est remboursée à l'expéditeur, s'il en fait la demande, et le remboursement est à la charge de l'Administration qui a arrêté le télégramme.

2. Toutefois, lorsque cette Administration a notifié, conformément à l'Article VIII, la suspension de certaines correspondances déterminées, le remboursement des taxes des télégrammes de cette catégorie qui seraient arrêtés ultérieurement doit être supporté par l'Office d'origine, à partir de la date à laquelle la notification lui est parvenue.

### 13. *Comptabilité.*

#### *Article XII de la Convention.*

Les Hautes Parties Contractantes se doivent réciproquement compte des taxes perçues par chacune d'elles.

LXIX. 1. Le franc sert d'unité monétaire dans l'établissement des comptes internationaux.

2. Chaque État crédite l'État limitrophe du montant des taxes de tous les télégrammes qu'il lui a transmis, calculées depuis la frontière de ces deux États jusqu'à destination.

3. Par exception à la disposition précédente, l'État qui transmet un télégramme sémaphorique venant de la mer, ou qui réexpédie un télégramme à faire suivre, débite l'État limitrophe de la part de taxe afférente au parcours entre le point de départ du télégramme sémaphorique ou le point de départ de la première réexpédition du télégramme à faire suivre et la frontière commune des deux États (Article LII, §§ 6 à 9, et LVIII, § 6).

4. Les taxes terminales peuvent être liquidées directement entre États extrêmes, après une entente entre ces États et les États intermédiaires.

5. Les taxes peuvent être réglées de commun accord, d'après le nombre des télégrammes qui ont franchi la frontière, abstraction faite du nombre des mots et des frais accessoires. Dans ce cas les parts de l'État limitrophe et de chacun des États suivants, s'il y a lieu, sont déterminées par des moyennes établies contradictoirement (Article LXXI, § 3).

6. Dans le cas d'application de l'Article LXXXII, l'Administration contractante en relation directe avec l'Office non-adhérent est chargée de régler les comptes entre cet Office et les autres Offices contractants auxquels elle a servi d'intermédiaire pour la transmission.

LXX. 1. Les taxes afférentes aux droits de copie et de transport au-delà des lignes sont dévolues à l'État qui a délivré les copies ou effectué le transport.

2. Les taxes normales pour réponses payées et accusés de réception sont acquises à l'Office destinataire, soit dans les

comptes, soit dans l'établissement des moyennes mentionnées au paragraphe 5 de l'Article précédent. Toutefois, lorsque le remboursement de la taxe de la réponse a été effectué, conformément aux paragraphes 2, 3 et 4 de l'Article XLVII, la taxe normale est déduite du compte mensuel suivant de l'Office expéditeur qui a remboursé.

3. Les réponses et les accusés de réception sont traités, dans la transmission et dans les comptes, comme des télégrammes ordinaires.

4. Lorsqu'un télégramme, quel qu'il soit, a été transmis par une voie différente de celle qui a servi de base à la taxe, la différence de taxe est supportée par l'Office qui a détourné le télégramme, sauf recours contre l'Office à qui ce détournement est imputable.

LXXI. La taxe qui sert de base à la répartition entre États et le cas échéant, à la détermination des moyennes mentionnées au paragraphe 5 de l'Article LXIX, est celle qui résulte de l'application régulière des tarifs, établis entre les États intéressés, sans qu'il soit tenu compte des erreurs de taxation qui ont pu se produire.

2. Toutefois, le nombre des mots annoncé par le bureau d'origine sert de base à l'application de la taxe, sauf le cas où, à cause d'une erreur de transmission, il aurait été rectifié d'un commun accord entre le bureau d'origine et le bureau correspondant.

3. Pour déterminer les taxes moyennes on dresse un compte mensuel comprenant, par télégramme traité individuellement, toutes les taxes accessoires de quelque nature qu'elles soient (Article LXX). La part totale, calculée pour chaque État pendant le mois entier, est divisée par le nombre des télégrammes; le quotient constitue la taxe moyenne applicable à chaque télégramme dans les comptes ultérieurs jusqu'à révision. Cette révision, sauf circonstances exceptionnelles, ne doit pas être faite avant une année.

LXXII. 1. Le règlement réciproque des comptes a lieu à l'expiration de chaque mois.

2. Le décompte et la liquidation du solde se font à la fin de chaque trimestre.

3. Le solde résultant de la liquidation est payé à l'État créateur en francs d'or effectifs, à moins que les deux Administrations en cause ne se soient entendues pour l'emploi d'une autre monnaie.

4. Les frais de déplacement sont à la charge de l'Office créateur.

LXXIII. 1. L'échange des comptes mensuels a lieu avant l'expiration du trimestre qui suit le mois auquel ils se rapportent.

2. La révision de ces comptes a lieu dans un délai maximum

de six mois à dater de leur envoi. L'Office qui n'a reçu, dans cet intervalle, aucune observation rectificative, considère le compte comme admis de plein droit. Cette disposition est aussi applicable aux observations faites par un Office sur les comptes rédigés par un autre.

3. Les comptes mensuels sont admis sans revision, quand la différence des sommes finales établies par les deux Administrations intéressées ne dépasse pas 1 pour cent du débet de l'Administration qui l'a établie. Dans le cas d'une revision commencée, elle doit être arrêtée, lorsque, par suite d'un échange d'observations entre les Offices intéressés, la différence qui a donné lieu à la revision se trouve renfermée dans les limites de 1 pour cent.

4. Il n'est pas admis de réclamation, dans les comptes, au sujet de télégrammes ordinaires ayant plus de six mois de date et de télégrammes extra-Européens ayant plus de 18 mois de date.

#### 14. *Réserves.*

##### *Article XVII de la Convention.*

Les Hautes Parties Contractantes se réservent respectivement le droit de prendre séparément, entre elles, des arrangements particuliers de toute nature sur les points du service qui n'intéressent pas la généralité des Etats.

LXXIV. Les points du service sur lesquels porte la réserve prévue à l'Article XVII de la Convention sont notamment :

L'établissement des tarifs d'État à État ;

Le règlement des comptes ;

L'adoption d'appareils ou de vocabulaires spéciaux, entre des points et dans des cas déterminés ;

L'application du système des timbres-télégraphe ;

La transmission des mandats d'argent par le télégraphe ;

La perception des taxes à l'arrivée ;

Le service de la remise des télégrammes à destination ;

La faculté de transmettre à prix réduit des correspondances à l'usage de la presse, à des heures et à des conditions déterminées, sans préjudice pour le service général ;

L'extension du droit de franchise aux télégrammes de service qui concernent la météorologie et tous autres objets d'intérêt public.

#### 15. *Bureau International.*

##### *Communications Réciproques.*

##### *Article XIV de la Convention.*

Un organe central, placé sous la haute autorité de l'Administration supérieure de l'un des Gouvernements Contractants désigné à cet effet par le Règlement, est chargé de réunir, de



coordonner, et de publier les renseignements de toute nature relatifs à la télégraphie internationale, d'instruire les demandes de modification aux tarifs et au règlement de service, de faire promulguer les changements adoptés et, en général, de procéder à toutes les études et d'exécuter tous les travaux dont il serait saisi dans l'intérêt de la télégraphie internationale.

Les frais auxquels donne lieu cette institution sont supportés par toutes les Administrations des États Contractants.

LXXV. 1. L'organe central prévu par l'Article XIV de la Convention reçoit le titre de Bureau International des Administrations Télégraphiques.

2. L'Administration supérieure de la Confédération Suisse est désignée pour organiser le Bureau International dans les conditions déterminées par les Articles LXXVI à LXXVIII suivants.

LXXVI. 1. Les frais communs du Bureau International des Administrations Télégraphiques ne doivent pas dépasser, par année, la somme de 60,000 francs, non compris les frais spéciaux auxquels donne lieu la réunion d'une Conférence Internationale. Cette somme pourra être augmentée ultérieurement du consentement de toutes les Parties Contractantes.

2. L'Administration désignée, en vertu de l'Article XIV de la Convention, pour la direction du Bureau International, en surveille les dépenses, fait les avances nécessaires et établit le compte annuel qui est communiqué à toutes les autres Administrations intéressées.

3. Pour la répartition des frais, les États Contractants ou adhérents sont divisés en six classes, contribuant chacune dans la proportion d'un certain nombre d'unités, savoir :—

1 <sup>re</sup> classe	25 unités.
2 <sup>e</sup> „	20 „
3 <sup>e</sup> „	15 „
4 <sup>e</sup> „	10 „
5 <sup>e</sup> „	5 „
6 <sup>e</sup> „	3 „

4. Ces coefficients sont multipliés par le nombre d'États de chaque classe, et la somme des produits ainsi obtenus fournit le nombre d'unités par lequel la dépense totale doit être divisée. Le quotient donne le montant de l'unité de dépense.

5. Les Administrations des États Contractants sont, pour la contribution aux frais, réparties ainsi qu'il suit, dans les six classes dont il est fait mention au paragraphe précédent :—

1<sup>re</sup> classe : Allemagne, Brésil, France, Grande-Bretagne, Indes Britanniques, Italie, Russie, Turquie ;

2<sup>e</sup> classe : Autriche, Espagne, Hongrie ;

3<sup>e</sup> classe : Belgique, Pays-Bas, Indes Néerlandaises, Roumanie, Suède ;

4<sup>e</sup> classe : Australie du Sud, Danemark, Égypte, Japon, Norvège, Nouvelle-Zélande, Suisse, Victoria ;

5<sup>e</sup> classe : Grèce, Portugal, Serbie ;

6<sup>e</sup> classe : Luxembourg, Perse.

LXXVII. 1. Les Offices des États Contractants se transmettent réciproquement tous les documents relatifs à leur administration intérieure et se communiquent tout perfectionnement qu'ils viendraient à y introduire.

2. En règle générale, le Bureau International sert d'intermédiaire à ces notifications.

3. Les dits Offices envoient par la poste, par lettre affranchie, au Bureau International, la notification de toutes les mesures relatives à la composition et aux changements de tarifs, tant intérieurs qu'internationaux ; à l'ouverture de lignes nouvelles et à la suppression de lignes existantes, en tant que ces lignes intéressent le service international ; enfin, aux ouvertures, suppressions et modifications de service des bureaux. Les documents imprimés ou autographiés à ce sujet par les Administrations sont expédiés au Bureau International, soit à la date de leur distribution, soit, au plus tard, le premier jour du mois qui suit cette date.

4. Les dites Administrations lui envoient, en outre, par télégraphe, avis de toutes les interruptions ou rétablissements des communications qui affectent la correspondance internationale.

5. Elles lui font parvenir, au commencement de chaque année et aussi complètement qu'il leur est possible, des tableaux statistiques du mouvement des correspondances, de la situation des lignes, du nombre des bureaux et des appareils, &c. Ces tableaux sont dressés d'après les indications du Bureau International, qui distribue, à cet effet, les formules toutes préparées.

6. Elles adressent également à ce bureau deux exemplaires des publications diverses qu'elles font paraître.

7. Le Bureau International reçoit, en outre, communication de tous les renseignements relatifs aux expériences auxquelles chaque Administration a pu procéder sur les différentes parties du service.

LXXVIII. 1. Le Bureau International coordonne et publie le tarif. Il communique aux Administrations, en temps utile, tous les renseignements y relatifs, en particulier ceux qui sont spécifiés au paragraphe 3 de l'Article précédent. S'il y a urgence, ces communications sont transmises par la voie télégraphique, notamment dans les cas prévus par le paragraphe 4 du même Article. Dans les notifications relatives aux changements de tarifs, il donne à ces communications la forme voulue pour que ces changements puissent être immédiatement introduits dans le texte des tableaux des taxes annexés à la Convention.

2. Le Bureau International dresse une statistique générale.

3. Il rédige, à l'aide des documents qui sont mis à sa disposition, un journal télégraphique en langue Française.

4. Il dresse, publie et revise périodiquement une carte officielle des relations télégraphiques.

5. Il doit, d'ailleurs, se tenir en tout temps à la disposition des Administrations des États Contractants, pour leur fournir, sur les questions qui intéressent la télégraphie internationale, les renseignements spéciaux de tous genres dont elles pourraient avoir besoin.

6. Les documents imprimés par le Bureau International sont distribués aux Administrations des États Contractants dans la proportion du nombre d'unités contributives, d'après l'Article LXXVI. Les documents supplémentaires que réclameraient ces Administrations sont payés à part, d'après leur prix de revient. Il en est de même des documents demandés par les exploitations privées.

7. Les demandes de cette nature doivent être formulées une fois pour toutes, jusqu'à nouvel avis, et de manière à donner au Bureau International le temps de régler le tirage en conséquence.

8. Le Bureau International instruit, lorsqu'il en est chargé par un ou plusieurs des Offices intéressés, les demandes de modifications au Tarif et au Règlement prévues par les Articles X et XIII de la Convention. Après avoir obtenu l'assentiment unanime des Administrations en cause et, le cas échéant, l'adhésion des autres Offices intéressés, il fait promulguer, en temps utile, les changements adoptés. Il est, d'ailleurs, chargé de notifier toutes les modifications du Tarif et du Règlement, quelle que soit la forme suivie pour leur adoption. Cette notification ne sera exécutoire qu'après un délai de deux mois au moins, et, en cas de réclamation, après que l'accord se sera établi sur le point en litige.

9. Dans les questions à résoudre par l'assentiment des Administrations Contractantes, celles qui n'ont point fait parvenir leur réponse dans le délai maximum de quatre mois, sont considérées comme consentantes.

10. Le Bureau International prépare les travaux des Conférences Télégraphiques. Il pourvoit aux copies et impressions nécessaires, à la rédaction et à la distribution des amendements, procès-verbaux, et autres renseignements.

11. Le Directeur de ce Bureau assiste aux séances de la Conférence et prend part aux discussions sans voix délibérative.

12. Le Bureau International fait sur sa gestion un rapport annuel qui est communiqué à toutes les Administrations des États Contractants.

13. Sa gestion est également soumise à l'examen et à l'ap-

préciation des Conférences prévues par l'Article XV de la Convention.

### 16. *Conférences.*

#### *Article XV de la Convention.*

Le Tarif et le Règlement prévus par les Articles X et XIII sont annexés à la présente Convention. Ils ont la même valeur et entrent en vigueur en même temps qu'elle.

Ils seront soumis à des révisions où tous les États qui y ont pris part pourront se faire représenter.

À cet effet des Conférences Administratives auront lieu périodiquement, chaque Conférence fixant elle-même le lieu et l'époque de la réunion suivante.

#### *Article XVI de la Convention.*

Ces Conférences sont composées des délégués représentant les Administrations des États Contractants.

Dans les délibérations chaque Administration a droit à une voix, sous réserve, s'il s'agit d'Administrations différentes d'un même Gouvernement, que la demande en ait été fait par voie diplomatique au Gouvernement du pays où doit se réunir la Conférence, avant la date fixée pour son ouverture, et que chacune d'entre elles ait une représentation spéciale et distincte.

Les révisions résultant des délibérations des Conférences ne sont exécutoires qu'après avoir reçu l'approbation de tous les Gouvernements des États Contractants.

LXXIX. L'époque fixée pour la réunion des Conférences prévues par le paragraphe 3 de l'Article XV de la Convention est avancée, si la demande en est faite par 10 au moins des États Contractants.

### 17. *Adhésion. Relations avec les Offices non-adhérents.*

#### *Article XVIII de la Convention.*

Les États qui n'ont point pris part à la présente Convention seront admis à y adhérer sur leur demande.

Cette adhésion sera notifiée par la voie diplomatique à celui des États Contractants au sein duquel la dernière Conférence aura été tenue, et par cet État à tous les autres.

Elle emportera, de plein droit, accession à toutes les clauses et admission à tous les avantages stipulés par la présente Convention.

#### *Article XIX de la Convention.*

Les relations télégraphiques avec des États non-adhérents ou avec les exploitations privées sont réglées, dans l'intérêt général du développement progressif des communications, par le Règlement prévu à l'Article XIII de la présente Convention.

**LXXX.** Dans le cas des adhésions prévues par l'Article XVIII de la présente Convention, les Administrations des États Contractants peuvent refuser le bénéfice de leurs tarifs conventionnels aux Offices qui demanderaient à adhérer, sans former eux-mêmes leurs tarifs à ceux des États intéressés.

2. Les Offices qui ont, en dehors de l'Europe, des lignes pour lesquelles ils ont adhéré à la Convention, déclarent quel est, du régime Européen ou extra-Européen, celui qu'ils entendent leur appliquer. Cette déclaration résulte de l'inscription dans les tableaux des taxes, ou est notifiée ultérieurement par l'intermédiaire du Bureau International.

**LXXXI.** Les exploitations télégraphiques privées, qui fonctionnent dans les limites d'un ou de plusieurs États Contractants avec participation au service international, sont considérés, au point de vue de ce service, comme faisant partie intégrante du réseau télégraphique de ces États.

2. Les autres exploitations télégraphiques privées sont admises aux avantages stipulés par la Convention et par le présent Règlement, moyennant accession à toutes leurs clauses obligatoires et sur la notification de l'État qui a concédé ou autorisé l'exploitation. Cette notification a lieu conformément au second paragraphe de l'Article XVIII de la Convention.

3. Cette accession doit être imposée aux exploitations qui relient entre eux deux ou plusieurs des États Contractants, pour autant qu'elles soient engagées par leur contrat de concession à se soumettre, sous ce rapport, aux obligations prescrites par l'État qui a accordé la concession.

4. La réserve qui fait l'objet du paragraphe premier de l'Article précédent est applicable aussi aux exploitations susmentionnées.

**LXXXII.** 1. Lorsque des relations télégraphiques sont ouvertes avec des États non-adhérents, ou avec des exploitations privées qui n'auraient point accédé aux dispositions obligatoires du présent Règlement, ces dispositions sont invariablement appliquées aux correspondances dans la partie de leur parcours qui emprunte le territoire des États Contractants ou adhérents.

2. Les Administrations intéressées fixent la taxe applicable à cette partie du parcours. Cette taxe, déterminée dans les limites de l'Article XVI, est ajoutée à celles des Offices non-participants.

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Ainsi arrêté à Londres, le 28 Juillet, 1879, par les délégués soussignés conformément aux Articles XV et XVI de la Convention de St. Pétersbourg, pour entrer en vigueur le 1<sup>er</sup> Avril, 1880.

C. H. B. PATEY, *Secrétaire-Adjoint, Département des Postes et des Télégraphes Britanniques.*

H. C. FISCHER, *Chef du Bureau Central des Télégraphes, Département des Postes et Télégraphes.*

- P. BENTON, *Sous-Chef de Section, Département des Postes et Télégraphes.*
- BUDE, R. SCHEFFLER, *Députés de l'Administration Télégraphique d'Allemagne.*
- BRUNNER-DE-WATTENWYL, *Conseiller Aulique du Ministère du Commerce de l'Autriche.*
- COMTE VICTOR DE WIMPFEN, *Inspecteur-Général des Lignes Télégraphiques de l'Autriche.*
- L. DE KOLLER, *Conseiller au Ministère du Commerce de Hongrie.*
- J. VINCHENT, *Directeur-Général des Postes et Télégraphes de Belgique.*
- JOHN GIBBS, *Inspecteur, Chef de Service, &c.*
- HÖNCKE, *Directeur des Télégraphes de Danemark.*
- F. DE OTIN, *1<sup>er</sup> Secrétaire de la Légation d'Espagne à Londres.*
- RICHARD, *pour le Ministre des Postes et Télégraphes de France.*
- RICHARD, *Directeur du Contrôle des Postes et Télégraphes de France.*
- ESCHBÆCHER, *Chef de Section au Ministère des Postes et des Télégraphes de France.*
- J. GENNADIUS, *Chargé d'Affaires de Grèce.*
- J. U. BATEMAN-CHAMPAIN, *Lieutenant-Colonel R.E., Director-in-Chief, Indo-European Telegraph Department.*
- H. A. MALLOCK, *Major B.S.C., Director of Telegraphs in India.*
- ERNEST D'AMICO, *Directeur-Général des Télégraphes Italiens.*
- YOSHIKAWA AKIMASA, *Directeur-Général des Télégraphes à Tokio.*
- NIELSEN, *Directeur-en-Chef des Télégraphes de Norvège.*
- STARING, *Directeur-en-Chef des Télégraphes des Pays-Bas.*
- VALENTIM DO REGO, *Directeur des Télégraphes et des Phares de Portugal.*
- C. F. ROBESCU, *Directeur-Général des Postes et Télégraphes de Roumanie.*
- C. DE LUEDERS, *Directeur-Général des Télégraphes de Russie.*
- MLADEN Z. RADOYCOVITCH, *Chef de Section des Postes et des Télégraphes de Serbie.*
- D. NORDLANDER, *Directeur-Général des Télégraphes de Suède.*
- A. FREY, *Directeur des Télégraphes Suisses.*
- E. MUSURUS, *Conseiller de l'Ambassade Impériale Ottomane à Londres.*
- A. J. GUILDANI, *Secrétaire-Général des Télégraphes et Postes Ottomans.*
- JULIUS VOGEL, *Agent-General for New Zealand.*

TABLEAUX des taxes fixées pour servir à la formation des Tarifs Internationaux en exécution des Articles XV de la Convention et XVI et XVII du Règlement.

1. Régime Européen.

Dans le régime Européen il est ajouté à la taxe résultant du nombre effectif des mots une taxe additionnelle de 5 mots, par télégramme.

A. Taxes terminales.

(La taxe terminale est celle qui revient à chaque État pour les correspondances en provenance ou à destination de ses bureaux.)

Désignation des États.	Indication des Correspondances.	Taxes par mot.	Observations.
		Frs. cts.	
Allemagne.	1. Pour les correspondances échangées avec l'Italie, l'Espagne, le Portugal et pour toutes les correspondances échangées par l'intermédiaire de l'Autriche et de la Hongrie avec les pays Européens et avec l'Algérie, la Tunisie, et la Turquie d'Asie .. .. .	0 08	Taxes communes avec la Grande Compagnie des Télégraphes du Noru.
	2. Pour les correspondances échangées avec la Belgique, le Danemark, le Luxembourg, les Pays-Bas, la Suède et la Suisse .. .. .	0 10	
	3. Pour toutes les autres correspondances..	0 12	
Autriche ..	1. Pour les correspondances échangées avec l'Espagne, l'Italie, la Norvège, la Russie et la Suède .. .. .	0 12	
	2. Pour toutes les autres correspondances..	0 08	
Hongrie ..	1. Pour les correspondances échangées avec la Roumanie et la Serbie .. .. .	0 06	
	2. Pour toutes les autres correspondances..	0 08	
Belgique ..	Pour toutes les correspondances .. .. .	0 05	
Danemark.	1. A partir de la frontière Allemande, de la côte Suédoise ou du point d'atterrissage en Danemark du câble Dano-Anglais .. .. .	0 05	
	2. A partir de la côte de France .. .. .	0 15	
	3. A partir de la côte de Norvège .. .. .	0 10	
	4. A partir de la côte de Russie .. .. .	0 15	
Espagne ..	1. Pour les correspondances échangées avec l'Allemagne .. .. .	0 08	
	2. Pour toutes les autres correspondances..	0 12	
France (y compris l'Algérie et la Tunisie)	1. Pour les correspondances échangées avec le Portugal et les Pays-Bas .. .. .	0 08	
	2. Pour les correspondances échangées avec le Danemark, la Grèce, la Norvège, la Roumanie, et la Serbie .. .. .	0 11	
	3. Pour toutes les autres .. .. .	0 12	
	Taxe de la Compagnie du Câble de Communications à Jersey : Pour toutes les correspondances .. .. .	0 15	

Désignation des États.	Indication des Correspondances.	Taxes par mot.	Observations.
Grande Bretagne	Pour toutes les correspondances échangées par les voies suivantes :	Fr. cts.	
	1. Allemagne .. .. .	0 20	Cette taxe est élevée à 25 c. pour les correspondances de la Russie, et à 24 c. pour les correspondances de la Turquie; elle est réduite à 15 c. pour les correspondances du Danemark, et à 12½ c. pour les correspondances de la Norvège.
	2. Belgique .. .. .	0 16	
	3. Danemark .. .. .	0 25	Cette taxe est élevée à 21 c. pour les correspondances échangées avec la Russie, et à 20 c. pour les correspondances échangées avec la Turquie.
	4. Espagne .. .. .	0 32	
	5. France .. .. .	0 16	Cette taxe est réduite à 30 c. pour les correspondances de l'Allemagne transitant par la Grande Bretagne. Cette taxe est élevée à 21 c. pour les correspondances de la Russie, et à 20 c. pour les correspondances de l'Espagne, de Gibraltar, de Malte, de Portugal, et de la Turquie.
	6. Gibraltar .. .. .	0 47	
	7. Malte .. .. .	0 61	
8. Norvège .. .. .	0 22½		
			Cette taxe est élevée à 23 c. pour les correspondances échangées avec la Russie, et à 24 c. pour la corre-



Désignation des États.	Indication des Correspondances.	Taxes par mot.	Observations.	
Grande - Bretagne (suite)	9. Pays-Bas .. .. .	0 20	spondances échangées avec la Suède. Cette taxe est réduite à 17 c. pour les correspondances échangées avec l'Autriche et la Hongrie, la Roumanie et la Serbie, et à 16 c. pour les correspondances échangées avec l'Allemagne. Elle est élevée à 22 c. pour les correspondances échangées avec la Russie.	
	10. Portugal.. .. .	0 42	Cette taxe est réduite à 38 c. pour les correspondances avec l'Allemagne transitant par la Grande Bretagne, et à 28 c. pour les correspondances de l'Espagne.	
	N.B.—Les taxes ci-dessus indiquées sous les numéros 1 à 10 sont communes avec les Compagnies des Câbles Sous-marins			
	Taxe de Gibraltar :			
	Pour toutes les correspondances échangées avec Gibraltar par la voie de l'Espagne.			
	Taxe de la Compagnie de Heligoland :			
	Pour toutes les correspondances .. .. .			
	Taxes de la Compagnie Eastern :			
	1. Pour les correspondances échangées avec Gibraltar à partir de—			
	a. Carcavellos (Portugal) .. .. .			0 15
b. Vigo (Espagne) .. .. .			0 35	
c. Malte .. .. .			0 62	
2. Pour les correspondances échangées avec Malte, à partir de—				
a. Bône (Algérie) .. .. .			0 15	
b. Marseille (France) .. .. .			0 29	
c. Carcavellos (Portugal) .. .. .			0 47	
d. Vigo (Espagne) .. .. .			0 52	
Grèce ..	1. A partir de Volo :			
	a. Pour la Grèce Continentale .. .. .			0 05
	b. Pour les îles de Ste.-Maure, Ithaque, Céphalonie, Zante, Hydra, et Spezzia ..			0 12½
	c. Pour les îles d'Andros, Tynos, et Kythnos .. .. .			0 15
	d. Pour les îles de Corfou et de Syra ..			0 20
	2. A partir de Corfou :			
a. Pour la Grèce Continentale et pour les				

Y compris la taxe terminale de Malte appartenant à la Compagnie Eastern.

Cette taxe est réduite à 4 c. pour les correspondances échangées avec l'Allemagne.

Taxes communes avec la Compagnie des Câbles.

Désignation des États.	Indication des Correspondances.	Taxes par mot.	Observations.
Grèce (suite)	Iles de Ste.-Maure, Ithaque, Céphalonie, Zante, Hydra, et Spezzia .. ..	0 20	Taxes communes avec la Compagnie des Câbles.
	b. Pour les Iles d'Andros, Tynos, et Kythnos .. ..	0 30	
	c. Pour l'île de Syra .. ..	0 35	
	3. A partir d'Otrante (voie de Zante) :		
	a. Pour toutes les correspondances échangées avec l'île de Corfou .. ..	0 15	
	b. Avec la Grèce Continentale .. ..	0 20	
	c. Avec les Iles de Ste.-Maure, Ithaque, Céphalonie, Zante, Hydra, et Spezzia ..	0 27½	
	d. Avec les Iles d'Andros, Tynos, et Kythnos .. ..	0 30	
	e. Avec l'île de Syra .. ..	0 35	
	4. A partir de l'île de Chio, de la côte de Teschémé, de Salonique, de Constantinople, de Ténédos ou des Dardanelles :		
	a. Pour l'île de Syra .. ..	0 20	
	b. Pour la Grèce Continentale et pour les Iles d'Andros, Tynos, et Kythnos .. ..	0 25	
	c. Pour les Iles de Corfou, Ste.-Maure, Ithaque, Céphalonie, Zante, Hydra, et Spezzia .. ..	0 35	
	5. A partir de Candie, voie de Zante ou de Syra, pour toutes les correspondances .. ..	0 55	
	Italie ..	1. Pour les correspondances échangées avec l'Allemagne .. ..	
2. Pour les correspondances échangées avec la Belgique, le Danemark, la Grèce, y compris les Iles Helléniques, sauf Corfou, le Luxembourg, les Pays-Bas, le Portugal, la Roumanie, la Serbie et la Suède .. ..		0 10	
3. Pour les correspondances échangées avec l'Autriche et la Hongrie, l'Espagne, la Grande-Bretagne, la Norvège, et par le câble d'Odessa, avec la Russie d'Europe et du Caucase .. ..		0 12	
4. Pour toutes les autres correspondances ..		0 15	
Taxe de la Compagnie dite Méditerranéenne Extension Telegraph :			
Pour les correspondances échangées avec les Iles de Malte et de Corfou .. ..		0 15	
Pour toutes les correspondances .. ..		0 03	
Luxembourg	Pour toutes les correspondances .. ..	0 07½	Sauf arrangement spécial.
Norvège ..	Pour toutes les correspondances .. ..	0 05	
Pays-Bas ..			
Portugal ..	1. Pour les correspondances échangées avec l'Allemagne .. ..	0 04	
	2. Pour les correspondances échangées avec la Grande-Bretagne .. ..	0 06	
	3. Pour toutes les autres correspondances ..	0 06	
Roumanie.	1. Pour les correspondances échangées avec l'Allemagne, l'Autriche, et la Hongrie ..	0 04	

Désignation des États.	Indication des Correspondances.	Taxes par mot.	Observations.
Roumanie ( <i>swite</i> )	2. Pour les correspondances échangées avec la Turquie.. .. .	0 06	Sauf arrangement spécial.
Russie ..	3. Pour toutes les autres correspondances	0 05	
	1. A partir des frontières Européennes, pour toutes les correspondances, échangées avec :		Ces taxes sont réduites à 20 c. et respectivement 36 c. pour les correspondances échangées avec l'Allemagne, l'Autriche, et la Hongrie, et la France, et à 20 c. et respectivement à 40 c. pour les correspondances échangées par le câble d'Odessa avec l'Italie.
	a. La Russie d'Europe .. .. .	0 25	
	b. La Russie du Caucase .. .. .	0 45	
	2. A partir de la frontière de Batoum, pour toutes les correspondances échangées avec :		
	a. La Russie du Caucase .. .. .	0 20	
	b. La Russie d'Europe .. .. .	0 45	
Serbie ..	1. Pour les correspondances échangées avec l'Allemagne .. .. .	0 04	
	2. Pour toutes les autres correspondances..	0 05	
Suède ..	1. Pour les correspondances échangées avec l'Allemagne et l'Italie .. .. .	0 10	
	2. Pour les correspondances échangées avec la Grande-Bretagne, la Russie et la Turquie .. .. .	0 12½	
	3. Pour toutes les autres correspondances..	0 12	
Suisse ..	1. Pour les correspondances échangées avec l'Espagne, la Russie et la Turquie ..	0 06	
	2. Pour toutes les autres correspondances..	0 05	
Turquie ..	1. A partir des frontières de la Grèce, de la Roumanie, de la Serbie, et de Constantinople (câble d'Odessa) :		Les télégrammes, par les routes indiquées sous les Nos. 1 et 2, qui empruntent le câble de Salonique-Ténédos - Constantinople sont frappés d'une surtaxe de 10 c. pour Constantinople et de 15 c. pour toutes les autres localités de la Turquie, y compris les îles.
	a. Pour la Turquie d'Europe .. .. .	0 15	
	b. Pour la Turquie d'Asie (ports de mer)..	0 35	
	c. Pour la Turquie d'Asie (intérieur) ..	0 55	
	d. Pour les Îles de Metelin, Chio, Samos, et Rhodes .. .. .	0 45	
	e. Pour l'Île de Chypre .. .. .	0 50	
	f. Pour l'Île de Candie .. .. .	0 55	
	2. A partir des frontières de l'Autriche et de la Hongrie, ou de l'Italie (Vallona) :		
	a. Pour la Turquie d'Europe .. .. .	0 20	
	b. Pour la Turquie d'Asie (ports de mer)..	0 40	
	c. Pour la Turquie d'Asie (intérieur) ..	0 60	
	d. Pour les Îles de Metelin, Chio, Samos, et Rhodes .. .. .	0 50	
	e. Pour l'Île de Chypre .. .. .	0 55	
	f. Pour l'Île de Candie .. .. .	0 60	

Désignation des États.	Indication des Correspondances.	Taxes par mot.	Observations.	
Turquie ( <i>swife</i> )	3. A partir de l'Île de Chio ou de la frontière de Tacheemé, des Dardanelles, de Ténédos ou de Salonique :	Frs. cts.		
	a. Pour les ports de mer de la Turquie d'Europe et de la Turquie d'Asie ..		0 15	
	b. Pour les bureaux de l'intérieur de la Turquie d'Europe et de la Turquie d'Asie .. .. .		0 35	
	c. Pour les Îles de Metelin, Samos, et Rhodes .. .. .		0 25	
	d. Pour l'Île de Chypre .. .. .		0 30	
	e. Pour l'Île de Candie .. .. .		0 45	
	4. A partir de la frontière de Rhodes :			
	a. Pour l'Île de Rhodes .. .. .		0 05	
	b. Pour les ports de mer de la Turquie d'Europe et de la Turquie d'Asie ..		0 20	
	c. Pour les bureaux de l'intérieur de la Turquie d'Europe et de la Turquie d'Asie .. .. .		0 40	
	d. Pour les Îles de Metelin, Chio, et Samos		0 30	
	e. Pour l'Île de Chypre .. .. .		0 35	
	f. Pour l'Île de Candie .. .. .		0 25	
	5. A partir de la frontière de Batoum, pour toutes les correspondances échangées hors le cas précédent, avec :			
	a. La Turquie d'Asie, dans un rayon de 375 kilomètres .. .. .		0 15	
	b. La Turquie d'Asie, hors du rayon de 375 kilomètres et la Turquie d'Europe (ports de mer) .. .. .		0 25	
	c. La Turquie d'Europe (intérieur) ..		0 40	
	d. Les Îles de Metelin, Chio, Samos, et Rhodes .. .. .		0 35	
	e. L'Île de Chypre .. .. .		0 40	
	f. L'Île de Candie .. .. .		0 45	
	6. Taxe terminale de l'Île de Candie pour les correspondances arrivant par les câbles de Zante-Candie, Syra-Candie et, pour les correspondances de l'Égypte, Alexandrie-Candie .. .. .		0 10	

### B. Taxes de Transit.

(La taxe de transit est celle qui revient à chaque État pour les correspondances qui traversent son territoire.)

Allemagne.	1. Pour les correspondances échangées entre l'Autriche et la Hongrie, la Roumanie, la Serbie, la Turquie, et la Grèce, d'une part, et la France, l'Espagne (voie de France), et le Portugal (voie d'Espagne et de France), d'autre part ; pour les correspondances échangées entre la Suisse et le Luxembourg ; pour les correspondances échangées entre la
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Désignation des États.	Indication des Correspondances.	Taxes par mot.	Observations.
Allemagne (suite)	France et la Grande-Bretagne, d'une part, et les Pays-Bas, d'autre part; et pour les correspondances échangées entre la Grande-Bretagne et l'Italie .. ..	Frs. cts. 0 04	
	2. Pour les correspondances des pays Européens, de l'Algérie, de la Tunisie, et de la Turquie d'Asie échangées, par la frontière Austro-Allemande, avec les Pays-Bas, la France et la Grande-Bretagne; pour les correspondances échangées entre la Grande-Bretagne et la Suisse .. ..	0 06	
	3. Pour les autres correspondances des pays Européens, de l'Algérie, de la Tunisie, et de la Turquie d'Asie qui franchissent la frontière Austro-Allemande; pour les correspondances échangées entre la Belgique et la Suisse; et pour les correspondances échangées entre l'Italie et les Pays-Bas, par la voie de la Suisse .. ..	0 08	
	4. Pour les correspondances échangées entre les Pays-Bas, la Belgique, la France, l'Espagne, la Grande-Bretagne, le Portugal et Gibraltar, voie de l'Espagne, d'une part, et le Danemark, la Norvège et la Suède, d'autre part .. ..	0 10	
	5. Pour toutes les autres correspondances ..	0 12	
Autriche ..	Pour toutes les correspondances échangées avec la Hongrie .. ..	0 04	
Hongrie ..	Pour toutes les correspondances échangées avec l'Autriche .. ..	0 04	
Autriche et Hongrie	1. Pour les correspondances échangées entre l'Allemagne et l'Italie .. ..	0 04	
	2. Pour les correspondances échangées entre les Pays-Bas et l'Italie, par la voie de l'Allemagne, et pour les correspondances échangées entre la Grande-Bretagne et la Russie .. ..	0 06	
	3. Pour les correspondances échangées, savoir :		
	a. Par la voie de la France et de la Suisse ou de l'Italie, entre la Grande-Bretagne, d'une part, et la Turquie, la Grèce, sauf Corfou, la Roumanie et la Serbie, d'autre part; et entre le Danemark, la Norvège, et la Suède, d'une part, et l'Italie d'autre part .. ..	0 08	
	b. Par les frontières Austro-Allemandes, entre la Grande-Bretagne, d'une part, et la Roumanie et la Serbie, d'autre part; et entre l'Allemagne, la Belgique et les Pays-Bas, d'une part, et la Grèce, sauf Corfou, la Roumanie, la Serbie et la Turquie, d'autre part .. ..	0 08	
	4. Pour les correspondances des pays Européens, sauf les cas spécifiés sous		

Désignation des États.	Indication des Correspondances.	Taxes par mot.	Observations.
		Frs. cts.	
Autriche et Hongrie (suite)	2 et 3, b, et pour celles de l'Algérie, de la Tunisie et de la Turquie d'Asie qui franchissent la frontière Austro-Allemande, ainsi que pour les correspondances échangées entre la France, l'Espagne (voie de France), et le Portugal (voie d'Espagne et de France), d'une part, et la Roumanie, la Serbie, la Turquie, la Grèce, sauf Corfou, et la Russie, d'autre part .. .. .	0 10	
	5. Pour toutes les autres correspondances..	0 12	
Belgique ..	1. Pour les correspondances échangées, par la voie de France et d'Italie, entre les Pays-Bas, d'une part, et Corfou, la Grèce, la Turquie et Malte, d'autre part .. .. .	0 02	
	2. Pour toutes les autres correspondances..	0 04	
Danemark.	Pour les correspondances échangées :		
	1. Entre la frontière Dano-Allemande et—		
	a. La côte de Suède ou le point d'atterrissement du câble Dano-Anglais ..	0 04	} Taxes communes entre le Danemark et la Grande Compagnie des Télégraphes du Nord.
	b. La côte de Norvège .. .. .	0 06	
	c. La côte de Russie .. .. .	0 12	
	d. La côte de France .. .. .	0 14	
	2. Entre la côte de France et—		
	a. La côte de Suède.. .. .	0 10	
	b. La côte de Russie .. .. .	0 12	
	c. La côte de Norvège .. .. .	0 16	
	3. Entre le point d'atterrissement du câble Dano-Anglais et—		
	a. La côte de Suède.. .. .	0 05	
	b. La côte de Russie .. .. .	0 12	} Taxes communes entre le Danemark et la Grande Compagnie des Télégraphes du Nord.
	4. Entre la côte de Norvège et la côte de Russie .. .. .	0 16	
Espagne ..	1. Pour les correspondances échangées entre l'Allemagne et la France, d'une part, et le Portugal d'autre part ..	0 08	
	2. Pour toutes les autres correspondances..	0 10	
	Taxe de la Compagnie Direct Spanish pour le câble de Barcelone à Marseille :		
	Pour toutes les correspondances .. .. .	0 20	
France ..	1. Pour les correspondances échangées :		
	a. Entre la frontière de Belgique et les lignes sous-marines de la Manche ..	0 04	
	b. Entre les points d'atterrissement des câbles de Livourne et de Bonifacio, sans		

Désignation des États.	Indication des Correspondances.	Taxes par mot.	Observations.
France (suite)	emprunter le territoire de la France Continentale .. .. .	Frs. cts. 0 04	
	2. Pour les correspondances échangées, par les voies de la Suisse ou de l'Italie et de l'Autriche et de la Hongrie, entre la Belgique, d'une part, et l'Autriche et la Hongrie, d'autre part; pour les correspondances échangées entre la Belgique et les Pays-Bas, d'une part, et la Grèce, d'autre part, par la voie d'Otrante-Zante; et pour les correspondances échangées, par la voie de Vallons, entre la Belgique et les Pays-Bas, d'une part, et la Turquie et la Grèce, d'autre part .. .. .	0 06	
	3. Pour les correspondances échangées entre la Grande-Bretagne, d'une part, et l'Autriche et la Hongrie, la Roumanie, la Russie et la Serbie, d'autre part ..	0 07	
	4. Pour les correspondances échangées, savoir:		
	a. Entre l'Allemagne et l'Italie, d'une part, l'Espagne et le Portugal, d'autre part .. .. .	0 08	
	b. Par les voies de la Suisse ou de l'Italie et de l'Autriche, entre la Grande-Bretagne, d'une part, et la Turquie et la Grèce, d'autre part, et entre la Belgique, d'une part, et la Roumanie ou la Serbie, d'autre part .. .. .	0 08	
	c. Entre la Belgique et les Pays-Bas, d'une part, et l'Allemagne, l'Italie et la Suisse, d'autre part .. .. .	0 08	
	d. Entre la Grande-Bretagne, d'une part, et, par la voie de Vallons, la Turquie et la Grèce, ou par la voie d'Otrante-Zante, la Grèce, sauf Corfou, et la Turquie, d'autre part .. .. .	0 08	
	5. Pour les correspondances de l'Allemagne, à l'exception de celles qui passent par la frontière d'Espagne, et pour les correspondances échangées entre la Grande-Bretagne, d'une part, et l'Italie et la Suisse, d'autre part.. .. .	0 10	
	6. Pour toutes les autres correspondances..	0 12	Y compris le transit éventuel de la Corse.
	Transit du câble de Marseille à Alger :		
	Pour toutes les correspondances ..	0 12	
	Taxe de la Compagnie Eastern :		
	Entre Marseille et Bône .. .. .	0 12	
Grande - Bretagne et Irlande	La taxe de transit s'obtient en faisant l'addition des chiffres indiqués au tableau des taxes terminales pour le parcours jusqu'à la Grande-Bretagne, d'une part, et le parcours à partir de la Grande-Bretagne, d'autre part.		
	Transit de Gibraltar :		
	Pour les correspondances passant d'un des		

Désignation des États.	Indication des Correspondances.	Taxes par mot.	Observations.
		Frs. cts.	
Grande - Bretagne et Irlande (suite)	câbles qui aboutissent à Gibraltar sur le réseau Espagnol et réciproquement ..	0 04	
	Taxes de la Compagnie Eastern :		
	1. Entre Gibraltar et—		
	a. Vigo .. .. .	0 35	
	b. Carcavellos .. .. .	0 15	
	c. Malte .. .. .	0 57	
	2. Entre Malte et—		
	a. Bône .. .. .	0 15	
	b. Marseille .. .. .	0 29	
	c. Carcavellos .. .. .	0 47	
d. Vigo .. .. .	0 52		
Grèce ..	1. Entre la frontière de Volo et la frontière :		
	a. De Corfou .. .. .	0 20	} Taxes communes entre le Gouvernement Hellénique et la Compagnie des Câbles.
	b. D'Otrante (câble de Zante), de Chio ou Tschesmé .. .. .	0 35	
	c. De Candie .. .. .	0 50	
	2. Entre la frontière de Corfou ou d'Otrante (câble de Zante) et la frontière :		
	a. De Chio ou Tschesmé .. .. .	0 25	
	b. De Candie ou de Rhodes .. .. .	0 50	
3. Entre la frontière de Chio ou Tschesmé et celle de Candie .. .. .	0 60		
Italie ..	1. Pour les correspondances échangées, par les frontières de la France et de l'Autriche, entre la Belgique, d'une part, et l'Autriche et la Hongrie, la Roumanie et la Serbie, d'autre part, et pour les correspondances échangées entre la France, l'Espagne (voie de France) et le Portugal (voie d'Espagne et de France), d'une part, et la Russie, d'autre part .. .. .	0 02	
	2. Pour les correspondances échangées, par les frontières de France et d'Autriche, entre la Grande-Bretagne, d'une part, et l'Autriche et la Hongrie, la Roumanie, la Russie et la Serbie, d'autre part .. .. .	0 03	
	3. Pour les autres correspondances échangées entre les frontières d'Autriche, de France et le Suisse .. .. .	0 04	
	4. Pour les correspondances échangées .. .. .		
	a. Entre les frontières mentionnées sous 3 et la Corse .. .. .	0 05	
	b. Entre Vallona, d'une part, et le point d'atterrissement des câbles d'Otrante-Corfou et d'Otrante-Zante, d'autre part, et entre les points d'atterrissement de ces deux derniers câbles .. .. .	0 05	
5. Pour les correspondances échangées, entre la France, y compris la Corse, d'une part, et l'Algérie et la Tunisie, d'autre part (voie de Malte); pour les correspondances échangées, par la voie de Belgique, de France et de Vallona, entre la Grande-Bretagne et les Pays-			





Désignation des États.	Indication des Correspondances.	Taxe par mot.	Observations.
Roumanie.	Pour toutes les correspondances .. ..	Fr. s. cts.	
Russie ..	1. Pour les correspondances transitant par la Russie d'Europe .. ..	0 04	
	2. Pour les correspondances échangées entre les frontières Européennes et celle de Batoum .. ..	0 20	
	Taxes de la Compagnie Black Sea Telegraph :	0 36	
	1. Pour les correspondances échangées entre la Russie, d'une part, et la Turquie, la Grèce, l'Italie et la Roumanie, d'autre part .. ..	0 05	
	2. Pour toutes les autres correspondances ..	0 30	
Serbie ..	Pour toutes les correspondances .. ..	0 04	
Suède ..	Pour les correspondances échangées savoir :		
	1. Entre la frontière Allemande et la frontière Norvégienne ou Danoise ..	0 06	
	2. Entre la frontière Russe et les autres frontières .. ..	0 10	
Suisse ..	1. Pour les correspondances échangées, par la voie de la France, entre la Belgique, d'une part, et l'Autriche et la Serbie, la Hongrie, la Roumanie et la Serbie, d'autre part ; pour les correspondances échangées entre la France, l'Espagne (voie de France) et le Portugal (voie d'Espagne et de France), d'une part, et la Russie, d'autre part ; et pour les correspondances échangées entre la Grande-Bretagne et l'Italie, par la voie de l'Allemagne .. ..	0 02	Cette taxe est réduite à 8 c. pour les correspondances échangées entre la Russie, d'une part, et la France et la Grande-Bretagne, d'autre part.
	2. Pour les correspondances échangées, par la voie de la France, entre la Grande-Bretagne, d'une part, et l'Autriche et la Hongrie, la Roumanie, la Russie et la Serbie, d'autre part ..	0 03	
	3. Pour toutes les autres correspondances ..	0 04	
Turquie ..	Pour les correspondances transitant :		
	1. Entre les frontières Européennes ..	0 15	
	2. Entre les frontières de Tschesmé ou Chio et de Rhodes, d'une part, et, d'autre part, toutes les frontières Européennes, sauf celle de Constantinople (câble d'Odessa) .. ..	0 40	
	3. Entre la frontière de Tschesmé ou Chio et celle de Constantinople et entre la frontière de Tschesmé ou Chio et celle de Rhodes .. ..	0 20	
	4. Entre la frontière de Constantinople et celle de Rhodes .. ..	0 30	
	5. Entre la frontière de Batoum, d'une part, et d'autre part :		
	a. Les frontières de la Serbie et de Constantinople .. ..	0 55	
	b. Les autres frontières Européennes ..	0 60	
	6. Entre les frontières de la Turquie d'Asie .. ..	0 67½	

## 2. Régime extra-Européen.

Dans le régime extra-Européen la taxe est celle du nombre effectif des mots, sans taxe additionnelle.

## Taxe terminales et de transit par mot.

Désignation des États.	Indication des Correspondances.	Taxes terminales.	Taxes de transit.	Observations
Allemagne ..	Pour toutes les correspondances ..	Fr. cts. 0 22½	Fr. cts. 0 22½	
Autriche et Hon- grie ..	Pour toutes les correspondances ..	0 22½	0 22½	
Belgique ..	Pour toutes les correspondances ..	0 07½	0 07½	
Brazil ..	Taxes terminales :			
	1. A partir de Recife (Pernambuco) :			
	a. Pour la région du Nord ou du Centre..	1 00	..	
	b. Pour la région du Sud ..	2 00	..	
	2. A partir de Belém (Para) :			
	a. Pour la région du Nord..	1 00	..	
	b. Pour la région du Centre ..	2 00	..	
	c. Pour la région du Sud ..	3 00	..	
	Taxes de transit :			
	Entre Jaguarao ou Uruguayana et—			
	a. Un point frontière de la région du Sud ..	..	1 00	
	b. Un point frontière de la région du Centre ..	..	2 00	
	c. Un point frontière de la région du Nord ..	..	3 00	
Danemark ..	1. Pour les correspondances qui n'empruntent que les lignes de l'État ..	0 07½	0 07½	
	2. Pour les correspondances transmises par les câbles de la Grande Compagnie des Télégraphes du Nord, sauf les câbles avec l'Angleterre (voir Grande-Bretagne ci-dessous), mais y compris les lignes de l'État ..	0 22½	0 22½	

Désignation des États.	Indication des Correspondances.	Taxe terminales. Frs. cts.	Taxe de transit. Frs. cts.	Observations.
Égypte ..	<p>Pour toutes les correspondances échangées avec :</p> <p>1. La 1<sup>re</sup> région .. .. .</p> <p>2. La 2<sup>e</sup> région .. .. .</p> <p>Taxes de la Compagnie Eastern. N.B. Les taxes suivantes indiquées comme taxes terminales sont les taxes d'Alexandrie. Pour les autres bureaux Égyptiens, ce sont les taxes de transit qui sont applicables et auxquelles s'ajoute la taxe terminale de 25 centimes de l'Égypte ci-dessus indiquée, laquelle appartient à la Compagnie pour les correspondances avec le Caire et Suez. Entre la côte d'Égypte (Alexandrie) et—</p>	<p>0 25</p> <p>0 50</p>	<p>0 25</p> <p>..</p>	
1. Malte :		1 30	..	} Y compris la taxe terminale de Malte appartenant à la Compagnie Eastern.
a. Pour les correspondances échangées avec Malte ..		1 00	1 00	} Y compris le transit Ottoman de Candie et le transit Grec.
2. Otrante .. .. .		1 22½	1 22½	} Y compris le transit Ottoman de Candie et la taxe terminale ou de transit de la Grèce.
3. Grèce .. .. .		1 22½	1 22½	} Y compris le transit de Candie, qui est gratuit pour les correspondances Ottomanes.
4. Candie .. .. .		0 80	0 80	} La taxe de transit est réduite, par la voie de Bilbao, à 14½ c., pour les correspondances de la Grande-Bretagne ou transitant par la Grande-Bretagne avec le câble Brésilien.
5. Rhodes .. .. .		1 05	1 05	
Espagne .. .. .	Pour toutes les correspondances .. .. .	0 18½	0 18½	

Désignation des Etats.	Indication des Correspondances.	Taxes terminales.	Taxes de transit.	Observations.
		Fr. cts.	Fr. cts.	
Espagne ( <i>suite</i> ) ..	Taxe de la Compagnie Direct Spanish Telegraph : Pour le câble de Barcelone à Marseille .. ..	..	0 30	
France (y compris l'Algérie et la Tunisie)	Pour toutes les correspondances .. .. Transit du câble de Marseille-Alger : Pour toutes les correspondances .. ..	0 22½	0 22½	
France (Cochin-Chine)	Taxes de la Compagnie du Câble de Coutances à Jersey : Pour toutes les correspondances .. ..	..	0 22½	
Grande-Bretagne et Irlande	Taxe de la Compagnie Eastern : Entre Marseille et Bône (Algérie) .. .. Pour toutes les correspondances .. ..	0 15	0 22½ 0 15	
	<b>Pour toutes les correspondances échangées par les voies suivantes :</b>	..	..	La taxe de transit s'obtient en faisant l'addition des taxes terminales de la manière indiquée pour le régime Européen. Cette taxe est élevée de 5 c. pour la correspondance avec les Indes et au-delà.
1. Allemagne	.. ..	0 30	..	
2. Belgique ..	.. ..	0 22½	..	
3. Danemark ..	.. ..	0 30	..	
4. Espagne ..	.. ..	0 56½	..	Cette taxe est réduite à 44 c. pour les correspondances échangées avec le câble Escribân, par la voie de Bilbao.
5. France ..	.. ..	0 22½	..	
6. Gibraltar	.. ..	0 90	..	Y compris la taxe terminale de Gibraltar appartenant à la Compagnie Eastern.

Désignation des États.	Indication des Correspondances.	Taxes terminales. Fr. cts.	Taxes de transit. Fr. cts.	Observations.
Grande-Bretagne et Irlande (suite)				
7. Malte ..	.. ..	0 90	Fr. cts.	Y compris la taxe terminale de Malte appartenant à la Compagnie Eastern. Cette taxe est réglée à 48½ c. pour les correspondances de l'Espagne.
8. Norvège ..	.. ..	0 26½	..	
9. Pays-Bas ..	.. ..	0 30	..	
10. Portugal ..	.. ..	0 60	..	
N.B. Les taxes ci-dessus indiquées sous les numéros 1 à 10 sont communes avec les Compagnies des Câbles Sous-marins.				
Taxes de Gibraltar:				
Pour toutes les correspondances empruntant les lignes Espagnoles..	.. ..	0 07½	0 07½	
Taxe de la Compagnie de Heligoland:		0 20	..	
Pour toutes les correspondances ..	.. ..	0 20	..	
Taxes de la Compagnie Eastern:				
1. Entre Gibraltar et—				
a. Carcavellos ..	.. ..	0 22½	0 22½	La taxe de transit est réglée à 60 c. pour les correspondances de l'Espagne avec les Indes et au-delà.
b. Vigo ..	.. ..	0 50	0 50	
c. Malte ..	.. ..	0 82½	0 82½	
2. Entre Malte et—		0 70	0 70	
a. Carcavellos ..	.. ..	0 70	0 70	La taxe de transit est réglée à 62½ c. pour les correspondances de l'Espagne, sauf avec les Indes et au-delà, où elle est réglée à 60 c.
b. Vigo ..	.. ..	0 70	0 70	La taxe de transit est réglée à 67½ c. pour les correspondances de l'Espagne avec les Indes et au-delà.
c. Marseille ..	.. ..	0 45	0 45	
d. Bône ..	.. ..	0 22½	0 22½	

Désignation des États.	Indication des Correspondances.	Taxes terminales.	Taxes de transit.		Observations.
			Pour les correspondances des Indes.	Pour les correspondances des pays au-delà des Indes.	
Grande-Bretagne (Indes Britanniques)	A. Taxes des câbles du Golfe Persique :	Fr. cts.	Fr. cts.	Fr. cts.	La taxe de 45 c. s'applique également à toutes les autres correspondances, pour le transit de Fao à Bushire.
	1. De Fao à Bushire .. .. .	0 45	0 30	0 80	
	2. De Fao aux autres bureaux du Golfe Persique	2 10	1 39	1 39	
	3. Entre Bushire et les autres bureaux du Golfe Persique .. .. .	1 65	1 09	1 09	
	B. Taxes des Indes proprement dites :				
	Taxes terminales :		Taxes terminales.	Taxes de transit.	
	1. A partir des frontières de Bombay ou de Kurrachee :		Fr. cts.	Fr. cts.	
	1. Pour les correspondances échangées entre les offices contractants ou adhérents et les Indes :				
	a. O. de Chittagong .. .. .	0 65	0 65	..	
	b. E. de Chittagong et Ile de Ceylan .. .. .	0 90	0 90	..	
	c. Birmanie .. .. .	1 10	1 10	..	
	2. Pour les correspondances échangées avec les offices non-contractants ou non-adhérents, d'une part, et d'autre part, les Indes :				
	a. O. de Chittagong .. .. .	1 00	1 00	..	
	b. E. de Chittagong et Ile de Ceylan .. .. .	1 25	1 25	..	
	c. Birmanie .. .. .	1 45	1 45	..	

Taxe commune avec la Birmanie.

Taxe commune avec la Birmanie.

Désignation des États.	Indication des Correspondances.	Taxes terminales. Fr. cts.	Taxes de transit. Fr. cts.	Observations.
Grande - Bretagne (Indes Britanniques) — <i>suite</i>	<p>II. A partir de la frontière de Madras :            Pour toutes les correspondances avec les Indes :            a. O. de Chittagong .. .. .            b. E. de Chittagong .. .. .            c. Birmanie .. .. .</p> <p>III. A partir de la frontière de Rangoon :            Pour toutes les correspondances avec les Indes :            a. E. de Chittagong .. .. .            b. O. de Chittagong .. .. .            c. Ile de Ceylan .. .. .            d. Birmanie .. .. .</p> <p>IV. A partir des frontières de Bombay et Kurrachee par la voie de Madras-Penang-Rangoon :            Pour toutes les correspondances avec les Indes :            a. E. de Chittagong .. .. .            b. Birmanie .. .. .</p> <p>N.B. Le port de la Birmanie dans les taxes ci-dessus indiquées est de 20 c.</p> <p>Taxe de transit :            Entre toutes les frontières et pour toutes les correspondances ..</p> <p>Taxes de la Compagnie Eastern :            I. Entre Aden et—            a. L'Égypte :            1. Pour les correspondances de l'Égypte .. .. .            2. Pour les correspondances des autres pays par la frontière d'El-Arich ou par toute autre nouvelle voie qui viendrait à se produire ultérieurement .. .. .            b. Candie .. .. .</p>	<p>0 80 1 05 1 25</p> <p>0 80 1 05 1 30 1 00</p> <p>1 35 1 55</p> <p>..</p> <p>3 25</p> <p>3 50 3 50</p>	<p>.. .. ..</p> <p>.. .. ..</p> <p>.. ..</p> <p>0 75</p> <p>..</p> <p>..</p>	<p>Taxe commune avec la Birmanie.</p> <p>Taxe commune avec la Birmanie.</p> <p>Taxe commune avec la Birmanie.</p> <p>Taxe commune avec le Gouvernement Égyptien, sauf pour Alexandrie, le Caire et Suez.</p> <p>Taxe exclusive de la Compagnie. Y compris le transit Égyptien.</p>



Désignation des États.	Indication des Correspondances.	Taxes terminales.	Taxes de transit.	Observations.
Grande - Bretagne (Indes Britanniques)— <i>suive</i>	c. Rhodes .. .. .	Fr. cts. 3 75	Fr. cts. ..	Y compris le transit Égyptien et celui de Candie, qui est gratuit pour les correspondances Ottomanes.
	d. Grèce .. .. .	3 85½	}	
	e. Otrante .. .. .	3 85½	}	Y compris le transit Égyptien, le transit Ottoman de Candie et le transit Grec.
	f. Malte :	3 90	}	
	1. Pour les correspondances échangées avec Malte	3 60	}	Y compris le transit Égyptien.
	2. Pour toutes les autres correspondances .. .. .	..	}	
	II. Entre la côte des Indes et—	Taxes terminales.	Taxes de transit.	
	a. Adén .. .. .			
	b. L'Égypte :	2 85	Fr. cts.	..
	1. Pour les correspondances avec l'Égypte .. .. .	4 35	4 35	4 35
	2. Pour les correspondances transitant par Égypte, vers <i>et</i> Arabie, <i>de</i> par <i>voies</i> nouvelle voie qui viendrait à se produire .. .. .	..	4 60	4 60
	c. Candie .. .. .	..	4 80	3 35

Désignation des États.	Indication des Correspondances.	Taxes terminales. Fr. cts.	Taxes de transit.		Observations.
			Pour les correspondances des Indes. Fr. cts.	Pour les correspondances des pays au-delà des Indes. Fr. cts.	
Grande - Bretagne (Indes Britanniques) — suite	d. Rhodes .. .. .	Fr. ..	4 95	3 50	Y compris le transit Égyptien et le transit de Candie, qui est gratuit pour les correspondances Ottomanes.
	e. Grèce et Îles Grecques .. .. .	..	4 95	3 50	
	f. Otrante :	..			Y compris le transit Égyptien, le transit Ottoman de Candie et le transit Grec.
	1. Algérie et Tunisie, Danemark, Îles de la Grèce et Pays-Bas .. .. .	..	4 35	2 90	
	2. Allemagne et Belgique .. .. .	..	4 42½	2 97½	
	3. Autriche et Hongrie, France et Malte .. .. .	..	4 50	3 05	
	4. Espagne .. .. .	..	4 31½	2 86½	
	5. Italie .. .. .	..	4 72½	3 37½	
	6. Grande-Bretagne .. .. .	..	4 27½	2 82½	
	7. Luxembourg .. .. .	..	4 45	3 00	
	8. Norvège .. .. .	..	4 16½	2 71½	
	9. Portugal, Suède, et Gibraltar .. .. .	..	4 23½	2 78½	
	10. Roumanie, Serbie, et Grèce .. .. .	..	4 55	3 10	
	11. Russie d'Europe .. .. .	..	4 17½	2 72½	
	12. Russie du Caucase .. .. .	..	3 87½	2 42½	
	13. Russie d'Asie (1 <sup>re</sup> et 2 <sup>e</sup> région) .. .. .	..	4 17½	2 72½	
	14. Suisse .. .. .	..	4 65	3 20	
	15. Turquie d'Europe et d'Asie et Archipel .. .. .	..	4 62½	3 17½	

Désignation des États.	Indication des Correspondances.	Taxes terminales.	Taxes de transit.		Observations.
			Pour les correspondances des Indes.	Pour les correspondances des pays au-delà des Indes.	
		Fr. cts.	Fr. cts.	Fr. cts.	
Grande - Bretagne (Indes Britanniques) — suite	7. Malte : Pour les correspondances avec les pays suivants : 1. Algérie, Tunisie, Danemark, et Pays-Bas .. 2. Allemagne, Belgique, Roumanie, et Serbie .. 3. Autriche et Hongrie et France .. .. 4. Espagne .. .. 5. Grande-Bretagne .. .. 6. Italie .. .. 7. Luxembourg, Grèce, et les Iles Grecques .. 8. Malte : avec les Indes mêmes .. .. 9. Norvège .. .. 10. Portugal, Suède, et Gibraltar .. .. 11. Russie d'Europe .. .. 12. Russie du Caucase .. .. 13. Russie d'Asie (1 <sup>re</sup> et 2 <sup>e</sup> régions) .. .. 14. Suisse .. .. 15. Turquie d'Europe et d'Asie et Archipel ..	.. .. .. .. .. .. 4 96 3 50 .. .. .. .. .. .. .. .. .. ..	4 12½ 4 20 4 27½ 4 08½ 4 06 4 50 4 23½ .. .. 3 93½ 4 01½ 3 90 3 60 3 90 4 42½ 4 25	2 67½ 2 75 2 82½ 2 63½ 2 60 3 05 3 77½ .. .. 2 48½ 2 56½ 2 45 2 15 2 45 2 97½ 2 80	
Grèce .. ..	1. Pour toutes les correspondances qui n'empruntent que les lignes Continentales .. ..	..	0 07½	0 07½	

Désignation des États.	Indication des Correspondances.	Taxes terminales.		Taxes de transit.		Observations.
		Fr. cts.	Fr. cts.	Fr. cts.	Fr. cts.	
Grèce ( <i>swite</i> ) ..	2. Pour les correspondances qui empruntent les câbles Grecs et pour toutes les Iles de l'Archipel, y compris la taxe de la Grèce .. .. .	0 27½	0 27½	0 27½	0 27½	
Italie ..	1. Entre Vallona, d'une part, et les points d'atterrissement d'Otrante-Corfoù et d'Otrante-Zante, d'autre part, et entre les points d'atterrissement de ces deux câbles.. .. .	" "	0 22½	0 07½	0 22½	
Luxembourg ..	2. Pour toutes les autres correspondances .. .. .	0 22½	0 22½	0 22½	0 22½	
Norvège ..	Taxes de la Compagnie Méditerranéenne Extension: .. .. .	0 05	0 05	0 05	0 05	
Pays-Bas ..	Entre Corfu et Otrante .. .. .	0 11½	0 11½	0 11½	0 11½	
Pays-Bas (Indes Néerlandaises) ..	Entre Modica et Malte .. .. .	0 07½	0 07½	0 07½	0 07½	
Perse ..	Pour toutes les correspondances .. .. .	0 15	0 15	0 25	0 25	La taxe de transit sera réduite à 15 c. après la pose du câble Singapore - Ban-joewangie-Port Darwin.
	Taxes terminales :					
	1. Pour les correspondances échangées avec les Indes et les pays au-delà .. .. .	1 55	1 55	..	..	
	2. Pour toutes les autres .. .. .	0 60	0 60	..	..	
	Taxes de transit :					
	1. Entre les frontières de Russie et de Turquie .. .. .	..	..	1 00	1 00	
	2. Entre les autres frontières pour les correspondances :					
	a. Des Indes .. .. .	..	..	1 07	1 07	
	b. Des pays au-delà des Indes .. .. .	..	..	0 70½	0 70½	
Portugal ..	1. Pour toutes les correspondances échangées avec le Portugal par le câble Brésilien qui ne sont pas en provenance ou à destination des Possessions Portugaises .. .. .	0 15	0 15	..	..	

Désignation des États.	Indication des Correspondances.	Taxes terminales.	Taxes de transit.	Observations.
		Fr. cts.	Fr. cts.	
Portugal (suite) ..	2. Pour toutes les correspondances passant d'un câble de la Compagnie Eastern au câble Brésilien, ou réciproquement ..	..	0 07½	Le taxe de transit est réduite, par la voie de Bilbao, à 9 c., pour les correspondances de la Grande-Bretagne ou transitant par la Grande-Bretagne avec le câble Brésilien.
	3. Pour toutes les autres correspondances ..	0 07½	0 11½	
Roumanie ..	Taxes spéciales pour les Iles de—	0 07½	..	
Russie ..	a. Madère ..	0 07½	0 12½	Ces taxes s'ajoutent aux taxes de la Compagnie Brazilian Submarine.
	b. St. Vincent ..	0 07½	0 30	
	Taxes de la Compagnie Eastern : Entre Caravellos et Vigo ..	0 07½	0 07½	
	Pour toutes les correspondances ..	0 30	0 07½	
	Taxes terminales :			
	1. Pour les correspondances échangées à partir des frontières Européennes avec :			
	a. La Russie d'Europe ..	0 37½	..	
	b. La Russie du Caucase ..	0 67½	..	
	c. La Russie d'Asie, à l'ouest du Méridien de Werthe-Oudinsk ..	1 50	..	
	d. La Russie d'Asie, à l'est du Méridien de Werthe-Oudinsk ..	2 62½	..	
	2. A partir des frontières de la Perse ou de la Turquie d'Asie, pour les correspondances échangées entre les Indes et les pays au-delà des Indes, d'une part, et d'autre part :			
	a. La Russie d'Europe, y inclus le Caucase ..	1 73	..	
	b. La Russie d'Asie (1 <sup>re</sup> et 2 <sup>e</sup> régions) ..	2 73	..	
	3. A partir des mêmes frontières pour toutes les autres correspondances échangées avec :			
	a. La Russie du Caucase ..	0 30	..	
	b. La Russie d'Europe ..	0 67½	..	
	c. La Russie d'Asie (1 <sup>re</sup> région) ..	1 80	..	
	d. La Russie d'Asie (2 <sup>e</sup> région) ..	3 00	..	



Désignation des États.	Indication des Correspondances.	Taxes terminales.		Taxes de Transit.		Observations.
		Fr. cts.	Fr. cts.	Fr. cts.	Fr. cts.	
Turquie (suite) ..	2. A partir des frontières de la Turquie d'Asie sauf les cas prévus sous le No. 3 :					
	a. Pour la Turquie d'Asie (1 <sup>re</sup> région) ..	0 50	..	..	..	
	b. Pour la Turquie d'Asie (2 <sup>e</sup> région) ..	0 75	..	..	..	
	c. Pour la Turquie d'Europe et l'Archipel de la Turquie d'Asie ..	1 00	..	..	..	
	3. A partir de la frontière de Rhodes pour les correspondances de l'île de Rhodes ..	0 15	..	..	..	
	Taxes de transit :					
	1. Entre les frontières Européennes ..	..	..	0 25	..	
	2. Entre les frontières de la Turquie d'Asie ..	..	..	0 75	..	
	3. Entre les frontières de la Turquie d'Europe et celles de la Turquie d'Asie :					
	a. Pour les correspondances des Indes ..	..	..	1 52½	..	
	b. Pour les correspondances des pays au-delà des Indes ..	..	..	1 03½	..	
	c. Pour toutes les autres ..	..	..	1 00	..	
	Taxes de l'île de Candie ..	0 15	..	0 07½	..	

*Taxe uniforme pour la correspondance entre l'Europe et les Indes.*

Les taxes des correspondances entre l'Europe (la Turquie et la Russie exceptées) et les Indes sont fixées uniformément aux chiffres ci-après.

	Ouest de Chittagong.		Est de Chittagong.	
	Fr.	cts.	Fr.	cts.
a. Par la voie de Turquie ..	5	10	6	35
b. Par la voie de Russie ..	5	60	5	85

Ces taxes sont réparties comme suit :

	Voie de Turquie ;		Voie de Russie :		
	Pour les corre- spondances avec		Pour les corre- spondances avec		
	les Indes.	les pays au-delà des Indes.	les Indes.	les pays au-delà des Indes.	
	Frs. cts.	Frs. cts.	Frs. cts.	Frs. cts.	
Europe .. ..	0 82½	0 82½	Europe .. ..	0 52½	0 52½
Turquie .. ..	1 52½	1 03½	Russie .. ..	1 70½	1 18
Golfe Persique ..	2 10	1 39	Perse .. ..	1 07	0 70½
Indes .. ..	0 65	0 75	Golfe Persique ..	1 65	1 09
			Indes .. ..	0 65	0 75
	5 10	4 00		5 60	4 25

Dans les décomptes avec les offices limitrophes, les États Européens prélèvent ou reçoivent exactement les taxes qui leur sont attribuées par le Tableau 2, Régime extra-Européen. La différence en plus ou en moins qui existerait entre la somme affectée à cette répartition et le chiffre indiqué ci-dessus comme formant la taxe générale de l'Europe est mise au compte des offices extra-Européens.

Ainsi arrêté à Londres, le 28 Juillet, 1879, par les Délégués soussignés, conformément aux Articles XV et XVI de la Convention de St. Pétersbourg, pour entrer en vigueur le 1<sup>er</sup> Avril, 1880.

**AGREEMENT** *between the British and Austro-Hungarian Governments for the Mutual Relief of Distressed Seamen. Signed at London, November 26, 1880.\**

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, being desirous to make arrangements for the relief of distressed seamen of the two nations in certain cases, the Undersigned, duly authorized to that effect, have agreed as follows :—

If a seaman of one of the Contracting States, after serving on board a ship of the other Contracting State, remains behind in a third State or in its Colonies, or in the Colonies of that State whose flag the ship carries, and the said seaman is in a helpless condition in consequence of shipwreck or from other

\* Signed also in the German and Hungarian languages.



causes, then the Government of that State whose flag the ship bears shall be bound to support the said seaman until he enters into ship-service again, or finds other employment, or until he arrives in his native State or its Colonies, or dies.

But this is on condition that the seaman so situated shall avail himself of the first opportunity that offers to prove his necessitous condition and the causes thereof to the proper officials of the State whose support is to be solicited, and that the destitution is shown to be the natural consequence of the termination of his service on board the ship, otherwise the aforesaid liability to afford relief lapses.

The said liability is also excluded if the seaman has deserted, or has been turned out of the ship for any criminal act, or has left it on account of disability for service in consequence of illness or wounding resulting from his own fault.

The relief includes maintenance, clothing, medical attendance, medicine, and travelling expenses; in case of death the funeral expenses are also to be paid.

The present Agreement, after being consented to by the Austrian and Hungarian Legislative Bodies, and approved by His Imperial and Apostolic Majesty, shall come into operation in the United Kingdom of Great Britain and Ireland, and in Austria-Hungary on the same day,\* and shall continue in force until one of the Contracting Parties shall announce to the other, one year in advance, its intention to terminate it.

In witness whereof the Undersigned have signed the present Agreement, and have affixed thereto their seals.

Done at London, the 26th day of November, 1880.

(L.S.) GRANVILLE.

(L.S.) HENGELMÜLLER.

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## BELGIUM.

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AGREEMENT *between the Governments of Great Britain and Belgium respecting Telegraphic Correspondence exchanged between the two Countries. (Word Tariff.) Signed at Brussels, March 19, 1880.†*

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of

\* The Agreement will come into operation on the 1st of July, 1882.

† Signed also in the French language.

His Majesty the King of the Belgians, being desirous of assuring to telegraph correspondence exchanged between the two countries the advantage of a reduced Tariff with a graduated rate per word, the Undersigned, duly authorized to that effect, have, in virtue of Article XVII of the International Telegraphic Convention of St. Petersburg,\* agreed to the following provisions:—

ART. 1. The charge for telegrams exchanged between the United Kingdom of Great Britain and Ireland and Belgium is fixed uniformly and by word:

In Great Britain at 2*d.*;

In Belgium at 20 centimes.

2. The Belgian Administration has the right of applying to the correspondence from Belgium to the United Kingdom a lower rate per word than the charge fixed above on condition of completing the payment by means of a fixed rate per telegram, so as to attain for 15 words the equivalent, within the limit of 5 centimes, to the rate applied without a constant.

3. Each Administration keeps the entire sum which it has collected, including the charges for reply paid messages and other accessory charges, subject to the following payments:—

Great Britain credits Belgium with 6 centimes per word in respect of telegrams originating in Great Britain.

Belgium credits Great Britain with 14 centimes per word in respect of telegrams originating in Belgium.

These payments may be regulated by mutual agreement on the basis of an average payment per telegram.

The charges and payments to be made to Great Britain include the portions thereof attributable to the Submarine Telegraph Company by virtue of the Agreement between the Government of Great Britain and that Company, whose consent to this Agreement it declares obtained.

4. In case of interruption of the direct communication between Great Britain and Belgium, the correspondence exchanged between the two countries will be exchanged by way of France without alteration of the Tariff, the transit charge of 3 centimes per word being borne by the British Administration.

In case of interruption between Great Britain and France, the Belgian route is utilized under the same conditions.

In case of interruption between Belgium and France, the correspondence may be exchanged viâ Great Britain, a transit rate of 10 centimes per word being collected from the sender.

The provisions of the present Article are agreed to subject to the adhesion thereto of the French Government.

5. The Regulations of the International Telegraph Conven-

\* July 13, 1875. See Vol. 14. Page 107.

tion for the time being in force, and of the Service Regulations thereto annexed are declared applicable to the direct relation between Great Britain and Belgium in all that is not regulated by the present Agreement.

6. The present Agreement shall come into force on the 1st April, 1880, and shall have the same duration as the General Service Regulations and Tariffs revised at the London Conference. Nevertheless, it can be modified by common agreement before that time.

In witness whereof the Undersigned have signed the present Agreement and have affixed thereto the seal of their arms.

Done at Brussels in duplicate, the 19th day of March, 1880.

(L.S.) JOHN SAVILE LUMLEY.

(L.S.) FRÈRE-ORBAN.

*AGREEMENT between the British and Belgian Governments in respect of Anglo-Dutch Telegrams transmitted over Belgium. (Word-Tariff.) Signed at London, May 27, 1880.\**

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the King of the Belgians, being desirous of facilitating the application of a word-tariff for telegraphic correspondence exchanged by way of Belgium between the United Kingdom of Great Britain and Ireland and the Netherlands during any interruptions of communication by the direct cables, the Undersigned, authorized for this purpose, have agreed to the following provisions:—

Telegrams exchanged between the United Kingdom of Great Britain and Ireland and the Netherlands during any interruption, as aforesaid, when passing by the telegraphic lines of Belgium, shall be subject to a transit charge of 5 centimes per word, to be placed to the credit of the latter country.

The several Administrations shall regulate, by mutual agreement, the manner of accounting for the aforesaid correspondence.

The present arrangement shall take effect from the 1st of April, 1880, and shall continue in force to the 31st of December, 1896, subject to its denunciation, notice of which must be given by one of the High Contracting Parties a year in advance.

In witness whereof the Undersigned have signed the

\* Signed also in the French language.

present Agreement, and have affixed thereto the seal of their arms.

Done in duplicate at London, the 27th day of May, 1880.

(L.S.) GRANVILLE.  
(L.S.) SOLVYNS.

*AGREEMENT between the Governments of Great Britain and Belgium for increasing the Limits of Weight and the Dimensions of Packets of Patterns of Merchandize exchanged through the Post between the two Countries. Signed at London, May 27, 1880.\**

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the King of the Belgians, being desirous of facilitating the postal relations between the two countries, and in exercise of the power given to them under Article XV of the Convention of the Universal Postal Union concluded in Paris on the 1st of June, 1878; †

Have agreed as follows:—

The limits of weight and the dimensions of packets of patterns of merchandize exchanged through the post between the United Kingdom of Great Britain and Ireland on the one part, and the Kingdom of Belgium on the other part, may be increased by the Postal Administration of the country of origin beyond those which have been fixed by Article V of the International Convention of the 1st of June, 1878, under the express reservation that such limits shall not exceed the following:

In weight 350 grammes; in dimensions, 30 centim. length, 20 centim. breadth, 10 centim. depth.

The present Agreement shall take effect on the 1st June, 1880.

In witness whereof the Undersigned, duly authorized for that purpose, have signed the present Agreement, and have affixed thereto the seal of their arms.

Done in duplicate at London, on the 27th day of May, 1880.

(L.S.) GRANVILLE.  
(L.S.) SOLVYNS.

LOI contenant des dispositions pénales contre la Fabrication, la Vente, l'Embarquement, l'Emploi d'Engins servant à couper ou détruire, en Mer, les Filets de Pêche. Bruxelles, le 27 Mars, 1882.

LÉOPOLD II, Roi des Belges,

A tous présents et à venir, salut.

Les Chambres ont adopté et nous sanctionnons ce qui suit :—

“ ART. 1. Quiconque aura fabriqué, vendu, exposé en vente, embarqué ou fait embarquer des engins servant exclusivement à couper ou détruire, en mer, des filets de pêche, sera condamné à un emprisonnement de huit jours à un mois et à une amende de 26 francs à 100 francs.

“ Les engins seront confisqués.

“ 2. Les mêmes peines seront prononcées contre ceux qui auront fait usage de ces engins.

“ Si la destruction ou la dégradation des filets en est résultée, l'emprisonnement sera de 15 jours à deux mois et l'amende de 50 francs à 200 francs.

“ 3. L'emprisonnement et l'amende comminés pour les faits d'embarquement ou d'usage seront portés au double lorsque ces faits auront eu lieu pendant la nuit.

“ 4. Indépendamment des officiers de police judiciaire chargés de la recherche et de la constatation des délits de droit commun, les commissaires maritimes et leurs agents, ainsi que les employés de la Douane, rechercheront et constateront les infractions par des procès-verbaux faisant foi jusqu'à preuve contraire.

“ 5. Ces officiers et agents auront le droit de visiter en tout temps les bateaux de pêche et de saisir les engins prohibés.

“ Les pêcheurs qui ne consentiront pas à la visite ou à la saisie seront punis d'une amende de 26 francs à 200 francs.

“ 6. En cas de récidive des infractions prévues par les Articles précédents, les peines de l'emprisonnement et de l'amende pourront être doublées.

“ Il y a récidive lorsque le délinquant a été condamné, dans les deux années qui précèdent, du chef de l'une des infractions à la présente Loi.”

Promulguons la présente Loi, ordonnons qu'elle soit revêtue du sceau de l'État et publiée par la voie du “Moniteur.”

Donné à Bruxelles, le 27 Mars, 1882.

(L.S.) LÉOPOLD.

Par le Roi :

JULES BARA, *le Ministre de la Justice.*

Scellé du sceau de l'État :

JULES BARA, *le Ministre de la Justice.*

DECLARATION *additional to the Articles signed on the 23<sup>rd</sup> of September, 1871, as Additional Articles to the Convention of the 31st of May, 1869, for the Exchange of Money Orders between the United Kingdom of Great Britain and Ireland and the Kingdom of Belgium.* London, 31st November, 1882.\*  
Brussels, 27th

### DECLARATION.

THE Undersigned have agreed to substitute the following Regulations for the Articles signed on the 23<sup>rd</sup> of September, 1871,† as Additional Articles to the Convention of the 31st of May, 1869,‡ for the exchange of Money Orders between the United Kingdom of Great Britain and Ireland and Belgium:—

ART. I. The maximum for Money Orders exchanged between the United Kingdom of Great Britain and Ireland and Belgium, under the Convention of the 31st of May, 1869, is fixed at 10*l.* sterling for each order issued in the United Kingdom of Great Britain and Ireland, and at the equivalent of that sum in Belgian currency, at the rate of exchange to be decided under Article 4 of this Agreement, for each order issued in Belgium.

II. There shall be charged for each remittance of money a commission, which shall be determined by the Administration of the country of origin, and which shall be chargeable to the remitter of the money. The whole of the commission thus charged shall belong to the Administration which issues the orders; but that Administration shall account to the Administration which pays them for a rate of one-half of one per cent. ( $\frac{1}{2}$  %) on the total amount of the orders paid.

III. The orders issued on either side, and the receipts given on those orders, shall not be subject, on any ground or pretext whatsoever, to any tax or duty chargeable to the person to whom the money is remitted.

IV. Each Administration shall fix, according to its own convenience, the rate of conversion applicable to money paid in for money orders on condition of notifying that rate to the other Administration.

V. The two Administrations shall draw up accounts, on which shall be entered in detail all the sums paid by their respective officers; and, after these accounts have been checked and accepted, the balance shall be paid, unless arrangement be made to the contrary, in the metallic currency of the country to which the balance is due by the Administration which shall be found to be indebted to the other.

For this purpose the smaller credit shall be converted into the same currency as the larger credit, taking as the basis for

\* Signed also in the French language.

† See Vol. 13. Page 1264.

‡ See Vol. 13. Page 132.

the conversion the average rate of exchange of 25 francs 20 centimes to the pound sterling.

VI. The above modifications shall come into force on the 1st day of January, 1883.

Done in duplicate, and signed at London on the 21st day of November, and at Brussels on the 27th day of November, 1882.

(L.S.) HENRY FAWCETT, *Postmaster-General of the United Kingdom of Great Britain and Ireland.*

(L.S.) X. OLIN, *le Ministre des Travaux Publics de Belgique.*

## BORNEO.

CHARTER granted to the *British North Borneo Company*.  
Westminster, November 1, 1881.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith :

To all to whom these presents shall come, greeting.

Whereas an humble Petition has been presented to us in our Council by Alfred Dent, of 11, Old Broad Street, in the City of London, merchant; the British North Borneo Provisional Association Limited; Sir Rutherford Alcock, of 14, Great Queen Street, in the City of Westminster, Knight Commander of our Most Honourable Order of the Bath; Richard Biddulph Martin, of 68, Lombard Street, in the City of London, banker, a Member of the Commons House of Parliament; Richard Charles Mayne, Companion of our Most Honourable Order of the Bath, a Rear-Admiral in our Navy; and William Henry Macleod Read, of 25, Durham Terrace, in the County of Middlesex, merchant :

And whereas the said Petition states (among other things) to the effect that on the 29th day of December, 1877, the Sultan of Brunei, in the Island of Borneo, made and issued to the Petitioner, Alfred Dent, and another, or one of them, three several grants of territories, lands, and islands therein mentioned, and a commission :

And whereas the said Petition further states that by the first of the grants aforesaid the Sultan of Brunei granted to the grantees conjointly, their heirs, associates, successors, or assigns, all the territory and land belonging to the Sultan on the West Coast of Borneo comprising Gaya Bay from Gaya Head to Loutut

Point, including Sapangar Bay, and Gaya Bay, and Sapangar Island, and Gaya Island, and all the other islands within the limits of the harbour and within three marine leagues of the coast, likewise the province and territory of Pappar adjoining the province of Benoni, and belonging to the Sultan as his private property; and in consideration of that grant the grantees promised to pay severally and conjointly to the Sultan, his heirs or successors, the sum of 4,000 dollars per annum; and by that grant the said territories were from the date thereof declared vested in the grantees, their heirs, associates, successors, or assigns, for so long as they shall choose and desire to hold them; provided, however, that the Sultan should have the right to resume the control and government of the said territories if the above-mentioned annual compensation should not have been paid for three successive years:

And whereas the said Petition further states that by the second of the grants aforesaid the Sultan of Brunei granted to the grantees conjointly, their heirs, associates, successors, or assigns, all the territories belonging to the Sultan from the Sulaman River on the north-west coast of Borneo unto the River Paitan on the north-east coast of the island, containing 21 States, together with the Island of Banguay and all the other islands within three marine leagues of the coast, for their own exclusive uses and purposes; and in consideration of that grant the grantees promise to pay severally and conjointly to the Sultan, his heirs or successors, the sum of 6,000 dollars per annum; and by that grant the said territories were from the date thereof declared vested in the grantees, their associates, successors, or assigns, for so long as they should choose to hold them; provided, however, that the Sultan should have the right to resume the control and government of the said territories if the above-mentioned annual compensation should not have been paid for three successive years:

And whereas the said Petition further states that by the third of the grants aforesaid the Sultan of Brunei granted to the grantees, their heirs, associates, successors, or assigns, all the following territories belonging to the kingdom of Brunei, and comprising the States of Paitan, Sugut, Bangaya, Labuk, Sandakan, Kina Batangan, Mumiang, and all the territories as far as the Sibuco River, with all the islands within three leagues of the coast belonging thereto, for their own exclusive and absolute uses and purposes; and in consideration of that grant the grantees promised to pay conjointly and severally as compensation the sum of 2,000 dollars per annum; and from that date the said territories were thereby declared vested in the grantees, their heirs, associates, successors, and assigns, for so long as they should choose or desire to hold them; provided, however, that the Sultan should have the right to resume the



control and government of the said territories if the above-mentioned annual compensation should not have been paid for three successive years:

And whereas the said Petition further states that by the commission aforesaid, after reciting to the effect that the Sultan of Brunei had seen fit to grant to his trusty and well-beloved friends, the grantees, certain portions of the dominions owned by him, comprising the entire northern portion of the Island of Borneo from the Sulaman River on the west coast of Maludu Bay, and to the River Paitan, and thence the entire eastern coast as far as the Sibuco River, comprising the States of Paitan, Sugut, Bangaya, Labuk, Sandakan, Kina Batangan, and Mumiang, and other lands as far as Sibuco River, furthermore the provinces of Kimanis and Benoni, the province of Pappar, and the territory of Gaya Bay and Sapangar Bay, with all the lands and islands belonging thereto, and likewise the Island of Banguay, for certain considerations between them agreed, and that one of the grantees therein in that behalf named was the chief and only authorized representative of his Company in Borneo, it was declared that the Sultan had nominated and appointed, and thereby did nominate and appoint, the same grantee supreme ruler of the above-named territories, with the title of Maharajah of Sabah (North Borneo) and Rajah of Gaya and Sandakan, with power of life and death over the inhabitants, with all the absolute rights of property vested in the Sultan over the soil of the country, and the right to dispose of the same, as well as the rights over the productions of the country, whether mineral, vegetable, or animal, with the rights of making laws, coining money, creating an army and navy, levying Customs rates on home and foreign trade, and shipping and other dues, and taxes on the inhabitants, as to him might seem good or expedient, together with all other powers and rights usually exercised by and belonging to sovereign rulers, and which the Sultan thereby delegated to him of his own free will; and the Sultan called upon all foreign nations with whom he had formed friendly Treaties and alliances to acknowledge the said Maharajah as the Sultan himself in the said territories, and to respect his authority therein; and in case of the death or retirement from office of the said Maharajah, then his duly appointed successor in the office of supreme ruler and governor-in-chief of the Company's territories in Borneo should likewise succeed to the office and title of Maharajah of Sabah and Rajah of Gaya and Sandakan, and all the powers above enumerated be invested in him:

And whereas the said Petition further states that on the same day the Pangeran Tumongong (Chief Minister) of Brunei made to the same two persons, their heirs, associates, successors, or assigns, a grant of the provinces of Kimanis and Benoni, on the north-west coast of Borneo, with all the islands

belonging thereto within three marine leagues of the coast of the said territories belonging to him as his private property, to hold for their own exclusive and absolute uses and purposes; and in consideration of that grant the grantees promised to pay as compensation to the Pangeran Tumongong, his heirs or successors, the sum of 3,000 dollars per annum; and the said territories were thereby declared vested in the grantees, their heirs, associates, successors, or assigns, for so long as they should choose or desire to hold them; and they further promise to protect the Pangeran Tumongong with kindness:

And whereas the said Petition further states that on the 22nd day of January, 1878, the Sultan of Sooloo and the dependencies thereof (in the said Petition and in this our Charter referred to as the Sultan of Sooloo) made and issued to the same two persons, or one of them, a grant of his rights and powers over territories, lands, states, and islands therein mentioned, and a commission:

And whereas the said Petition further states that by the last-mentioned grant the Sultan of Sooloo, on behalf of himself, his heirs and successors, and with the consent and advice of the Datoos in Council assembled, granted and ceded of his own free and sovereign will to the grantees, as representatives of a British Company conjointly, their heirs, associates, successors, or assigns, for ever and in perpetuity, all the rights and powers belonging to the Sultan, over all the territories and lands being tributary to him on the mainland of the Island of Borneo, commencing from the Pandassan River on the north-west coast, and extending along the whole east coast as far as the Sibuco River in the south, and comprising, amongst others, the States of Paitan, Sugut, Bangaya, Labuk, Sandakan, Kina Batangan, Mumiang, and all the other territories and states to the southward thereof, bordering on Darvel Bay, and as far as the Sibuco River, with all the islands within three marine leagues of the coast; and in consideration of that grant the grantees promised to pay as compensation to the Sultan, his heirs or successors, the sum of 5,000 dollars per annum; and the said territories were thereby declared vested in the grantees conjointly, their heirs, associates, successors, or assigns, for as long as they should choose or desire to hold them; provided, however, that the rights and privileges conferred by that grant should never be transferred to any other nation or company of foreign nationality without the sanction of our Government first being obtained; and in case any dispute should arise between the Sultan, his heirs or successors, and the grantee therein in that behalf specified or his Company, the matter should be submitted to our Consul-General for Borneo; and that grantee, on behalf of himself and his Company, further promised to assist the Sultan, his heirs or successors, with his

best counsel and advice whenever the Sultan might stand in need of the same :

And whereas the said Petition further states that by the last-mentioned commission, after reciting to the effect that the Sultan of Sooloo had seen fit to grant unto his trusty and well-beloved friends, the grantees, certain portions of the dominions owned by the Sultan, comprising all the lands on the north and east coast of the Island of Borneo from the Pandassan River on the north-west to the Sibuco River on the east coast, including, amongst others, the States of Paitan, Sugut, Bangaya, Labuk, Sandakan, Kina Batangan, and Mumiang, and all the lands and territories in Darvel Bay as far as the Sibuco River, together with all the islands belonging thereto, for certain considerations between them agreed, and that one of the grantees therein in that behalf named was the chief and only authorized representative of his Company in Borneo, it was declared that the Sultan of Sooloo had nominated and appointed, and thereby did nominate and appoint, the same grantee supreme and independent ruler of the above-named territories with the title of Datu Bandahara and Rajah of Sandakan, with absolute power of life and death over the inhabitants of the country, with all the absolute rights of property over the soil of the country vested in the Sultan, and the right to dispose of the same as well as the rights over the productions of the country, whether mineral, vegetable, or animal, with the rights of making laws, coining money, creating an army and navy, levying Customs dues on home and foreign trade, and shipping and other dues, and taxes on the inhabitants, as to him might seem good or expedient, together with all other powers and rights usually exercised by and belonging to sovereign rulers, and which the Sultan thereby delegated to him of his own free and sovereign will ; and the Sultan called upon all foreign nations with whom he had formed friendly Treaties or alliances, and he commanded all the Datus, Nobles, Governors, Chiefs, and people owing allegiance to him in the said territories, to receive and acknowledge the said Datu Bandahara as supreme ruler over the said States, and to obey his commands and respect his authority therein as the Sultan's own ; and in case of the death or retirement from office of the said Datu Bandahara, then his duly appointed successor in the office of supreme ruler and governor-in-chief of the Company's territories in Borneo should likewise, if appointed thereto by the Company, succeed to the title of Datu Bandahara and Rajah of Sandakan, and all the powers above enumerated be vested in him :

And whereas the said Petition further states that all the interests and powers of the grantees under the several grants and commissions aforesaid came to be vested in the Petitioner Alfred Dent :

And whereas the said Petition further states that the Petitioner Alfred Dent and his associates from time to time of necessity expended large sums of money and made great exertions in and about procuring the grants and commissions aforesaid and putting them into use and discharging the obligations arising thereunder :

And whereas the said Petition further states that the Petitioner the British North Borneo Provisional Association Limited consists of persons who lately agreed to join together for the temporary purposes of acting as intermediaries between the Petitioner Alfred Dent, on the one hand, and a company to be incorporated (if we should so think fit) by Royal Charter, on the other hand, and of carrying on until the grant of such a Charter the management of the affairs arising under the grants and commissions aforesaid, and who, for convenience of common action and for limitation of liability, have incorporated themselves under the general Statutes relating to companies, that provisional association having for its objects as declared by its Memorandum of Association (among others) the following (that is to say) :

To purchase from Alfred Dent his interests and powers in, over, and affecting territories, lands, and property in Borneo and islands lying near thereto, including Labuan ;

To acquire by purchase or other lawful means other interests and powers in, over, or affecting the same territories, land, and property, and interests and powers in, over, or affecting other territories, lands, and property in the region aforesaid ;

To obtain from the Crown a Charter incorporating and regulating a company constituted with the like objects as aforesaid, or other objects relating to any territories, lands, and property as aforesaid ;

To transfer to the Company so incorporated any interests and powers as aforesaid for the time being vested in the Association :

And whereas the said Petition further states that all the interests and powers of the Petitioner Alfred Dent under the several grants and commissions aforesaid have been transferred to and are now vested in the Petitioner the British North Borneo Provisional Association Limited :

And whereas the said Petition further states that that Association will, in accordance with its provisional character indicated in its name, and in pursuance of the express provisions of its Articles of Association, be voluntarily wound up in manner provided by Statute, as soon as a sale or disposal of its territories, lands, and properties to a company to be incorporated (if we should so think fit) by Royal Charter has been effected, and will, after payment and discharge of its debts and liabilities, and after distribution among its members of the

proceeds of such sale or disposal and of any other its assets, be dissolved :

And whereas the said Petition further states that the Petitioners Sir Rutherford Alcock, Richard Biddulph Martin, Richard Charles Mayne, and William Henry Macleod Read, are, with the Petitioner Alfred Dent, the directors of that association :

And whereas the said Petition represents that the success of the enterprise in which the Petitioners are engaged as aforesaid would be greatly advanced if it should seem fit to us to incorporate by our Royal Charter a company to carry on that enterprise :

And whereas the said Petition further represents that such a chartered company would render to our dominions services of much value, and would promote the commercial prosperity of many of our subjects :

And whereas the said Petition further represents that the Petitioners are in a position to raise the capital requisite for the proper and effective conduct of the enterprise aforesaid, and they thereby undertake to do so on obtaining the grant of such a Charter :

And whereas by the said Petition the Petitioners therefore most humbly pray that we will be graciously pleased to grant our Royal Charter for incorporating a company to carry on the enterprise aforesaid by such name and with such powers and privileges, and subject to such conditions, as to us may seem meet :

Now therefore we, having taken the said Petition into our Royal consideration in our Council, and being satisfied that the intentions of the Petitioners are praiseworthy and deserve encouragement, and that the enterprise in the Petition described may be productive of much benefit to our dominions and to many of our subjects, by our Prerogative Royal and of our especial grace, certain knowledge, and mere motion, have constituted, erected, and incorporated, and by this our Charter for us and our heirs and Royal successors do constitute, erect, and incorporate into one body politic and corporate, by the name of the British North Borneo Company, the said Alfred Dent, Sir Rutherford Alcock, Richard Biddulph Martin, Richard Charles Mayne, and William Henry Macleod Read, and such other persons and such bodies as from time to time become and are members of that party, with perpetual succession, and a common seal, with power to alter or renew the same at discretion, and with the further authorities, powers, and privileges conferred, and subject to the conditions imposed by this our Charter; and we do hereby accordingly will, ordain, and declare as follows (that is to say):

*Transfer to Company of Grants and Commissions.*

1. The said British North Borneo Company (in this our

Charter referred to as the Company) is hereby authorized and empowered to acquire by purchase or other lawful means from the British North Borneo Provisional Association Limited, the full benefit of the several grants and commissions aforesaid, or any of them, as the same is vested in that Association, and all interests and powers of that Association thereunder, and all interests and powers vested in that Association in, over, or affecting the territories, lands, and property comprised in those several grants, or in, over, or affecting any territories, lands, or property in Borneo or in any island laying near thereto, including Labuan, and to hold, use, enjoy, and exercise the same for the purposes and on the terms of this our Charter.

*Fulfilment by Company of Promises of Grantees.*

2. The Company, as representing the original grantees under the several grants aforesaid, shall be bound by and shall fulfil the promises of payment and other promises therein made, subject to any subsequent agreement affecting those promises.

*British Character of Company.*

3. The Company shall always be and remain British in character and domicile, and shall have its principal office in England; and all the members of its court of directors or other governing body and its principal representative in Borneo shall always be natural-born British subjects or persons who have been naturalized as British subjects by or under an Act of the Parliament of our United Kingdom.

*Restriction on Transfer by Company.*

4. The Company shall not have power to transfer, wholly or in part, the benefit of the grants and commissions aforesaid, or any of them, except with the consent of one of our Principal Secretaries of State (in this our Charter referred to as our Secretary of State).

*Differences with Sultans.*

5. In case at any time any difference arises between the Sultan of Brunei or the Sultan of Sooloo and the Company, that difference shall on the part of the Company be submitted to the decision of our Secretary of State, if he is willing to undertake the decision thereof.

*Foreign Powers.*

6. If at any time our Secretary of State thinks fit to dissent from or object to any of the dealings of the Company with any foreign Power, and to make to the Company any suggestion founded on that dissent or objection, the Company shall act in accordance therewith.

*Slavery.*

7. The Company shall to the best of its power discourage and, as far as may be practicable, abolish by degrees any system of domestic servitude existing among the tribes of the coast or interior of Borneo; and no foreigner, whether European, Chinese, or other, shall be allowed to own slaves of any kind in the Company's territories.

*Religions of Inhabitants.*

8. The Company as such, or its officers as such, shall not in any way interfere with the religion of any class or tribe of the people of Borneo, or of any of the inhabitants thereof.

*Administration of Justice to Inhabitants.*

9. In the administration of justice by the Company to the people of Borneo, or to any of the inhabitants thereof, careful regard shall always be had to the customs and laws of the class, or tribe, or nation to which the parties respectively belong, especially with respect to the holding possession, transfer, and disposition of lands and goods, and testate or intestate succession thereto, and marriage, divorce, and legitimacy, and other rights of property and personal rights.

*Treatment of Inhabitants generally.*

10. If at any time our Secretary of State thinks fit to dissent from or object to any part of the proceedings or system of the Company relative to the people of Borneo, or to any of the inhabitants thereof, in respect of slavery, or religion, or the administration of justice, or other matter, and to make to the Company any suggestion founded on that dissent or objection, the Company shall act in accordance therewith.

*Jurisdiction over British Subjects and in Mixed Cases.*

11. In case at any time we think fit to make provision by Order in our Council for the exercise and regulation of our extra-territorial jurisdiction and authority in Borneo, and to appoint any of the Company's officers to discharge judicial or other functions thereunder in our name, then and so long the Company shall provide all court-houses and establishments necessary or proper in that behalf, and bear all expenses of the exercise of the jurisdiction or authority which those officers are so appointed to exercise.

*Facilities for British National Ships.*

12. The Company shall freely afford all facilities requisite for our ships in the harbours of the Company.

*Appointment of Company's principal Representative.*

13. The appointment by the Company of the Company's principal representative in Borneo shall always be subject to the approval of our Secretary of State.

*Flag.*

14. The Company may hoist and use on its buildings and elsewhere in Borneo, and on its vessels, such distinctive flag indicating the British character of the Company as our Secretary of State and the Lords Commissioners of the Admiralty from time to time approve.

*General Powers of Company.*

15. The Company is hereby further authorized and empowered:

(i.) To acquire and take by purchase, cession, or other lawful means, other interests or powers in, over, or affecting the territories, lands, or property comprised in the several grants aforesaid, or any interests or powers whatever in, over, or affecting other territories, lands, or property in the region aforesaid; and to hold, use, enjoy, and exercise the same for the purposes and on the terms of this our Charter.

(ii.) To improve, develop, clear, plant, and cultivate any territories and lands comprised in the several grants aforesaid, or otherwise acquired under this our Charter.

(iii.) To make and maintain therein roads, harbours, railways, telegraphs, and other public and other works, and carry on therein mining and other industries.

(iv.) To settle any such territories and lands as aforesaid, and to aid and promote immigration into the same.

(v.) To grant any lands therein for terms or in perpetuity absolutely or by way of mortgage or otherwise.

(vi.) To make therein exclusive or other concessions of mining, forestal, or other rights.

(vii.) To farm out for revenue purposes the right to sell in the Company's territories spirits, tobacco, opium, salt, or other commodities.

(viii.) To make loans or contributions of money or money's worth for promoting any of the objects of the Company.

(ix.) To acquire and hold or charter or otherwise deal with steam-vessels and other vessels.

(x.) To acquire and hold any personal property.

(xi.) To deal in merchandize the growth, produce, or manufacture of the Company's territories, or other merchandize.

(xii.) To carry on any lawful commerce, trade, or dealing whatever in connection with any of the objects of the Company.



(xiii.) To establish and maintain agencies in our Colonies and Possessions, and elsewhere.

(xiv.) To act as agent in the region aforesaid for any other Company or body or any person.

(xv.) To sue and be sued by the Company's name of incorporation, as well in our Courts in our United Kingdom, or in our Courts in our Colonies or Possessions, or in our Courts in foreign countries, as elsewhere.

(xvi.) To take and hold without licence in mortmain or other authority than this our Charter, messuages and hereditaments in England, and in any of our Colonies or Possessions and elsewhere, convenient for carrying on the management of the affairs of the Company, and to dispose from time to time of any such messuages and hereditaments when not required for that purpose.

(xvii.) To do all lawful things incidental or conducive to the exercise or enjoyment of the authorities and powers of the Company in this our Charter expressed or referred to, or any of them.

#### *Questions of Title.*

16. If at any time our Secretary of State thinks fit to object to the exercise by the Company of any authority or power within any part of the territories comprised in the several grants aforesaid, or otherwise acquired under this our Charter, on the ground of there being an adverse claim to that part, the Company shall defer to that objection.

#### *Prohibition of Monopoly.*

17. Nothing in this our Charter shall be deemed to authorize the Company to set up or grant any general monopoly of trade; and, subject only to Customs duties imposed for revenue purposes, and to restrictions on importations similar in character to those applicable in our United Kingdom, trade with the Company's territories shall be free.

#### *Deed of Settlement.*

18. Within one year after the date of this our Charter there shall be executed by the members of the Company for the time being a deed of settlement providing for—

(i.) The amount and division of the capital of the Company and the calls to be made in respect thereof.

(ii.) The registration of members of the Company.

(iii.) The preparation and the circulation among the members of annual accounts.

(iv.) The audit of those accounts by independent auditors.

(v.) The making of bye-laws.

(vi.) The making and using of official seals of the Company.

(vii.) The winding-up (in case of need) of the Company's affairs.

(viii.) Any other matters usual or proper to be provided for in respect of a chartered company.

19. The deed of settlement shall before the execution thereof be submitted to and approved by the Lords of our Council, and a certificate of their approval thereof, signed by the Clerk of our Council, shall be indorsed on this our Charter and on the Deed of Settlement.

20. The provisions of the Deed of Settlement may be from time to time varied or added to by a supplementary deed, made and executed in such manner and subject to such conditions as the Deed of Settlement prescribes.

And we do further will, ordain, and declare that this our Charter shall be acknowledged by our Governors, and our naval and military officers, and our Consuls, and our other officers in our Colonies and Possessions, and on the high seas, and elsewhere, and they shall severally give full force and effect to this our Charter, and shall recognize and be in all lawful things aiding to the Company and its officers.

And we do further will, ordain, and declare that this our Charter shall be taken, construed, and adjudged in the most favourable and beneficial sense for and to the best advantage of the Company as well in our Courts in our United Kingdom, and in our Courts in our Colonies or Possessions, and in our Courts in foreign countries, as elsewhere, notwithstanding that there may appear to be in this our Charter any non-recital, mis-recital, uncertainty, or imperfection.

And we do lastly will, ordain, and declare that in case at any time it is made to appear to us in our Council that the Company has failed to comply with any material condition by this our Charter prescribed, it shall be lawful for us, our heirs and successors, and we do hereby expressly reserve and take to ourselves, our heirs and successors, the right and power, by writing under the Great Seal of our United Kingdom, to revoke this our Charter, without prejudice to any power to repeal the same by law belonging to us or them, or to any of our Courts, Ministers, or officers, independently of this present declaration and reservation.

In witness whereof we have caused these our letters to be made patent.

Witness ourself at our Palace at Westminster, this 1st day of November, in the 45th of our reign.

By Her Majesty's command,

(L.S.) CARDEW.

## CHINA AND JAPAN.

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BRITISH ORDER IN COUNCIL, *for the government of British Subjects in China and Japan. (Port, Consular, Customs, Harbour, Prison, and Land Regulations; Mortgages; Bills of Sale; Partnership; Civil Suits; Chinese, Japanese, and Foreign Tribunals.)* Balmoral, October 25, 1881.

*At the Court at Balmoral, the 25th day of October, 1881.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS Her Majesty the Queen has power and jurisdiction in relation to Her Majesty's subjects and others in the dominions of the Emperor of China and the dominions of the Mikado of Japan:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1878, or otherwise, in her vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:—

*Preliminary.*

1. This Order may be cited as "The China and Japan Order in Council, 1881."

2. This Order shall, except as otherwise expressed, commence and take effect from and immediately after the 31st day of December, 1881, which time is in this Order referred to as the commencement of this Order.

3. In this Order—

"China" means the dominions of the Emperor of China:

"Japan" means the dominions of the Mikado of Japan:

"Minister" means superior Diplomatic Representative, whether Ambassador, Envoy, Minister Plenipotentiary, or Chargé d'Affaires:

"Consular Officer" includes every officer in Her Majesty's Consular Service, whether Consul-General, Consul, Vice-Consul, or Consular Agent, or person authorized to act in any such capacity in China or in Japan:

"British Subject" means a subject of Her Majesty whether by birth or by naturalization:

"Foreigner" means a subject of the Emperor of China or of the Mikado of Japan, or a subject or citizen of any other State in amity with Her Majesty:

"Treaty" includes Convention, and any Agreement, Regu-

lations, Rules, Articles, Tariff, or other instrument annexed to a Treaty, or agreed on in pursuance of any stipulation thereof:

“Month” means calendar month:

Words importing the plural or the singular may be construed as referring to one person or thing, or more than one person or thing, and words importing the masculine as referring to females (as the case may require).

*Repeal.*

4. Subject to the provisions of this Order, Articles 85 to 91, inclusive, of “The China and Japan Order in Council, 1865,”\* authorizing the making of Regulations for the purposes and by the authority therein mentioned, and the Regulations made thereunder, dated respectively 11th July, 1866, and 16th November, 1866, relating to mortgages, bills of sale, and proceedings against partnerships or partners or agents thereof, and Rule 252 of the Rules of the Supreme Court and other Courts in China and Japan of 4th May, 1865, relating to proceedings by or against partnerships and Articles 117 and 118 of “The China and Japan Order in Council, 1865,” relating to foreigners and foreign tribunals, are hereby repealed, as from the commencement of this Order; but this repeal does not affect any right, title, obligation or liability acquired or accrued before the commencement of this Order.

*Confirmation of Regulations not repealed.*

5. Such Regulations as are described in the Schedule to this Order, being Regulations made or expressed or intended to be made under or in execution of the powers conferred by Articles 85 to 91 of “The China and Japan Order in Council, 1865,” and all other Regulations made or expressed or intended to be so made, and having been approved, or, in case of urgency, not disapproved, under that Order, before the commencement of this Order, except the Regulations expressed to be repealed by this Order, are hereby confirmed, and from the passing of this Order, and the same, as far as they are now in force, shall be in force, and shall be deemed to have always been of the like validity and effect as if they had been originally made by Order in Council.

*Authority for further Regulations.*

6. Her Majesty's Minister in China may from time to time, subject and according to the provisions of this Order, make such Regulations as to him seem fit for the peace, order, and good government of British subjects, resident in or resorting to China.

7. The power aforesaid extends to the making of Regulations for securing observance of the stipulations of Treaties between

\* March 9, 1865. See Vol. 12. Page 281.

Her Majesty, her heirs and successors, and the Emperor of China, and for maintaining friendly relations between British subjects and Chinese subjects and authorities.

8. Her Majesty's Minister in China may, as he thinks fit, make any Regulation under this Order extend either throughout China, or to some one or more only of the Consular districts in China.

9. Her Majesty's Minister in China, in the exercise of the powers aforesaid, may, if he thinks fit, join with the Ministers of any foreign Powers in amity with Her Majesty in making or adopting Regulations with like objects as the Regulations described in the Schedule to this Order, commonly called the Shanghai Land Regulations, or any other Regulations for the municipal government of any foreign concession or settlement in China; and, as regards British subjects, joint Regulations so made shall be as valid and binding as if they related to British subjects only.

10. Her Majesty's Minister in China may, by any Regulation made under this Order, repeal or alter any Regulation made under "The China and Japan Order in Council, 1865," or under any prior like authority.

11.—(a.) Regulations made under this Order shall not have effect unless and until they are approved by Her Majesty the Queen, that approval being signified through one of Her Majesty's Principal Secretaries of State,—save that, in case of urgency declared in any such Regulations, the same shall take effect before that approval, and shall continue to have effect unless and until they are disapproved by Her Majesty the Queen, that disapproval being signified through one of Her Majesty's Principal Secretaries of State, and until notification of that disapproval has been received and published by Her Majesty's Minister in China.

(b.) That approval, where given, shall be conclusive, and the validity or regularity of any Regulations so approved shall not be called in question in any legal proceeding whatever.

12. Any Regulations made under this Order may, if Her Majesty's Minister in China thinks fit, impose penalties for offences against the same.

13. Penalties so imposed shall not exceed the following, namely,—for any offence imprisonment for three months, with or without hard labour, and with or without a fine of 500 dollars, or a fine of 500 dollars without imprisonment, with or without a further fine, for a continuing offence, of 25 dollars for each day during which the offence continues after the original fine is incurred.

14. Regulations imposing penalties shall be so framed as to allow in every case of part only of the highest penalty being inflicted.

15. All Regulations made under this Order, whether imposing penalties or not, shall be printed, and a printed copy thereof shall be affixed, and be at all times kept exhibited conspicuously, in the public office of each Consulate in China.

16. Printed copies of the Regulations shall be kept on sale at such reasonable price as Her Majesty's Minister in China from time to time directs.

17. Where a Regulation imposes a penalty, the same shall not be enforceable in any Consular district until a printed copy of the Regulation has been affixed in the public office of the Consulate for that district, and has been kept exhibited conspicuously there during one month.

18. A charge of an offence against a Regulation made under this Order, imposing a penalty, shall be inquired of, heard, and determined as an ordinary criminal charge under "The China and Japan Order in Council, 1865," except that (notwithstanding anything in that Order) where the Regulation is one for securing observance of the stipulations of a Treaty, the charge shall be heard and determined in a summary way, and (where the proceeding is before a Provincial Court) without assessors.

19. A printed copy of a Regulation, purporting to be made under this Order and to be certified under the hand of Her Majesty's Minister in China, or under the hand and Consular seal of one of Her Majesty's Consular Officers in China, shall be conclusive evidence of the due making of the Regulation, and of its contents.

20. The foregoing provisions authorizing Regulations for China are hereby extended to Japan, with the substitution of Japan for China, and of the Mikado of Japan for the Emperor of China, and of Her Majesty's Minister in Japan for Her Majesty's Minister in China, and of Her Majesty's Consular Officers in Japan for Her Majesty's Consular Officers in China.

#### *Prison Regulations.*

21. The respective powers aforesaid extend to the making of Regulations for the governance, visitation, care, and superintendence of prisons in China or in Japan, and for the infliction of corporal or other punishment on prisoners committing offences against the rules or discipline of a prison; but the provisions of this Order respecting penalties, and respecting the printing, affixing, exhibiting, and sale of Regulations, and the mode of trial of charges of offences against Regulations, do not apply to Regulations respecting prisons and offences of prisoners.

#### *Mortgages.*

22. A deed or other instrument of mortgage, legal or equitable, of lands or houses in China or in Japan, executed by a British subject, may be registered at any time after its execu-

tion at the Consulate of the Consular district wherein the property mortgaged is situate.

23. Registration is made as follows:—The original and a copy of the deed or other instrument of mortgage, and an affidavit verifying the execution and place of execution thereof, and verifying the copy, are brought into the Consulate; and the copy and affidavit are left there.

24. If a deed or other instrument of mortgage is not registered at the Consulate aforesaid within the respective time following (namely):—

(i.) Within 14 days after its execution, where it is executed in the Consular district wherein the property mortgaged is situate:

(ii.) Within two months after its execution, where it is executed in China or Japan, elsewhere than in that Consular district, or in Hong Kong:

(iii.) Within six months after its execution, where it is executed elsewhere than in China, Japan, or Hong Kong:

then, and in every such case, the mortgage debt secured by the deed or other instrument and the interest thereon shall not have priority over judgment or simple contract debts contracted before the registration of that deed or other instrument.

25. Registered deeds or other instruments of mortgage, legal or equitable, of the same lands or houses have, as among themselves, priority in order of registration.

26.—(a.) The provisions of this Order do not apply to a deed or other instrument of mortgage executed before the commencement of this Order.

(b.) As regards a deed or other instrument of mortgage executed before the commencement of this Order, the Regulations repealed by this Order shall, notwithstanding that repeal, be in force, and shall be deemed to have always been of the like validity and effect as if they had originally been made by Order in Council.

27. The power conferred on the Chief Justice of the Supreme Court for China and Japan by Article 127 of "The China and Japan Order in Council, 1865," of framing Rules from time to time, is hereby extended to the framing of Rules for prescribing and regulating the making and keeping of indexes, and of a general index, to the register of mortgages, and searches in those indexes, and other particulars connected with the making, keeping, and using of those registers and indexes, and for authorizing and regulating the unregistering of any deed or other instrument of mortgage, or the registering of any release or satisfaction in respect thereof.

#### *Bills of Sale.*

28. The provisions of this Order relating to bills of sale—

(i.) Apply only to such bills of sale executed by British subjects as are intended to affect chattels in China or in Japan :

(ii.) Do not apply to bills of sale given by sheriffs or others under or in execution of process authorizing seizure of chattels.

29.—(a.) Every bill of sale must conform with the following rules (namely):—

(1.) It must state truly the name, description, and address of the grantor.

(2.) It must state truly the consideration for which it is granted.

(3.) It must have annexed thereto or written thereunder an inventory of the chattels intended to be comprised therein.

(4.) Any defeasance, condition, or declaration of trust affecting the bill not contained in the body of the bill must be written on the same paper as the bill.

(5.) The execution of the bill must be attested by a credible witness, with his address and description.

(b.) Otherwise, the bill is void in China and in Japan to the extent following, but no further (that is to say):—

(i.) In the case of failure to conform with the rule respecting an inventory, as far as regards chattels omitted from the inventory; and

(ii.) In any other case, wholly,

(c.) The inventory, and any defeasance, condition, or declaration as aforesaid, respectively, is for all purposes deemed part of the bill.

30. A bill of sale conforming, or appearing to conform, with the foregoing rules, may be registered, if it is intended to affect chattels in China, at the Supreme Court; and if it is intended to affect chattels in Japan, at the Court for Japan; or in either case at the Consulate of the Consular district wherein the chattels are; within the respective time following and not afterwards (namely):—

(i.) Within 14 days after its execution, where it is executed in the Consular district wherein the chattels are :

(ii.) Within two months after its execution, where it is executed in China or in Japan, elsewhere than in that Consular district, or in Hong Kong :

(iii.) Within six months after its execution, where it is executed elsewhere than in China, Japan, or Hong Kong.

31. Registration is made as follows:—The original and a copy of the bill of sale, and an affidavit verifying the execution, and the time and place of execution, and the attestation thereof, and verifying the copy, are brought into the proper office of the Court or the Consulate; and the copy and affidavit are left there.

32. If a bill of sale is not registered at a place and within



the time by this Order appointed and allowed for registration thereof, it is, from and after the expiration of that time, void in China or in Japan, according as that place is in China or in Japan, to the extent following, but not further (that is to say):—

(i.) Against trustees or assignees of the estate of the grantor, in or under bankruptcy, liquidation, or assignment for benefit of creditors ; and

(ii.) As against all sheriffs and others seizing chattels under process of any Court, and any person on whose behalf the seizure is made ; but only

(iii.) As regards the property in, or right to, the possession of such chattels comprised in the bill as, at or after the filing of the petition for bankruptcy or liquidation, or the execution of the assignment, or the seizure, are in the grantor's possession, or apparent possession.

33. Registered bills of sale affecting the same chattels have as among themselves priority in order of registration.

34. Chattels comprised in a registered bill of sale are not in the possession, order, or disposition of the grantor within the law of bankruptcy.

35. If in any case there is an unregistered bill of sale, and within or on the expiration of the time by this Order allowed for registration thereof, a subsequent bill of sale is granted affecting the same or some of the same chattels, for the same or part of the same debt, then the subsequent bill is, to the extent to which it comprises the same chattels and is for the same debt, absolutely void, unless the Supreme Court for China and Japan, or the Court for Japan, as the case may require, is satisfied that the subsequent bill is granted in good faith for the purpose of correcting some material error in the prior bill, and not for the purpose of unlawfully evading the operation of this Order.

36. The registration of a bill of sale must be renewed once at least every five years.

37. Renewal of registration is made as follows :—An affidavit stating the date of and parties to the bill of sale, and the date of the original registration and of the last renewal, and that the bill is still a subsisting security, is brought in to the proper office of the Court or the Consulate of original registration, and is left there.

38. If the registration of a bill of sale is not so renewed in any period of five years, then on and from the expiration of that period the bill is deemed to be unregistered.

39. The provisions of this Order relating to renewal apply to bills of sale registered under the Regulations repealed by this Order.

40. A transfer or assignment of a registered bill of sale need

not be registered; and renewal of registration is not necessary by reason only of such a transfer or assignment.

41. Where the time for registration or renewal of registration of a bill of sale expires on a Sunday, or other day on which the office for registration is closed, the registration or renewal is valid if made on the first subsequent day on which the office is open.

42. If in any case the Supreme Court for China and Japan, or the Court for Japan, as the case may require, is satisfied that failure to register or to renew the registration of a bill of sale in due time, or any omission or misstatement connected with registration or renewal, was accidental or inadvertent, the Court may, if it thinks fit, order the failure, omission, or misstatement to be rectified in such manner and on such terms, if any, respecting security, notice by advertisement or otherwise, or any other matter, as the Court thinks fit.

43.—(a.) The provisions of this Order, except as regards renewal of registration, do not apply to a bill of sale executed before the commencement of this Order.

(b.) As regards a bill of sale executed before the commencement of this Order, the Regulations repealed by this Order shall, notwithstanding that repeal, be in force, and shall be deemed to have always been of the like validity and effect as if they had originally been made by Order in Council.

44. The power conferred on the Chief Justice of the Supreme Court for China and Japan by Article 127 of "The China and Japan Order in Council, 1865," of framing Rules from time to time, is hereby extended to the framing of Rules for prescribing and regulating the making and keeping of indexes, and of a general index, to the registers of bills of sale, and searches in those indexes, and other particulars connected with the making, keeping, and using of those registers and indexes, and for authorizing and regulating the unregistering of any bills of sale, or the registering of any release or satisfaction in respect thereof.

#### *Suits by or against Partners.*

45.—(a.) The following are Rules of Procedure of Her Majesty's Courts in China and in Japan, under "The China and Japan Order in Council, 1865 :"—

(1.) Persons claiming or being liable as partners may sue or be sued in the firm name, if any.

(2.) Where partners sue in the firm name, they must, on demand in writing on behalf of any defendant, forthwith declare the names and addresses of the partners.

(3.) Otherwise, all proceedings in the suit may, on application, be stayed on such terms as the Court thinks fit.

(4.) When the names of the partners are so declared, the

suit proceeds in the same manner, and the same consequences in all respects follow, as if they had been named as the plaintiffs in the petition.

(5.) All subsequent proceedings nevertheless continue in the firm name.

(6.) Where partners are sued in the firm name, the petition must be served either on one or more of the partners within the jurisdiction, or at the principal place of the partnership business within the jurisdiction on some person having then and there control or management of the partnership business.

(7.) Where one person, carrying on business in the name of a firm apparently representing more persons than one, is sued in the firm name, the petition may be served at the principal place of the business within the jurisdiction on some person having then and there control or management of the business.

(8.) Where partners are sued in the firm name, they must appear individually in their own names.

(9.) All subsequent proceedings nevertheless continue in the firm name.

(10.) Where a person, carrying on business in the name of a firm apparently representing more persons than one, is sued in the firm name, he must appear in his own name.

(11.) All subsequent proceedings nevertheless continue in the firm name.

(12.) In any case not hereinbefore provided for, where persons claiming or being liable as partners sue or are sued in the firm name, any party to the suit may, on application to the Court, obtain a statement of the names of the persons who are partners in the firm, to be furnished and verified on oath or otherwise, as the Court thinks fit.

(13.) Where a judgment is against partners in the firm name, execution may issue—

(i.) Against any property of the partners as such; and

(ii.) Against any person who has admitted in the suit that he is a partner, or who has been adjudged to be a partner; and

(iii.) Against any person who has been served in the suit as a partner, and has failed to appear.

(14.) If the party who has obtained judgment claims to be entitled to issue execution against any other person, as being a partner, he may apply to the Court for leave so to do; and the Court, if the liability is not disputed, may give such leave, or if it is disputed may order that the question of the liability be tried and determined as a question in the suit, in such manner as the Court thinks fit.

(b.) The foregoing Rules may be from time to time varied by Rules of Procedure made under "The China and Japan Order in Council, 1865."

(c.) Printed copies of the foregoing Rules must be exhibited conspicuously in each Court and Consulate in China and Japan, with the other Rules of Procedure for the time being in force under "The China and Japan Order in Council, 1865," and be sold at such reasonable price as the Chief Justice of the Supreme Court from time to time directs.

(d.) A printed copy of the foregoing Rules, purporting to be certified under the hand of the Chief Justice of the Supreme Court and the seal of that Court, is for all purposes conclusive evidence thereof.

46.—(a.) The provisions of this Order do not apply to proceedings instituted by or against partnerships or partners or agents thereof, before the commencement of this Order.

(b.) As regards proceedings instituted by or against partnerships or partners or agents thereof before the commencement of this Order, the Regulations repealed by this Order shall, notwithstanding that repeal, be in force, and shall be deemed to have always been of the like validity and effect as if they had been Rules of Procedure made under "The China and Japan Order in Council, 1865;" and, as regards the same proceedings, the Rule of Procedure (252) repealed by this Order shall continue to have effect, notwithstanding that repeal, subject always to the operation of the Regulations repealed by this Order.

*Suits by or against Foreigners.*

47.—(a.) Where a foreigner desires to institute or take a suit or proceeding of a civil nature against a British subject, or a British subject desires to institute or take a suit or proceeding of a civil nature against a foreigner, the Supreme Court for China and Japan, and the Court for Japan, and a Provincial Court, according to the respective jurisdiction of the Court, may entertain the suit or proceeding, and hear and determine it; and, if all parties desire, or the Court directs, a trial with a jury or assessors, then, with a jury or assessors, at a place where such a trial might be had if all parties were British subjects, but in all other respects according to the ordinary course of the Court:

(b.) Provided, that the foreigner first obtains and files in the Court the consent in writing of the competent authority of his own nation to his submitting, and that he does submit to the jurisdiction of the Court, and, if required by the Court, gives security to the satisfaction of the Court, and to such reasonable amount as the Court directs, by deposit or otherwise, to pay fees, damages, costs, and expenses, and abide by and perform the decision to be given either by the Court or on appeal.

(c.) A counter-claim or cross-suit cannot be brought or instituted in the Court against a plaintiff, being a foreigner,

who has submitted to the jurisdiction by a defendant, except by leave of the Court first obtained.

(d.) The Court, before giving leave, requires proof from the defendant that his claim arises out of the matter in dispute, and that there is reasonable ground for it, and that it is not made for vexation or delay.

(e.) Nothing in this provision prevents the defendant from instituting or taking in the Court against the foreigner, after the termination of the suit or proceeding in which the foreigner is plaintiff, any suit or proceeding that the defendant might have instituted or taken in the Court against the foreigner if no provision restraining counter-claims or cross-suits had been inserted in this Order.

(f.) Where a foreigner obtains in the Court an Order against a defendant being a British subject, and in another suit that defendant is plaintiff and the foreigner is defendant, the Court may, if it thinks fit, on the application of the British subject, stay the enforcement of the order pending that other suit, and may set off any amount ordered to be paid by one party in one suit against any amount ordered to be paid by the other party in the other suit.

(g.) Where a plaintiff, being a foreigner, obtains in the Court an order against two or more defendants, being British subjects, jointly, and in another suit one of them is plaintiff, and the foreigner is defendant, the Court may, if it thinks fit, on the application of the British subject, stay the enforcement of the order pending that other suit, and may set off any amount ordered to be paid by one party in one suit against any amount ordered to be paid by the other party in the other suit, without prejudice to the right of the British subject to require contribution from his co-defendants under their joint liability.

(h.) Where a foreigner is co-plaintiff in a suit with a British subject who is within the particular jurisdiction, it is not necessary for the foreigner to make deposit or give security for costs, unless the Court so directs; but the co-plaintiff British subject is responsible for all fees and costs.

#### *Chinese, Japanese, and Foreign Tribunals.*

48.—(a.) Where it is shown to the Supreme or other Court that the attendance of a British subject to give evidence, or for any other purpose connected with the administration of justice, is required in a Chinese or Japanese Court, or before a Chinese or Japanese judicial officer, or in a Court or before a judicial officer of any State in amity with Her Majesty, the Supreme or other Court may, if it thinks fit, in a case and in circumstances in which it would require his attendance before itself, order that he do attend as so required.

(b.) A Provincial Court, however, cannot so order attendance at any place beyond its particular jurisdiction.

(c.) If the person ordered to attend, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not excuse his failure to the satisfaction of the Supreme or other Court, he is, independently of any other liability, guilty of an offence against this Order, and for every such offence, on conviction thereof, by summary trial, is liable to a fine not exceeding 500 dollars, or to imprisonment for not exceeding one month, in the discretion of the Court.

And the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein.

C. L. PEEL.

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The SCHEDULE to which the foregoing Order in Council refers.

1. Regulations made by Sir Rutherford Alcock while Her Majesty's Minister in China, intituled or designated as Land Regulations, Regulations, and Bye-Laws annexed to the Land Regulations, for the foreign quarter of Shanghai, north of the Yang-King-Pang, and commonly called the Shanghai Land Regulations.

2. Port, Consular, Customs, and Harbour Regulations applicable to all the Treaty ports in China, dated 31st May, 1869.\*

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## CYPRUS.

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BRITISH ORDER IN COUNCIL, *for regulating the Conduct of the Inhabitants of Cyprus and others during Hostilities between States with which Her Majesty is at Peace. (Neutrality, Recruitment, Enlistment, Ship-building, Prizes, &c.) Windsor, May 18, 1881.*

*At the Court at Windsor, the 18th day of May, 1881.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY,

Lord President. Lord Steward. Earl of Northbrook.

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WHEREAS it is expedient to make provision for the regulation of the conduct of the inhabitants of Cyprus and other persons therein residing during the existence of hostilities

\* See Vol. 13. Page 1268.

between States with which Her Majesty is at peace, and for the control by the High Commissioner over recruiting in Cyprus for the service of any State :

It is hereby ordered by Her Majesty, by virtue and in exercise of the powers in their behalf by the Foreign Jurisdiction Acts, 1843 to 1875, or otherwise in Her Majesty vested, and by and with the advice of the Privy Council, as follows :—

#### PRELIMINARY.

##### *Short Title.*

1. This Order in Council may be cited for all purposes as “ The Cyprus Neutrality Order in Council, 1881.”

##### *Commencement of Order in Council.*

2. This Order in Council shall come into operation immediately on the publication thereof in the Cyprus Official Gazette.

#### RECRUITING IN TIME OF PEACE ABROAD.

##### *Power to prohibit or permit Recruiting.*

3. If any person is within the Island of Cyprus obtaining or attempting to obtain recruits for the service of any State in any capacity, the High Commissioner may by order in writing, signed by the person acting as Chief Secretary to the Government of Cyprus, either prohibit such person from so doing, or permit him to do so, subject to any conditions which the High Commissioner thinks fit to impose.

##### *Power to impose Conditions.*

4. The High Commissioner may from time to time, by general order notified in the Official Gazette of Cyprus, either prohibit recruiting for the service of any State, or impose upon such recruiting any conditions which he thinks fit.

##### *Power to rescind or vary Orders.*

The High Commissioner may rescind or vary any order made under this Order in Council, in such manner as he thinks fit.

##### *Penalty on Recruiting or Aiding in Recruiting in Violation of Prohibition.*

5. Whoever in violation of the prohibition of the High Commissioner, or of any condition subject to which permission to recruit may have been accorded :

(a) Induces or attempts to induce any person to accept, or agree to accept, or to proceed to any place with a view to

obtaining any commission or employment in the service of any State; or

(b.) Knowingly aids in the engagement of any person so induced by forwarding or conveying him, or by advancing money, or in any other way whatever;

Shall be guilty of an offence against this Order in Council, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court.

#### ILLEGAL ENLISTMENTS IN TIME OF WAR ABROAD.

##### *Penalty on Enlistment in Service of State.*

6. If any person not having the licence of Her Majesty being within the Island of Cyprus, and being a native of Cyprus, or domiciled there, accepts or agrees to accept any commission or engagement in the military or naval service of any State at war with any State which is at peace with Her Majesty, and which is in this Order hereinafter termed a friendly State, or whether a native of Cyprus, or domiciled there or not, induces any other person to accept, or agree to accept, any such commission or engagement;

He shall be guilty of an offence against this Order in Council, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court.

##### *Penalty on inducing any Person to leave Cyprus with intent to serve a State.*

7. If any person not having the licence of Her Majesty, and being within the Island of Cyprus, induces any other person to quit or to go on board any ship with a view of quitting Cyprus, with intent to accept any commission or engagement in the military or naval service of any State at war with a friendly State;

He shall be guilty of an offence against this Order in Council, and shall be punishable by fine and imprisonment, or either of such punishment, at the discretion of the Court.

##### *Penalty on embarking Persons under False Representations as to Service.*

8. If any person within the Island of Cyprus induces any other person to quit the Island of Cyprus or to embark on any ship within the ports or waters of Cyprus under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept, or agree to accept, any commission or engagement in the military or naval service of any State at war with a friendly State;

He shall be guilty of an offence against this Order in



Council, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court.

*Penalty on taking illegally enlisted Persons on board Ship.*

9. If the master or owner of any ship, without the licence of Her Majesty, knowingly, either takes on board or engages to take on board, or has on board, such ship within the ports or waters of Cyprus, any of the following persons in this Order in Council referred to, as illegally enlisted persons, that is to say:—

(1.) Any person who, being a native of Cyprus or domiciled there, has within the Island of Cyprus, and without the licence of Her Majesty, accepted or agreed to accept, any commission or engagement in the military or naval service of any State at war with any friendly State.

(2.) Any person who has been induced to embark under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any State at war with a friendly State;

Such master or owner shall be guilty of an offence against this Order in Council, and the following consequences shall ensue, that is to say:—

(1.) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court; and

(2.) All illegally enlisted persons shall immediately on the discovery of the offence be taken on shore, and shall not be allowed to return to the ship.

ILLEGAL SHIP-BUILDING AND ILLEGAL EXPEDITIONS.

*Penalty on Illegal Ship-building and Illegal Expeditions.*

10. If any person without the licence of Her Majesty, and within the Island of Cyprus, does any of the following acts, that is to say:—

(1.) Builds, or agrees to build, or causes to be built, any ship with intent or knowledge or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any State at war with any friendly State; or,

(2.) Issues or delivers any commission for any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any State at war with any friendly State; or,

(3.) Equips any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be em-

ployed in the military or naval service of any State at war with any friendly State ; or,

(4.) Despatches, or causes or allows to be despatched any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any State at war with any friendly State ;

Such person shall be deemed to have committed an offence against this Order in Council, and the following consequences shall ensue :—

(1.) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court.

(2.) The ship in respect of which any such offence is committed, and her equipment, shall be forfeited to Her Majesty, provided that a person building, causing to be built, or equipping a ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such war as aforesaid, shall not be liable to any of the penalties imposed by this section in respect of such building or equipping, if he satisfies the conditions following, that is to say :—

(1.) If forthwith upon a Proclamation of Neutrality being issued by Her Majesty, he gives notice to the High Commissioner that he is so building, causing to be built, or equipping such ship, and furnishes such particulars of the contract, and of any matters relating to, or done, or to be done under the contract as may be required by the High Commissioner.

(2.) If he gives such security and takes or permits to be taken such other measures, if any, as the High Commissioner may prescribe for ensuring that such ship shall not be despatched, delivered, or removed, without the licence of Her Majesty, until the termination of such war as aforesaid.

*Presumption as to Evidence in case of Illegal Ship.*

11. Where any ship is built by order or on behalf of any State, when at war with a friendly State, or is delivered to or to the order of such former State, or any person who, to the knowledge of the person building, is an agent of such former State, or is paid for by such former State, or such agent, and is employed in the military or naval service of such former State, such ship shall, until the contrary is proved, be deemed to have been built with a view to being so employed, and the burden shall lie on the builder of such ship of proving that he did not know that the ship was intended to be so employed.

*Penalty on aiding the Warlike Equipment of Ships.*

12. If any person, without the licence of Her Majesty, and within the Island of Cyprus, by adding to the number of guns, or by changing those on board for other guns, or by the addi-

tion of any equipment for war, increases, or augments, or procures to be increased or augmented, or is knowingly concerned in increasing or augmenting the warlike force of any ship which at the time of her being within the ports or waters of Cyprus was a ship in the military or naval service of any State at war with any friendly State ;

Such person shall be guilty of an offence against this Order in Council, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court.

*Penalty on fitting out Naval or Military Expeditions without Licence.*

13. If any person without the licence of Her Majesty and within the Island of Cyprus,—

Prepares or fits out any naval or military expedition to proceed against the dominions of any friendly State, the following consequences shall ensue :—

(1.) Every person engaged in such preparation or fitting out, or assisting therein, or employed in any capacity in such expedition, shall be guilty of an offence against this Order in Council, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court.

(2.) All ships and their equipments and all arms and munitions of war used in or forming part of such expedition shall be forfeited to Her Majesty.

*Punishment of Accessories.*

14. Any person who aids, abets, counsels, or procures the commission of any offence against this Order in Council, shall be liable to be tried and punished as a principal offender.

*Limitation of Term of Imprisonment.*

15. The term of imprisonment to be awarded in respect of any offence against this Order in Council shall not exceed two years, and any imprisonment to be awarded in respect of any such offence may be either with or without hard labour.

ILLEGAL PRIZE.

*Illegal Prize brought into Cyprus Waters restored.*

16. If during the continuance of any war in which Her Majesty may be neutral, any ship, goods, or merchandize captured as prize of war within the territorial jurisdiction of Her Majesty, or within the ports or waters of Cyprus, in violation of the neutrality of the realm of Great Britain and Ireland, or of Cyprus, or captured by any ship which may have been built, equipped, commissioned, or despatched, or the force of which may have been augmented contrary to the provisions of "The

Foreign Enlistment Act, 1870,"\* or of this Order in Council, are brought within the ports or waters of Cyprus, by the captor or any agent of the captor, or by any person having come into possession thereof with knowledge that the same was prize of war so captured as aforesaid, it shall be lawful for the original owner of such prize, or his agent, or for any person authorized in that behalf by the Government of the State to which such owner belongs, to make application to the Court for seizure and detention of such prize, and the Court shall, on due proof of the facts, order such prize to be restored.

Every such order shall be executed and carried into effect in the same manner and subject to the same right of appeal as in case of any order made in the exercise of the ordinary jurisdiction of the Court, and in the meantime, and until a final order has been made on such application, the Court shall have power to make all such provisional and other orders as to the care or custody of such captured ship, goods, or merchandize, and (if the same be of perishable nature or incurring risk of deterioration) for the sale thereof, and with respect to the deposit or investment of the proceeds of any such sale as may be made by such Court in the exercise of its ordinary jurisdiction.

#### GENERAL PROVISIONS.

##### *Licence by Her Majesty, how granted.*

17. For the purposes of this Order in Council a licence by Her Majesty shall be under the sign manual of Her Majesty, or be signified by Order in Council or by Proclamation of Her Majesty.

##### *Proceedings to be in the High Court only.*

18. All proceedings whatsoever under this Order in Council shall be had in the High Court of Justice for Cyprus and not in any other Court.

##### *Jurisdiction in respect of Forfeiture of Ships.*

19. All proceedings for the condemnation and forfeiture of a ship, or ship and equipment, or arms and munitions of war, in pursuance of this Order in Council, shall require the sanction of the High Commissioner, and shall be taken in the High Court before the Judicial Commissioner.

The High Court by the Judicial Commissioner shall, in addition to any other power given to it by this Order in Council, have, in respect of any ship or other matter brought before it in pursuance of this Order in Council (other than the prosecution of offenders) all powers which any Vice-Admiralty Court within Her Majesty's dominions has in the case of a ship or matter brought before it in the exercise of its lawful jurisdiction.

\* See Vol. 13. Page 1207.

*Regulations as to Proceedings against the Offender and against the Ship.*

20. Where any offence against this Order in Council has been committed by any person, by reason whereof a ship, or ship and equipment, or arms and munitions of war, has or have become liable to forfeiture, proceedings may be instituted contemporaneously or not, as may be thought fit, against the offender, and against the ship, or ship and equipment, or arms and munitions of war for the forfeiture; but it shall not be necessary to take proceedings against the offender because proceedings are instituted for the forfeiture, or to take proceedings for the forfeiture because proceedings are taken against the offender.

*Judicial Commissioner to frame Rules, &c.*

21. The Judicial Commissioner may frame rules and regulations for the conduct of all proceedings to be had in the High Court of Justice under this Order in Council, and as to the fees payable in relation to such proceedings, and such rules and regulations shall be of the same force and effect as if they had been enacted in this Order in Council.

*Officers authorized to seize Offending Ships.*

22. The following officers, that is to say—

(1.) Any Officer of Customs or other public officer drawing a salary of not less than £200 a year in Cyprus (subject nevertheless to any special or general instructions from the High Commissioner):

(2.) Any Commissioned Officer on full pay in the military service of the Crown, subject nevertheless to any special or general instructions from his Commanding Officer:

(3.) Any Commissioned Officer on full pay in the naval service of the Crown, subject nevertheless to any special or general instructions from the Admiralty or his Superior Officer; may seize or detain any ship liable to be seized or detained in pursuance of this Order in Council, and such officers are in this Order in Council referred to as the "Local Authority."

*Powers of Officers authorized to seize Ships.*

23. Any officer authorized to seize or detain any ship in respect of any offence against this Order in Council may, for the purpose of enforcing such seizure or detention, call to his aid any officers, non-commissioned officers, or privates of the police force, or any officers of Her Majesty's Army or Navy or Marines, or any Excise Officers or Officers of Customs, or any Harbour Master or Dock Master, or any officers having authority by law to make seizures of ships, and may put on board any ship so seized or detained, any one or more of such officers to

take charge of the same and to enforce the provisions of this Order in Council; and any officer seizing or detaining any ship under this Order in Council may use force, if necessary, for the purpose of enforcing seizure or detention, and if any person is killed or maimed by reason of his resisting such officer in the execution of his duties, or any person acting under his orders, such officer so seizing or detaining the ship, or other person, shall be freely and fully indemnified as well against the Queen's Majesty, her heirs and successors, as against all persons so killed, maimed, or hurt.

*Special Power of the High Commissioner to detain Ship.*

24. If the High Commissioner is satisfied that there is a reasonable and probable cause for believing that a ship within Cyprus, or the ports or waters of Cyprus, has been or is being built, commissioned, or equipped contrary to this Act, and is about to be taken beyond the limits of such ports or waters, or that a ship is about to be despatched contrary to this Order in Council, he shall have power to issue a warrant, stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant the Local Authority shall have power to seize and search such ship, and to detain the same until it has been either condemned or released by process of law, or in manner hereinafter mentioned.

The owner of the ship so detained, or his agent, may apply to the Court for its release, and the Court shall, as soon as possible, put the matter of such seizure and detention in course of trial between the applicant and the Crown as represented by the High Commissioner.

If the applicant establish to the satisfaction of the Court that the ship was not, and is not being built, commissioned, or equipped, or intended to be despatched contrary to this Order in Council, the ship shall be released and restored.

If the applicant fail to establish to the satisfaction of the Court that the ship was not, and is not being built, commissioned, or equipped or intended to be despatched contrary to this Order in Council, then the ship shall be detained till released by order of the High Commissioner.

The Court may, in cases where no proceedings are pending for its condemnation, release any ship detained under this section, on the owner giving security to the satisfaction of the Court that the ship shall not be employed contrary to this Order in Council, notwithstanding that the applicant may have failed to establish to the satisfaction of the Court that the ship was not, and is not being built, commissioned, or intended to be despatched contrary to this Order in Council. The High Commissioner may likewise release any ship detained under this section, on the owner giving security to his satisfaction that the

ship shall not be employed contrary to this Order in Council, or may release the ship without such security if he think fit so to release the same.

If the Court be of opinion that there was not reasonable and probable cause for the detention, and if no such cause appear in the course of the proceedings, the Court shall have power to declare that the owner is to be indemnified by the payment of costs and damages in respect of the detention, the amount thereof to be assessed by the Court, and any amount so assessed shall be payable by the proper financial officer of the Government of Cyprus out of any moneys legally applicable for that purpose. The Court shall also have power to make a like order for the indemnity of the owner on the application of such owner to the Court in a summary way, in cases where the ship is released by the order of the High Commissioner before any application is made by the owner or his agent to the Court for such release. Nothing in this section contained shall affect any proceedings instituted, or to be instituted, for the condemnation of any ship detained under this section, where such ship is liable to forfeiture, subject to the provision that if such ship is restored in pursuance of this section, all proceedings for such condemnation shall be stayed; and where this Court declares that the owner is to be indemnified by the payment of costs and damages for the detainer, all costs, charges, and expenses incurred by such owner in or about any proceedings for the condemnation of such ship shall be added to the costs and damages payable to him in respect to the detention of the ship.

Nothing in this section contained shall apply to any non-commissioned non-British ship about to be despatched from any of the ports or waters of Cyprus, after having come within the same under stress of weather, or in the course of a peaceful voyage, and upon which ship no fitting out or equipping of a warlike character has taken place in the Island of Cyprus, its ports or waters.

*Special Power of Local Authority to detain Ship.*

25. Where it is represented to any Local Authority, as defined by this Order in Council, and such Local Authority believes the representation, that there is reasonable and probable cause for believing that a ship within Cyprus, or the ports or waters of Cyprus, has been or is being built, commissioned, or equipped contrary to this Order in Council, and is about to be taken beyond the limits of such ports or waters, or that a ship is about to be despatched contrary to this Order in Council, it shall be the duty of such Local Authority to detain such ship and forthwith to communicate the fact of such detention to the High Commissioner.

Upon the receipt of such communication the High Commissioner may order the ship to be released if he thinks there is no cause for detaining her, but if satisfied that there is reasonable and probable cause for believing that such ship was built, commissioned, or equipped, or intended to be despatched in contravention of this Order in Council, he shall issue his warrant, stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant being issued, further proceedings shall be had as in cases where the seizure or detention has taken place on a warrant issued by the High Commissioner without any communication from the Local Authority.

Where the High Commissioner orders the ship to be released on the receipt of a communication from the Local Authority without issuing his warrant, the owner of the ship shall be indemnified by the payment of costs and damages in respect of the detention upon application to the Court in a summary way, in like manner as he is entitled to be indemnified where the High Commissioner having issued his warrant under this Order in Council releases the ship before any application is made by the owner or his agent to the Court for such release.

*Power of High Commissioner to grant Search Warrant.*

26. The High Commissioner may by warrant empower any person to enter any dockyard or other place within the Island of Cyprus, its ports or waters, and inquire as to the destination of any ship which may appear to him to be intended to be employed in the naval or military service of any State at war with a friendly State, and to search such ship.

*Appeals.*

27. An appeal may be had from any decision of the Court under this Order in Council to the same tribunal, and in the same manner to and in which an appeal may be had in cases within the ordinary jurisdiction of the Court.

*Indemnity to Officers.*

28. Subject to the provisions of this Order in Council, providing for the award of damages in certain cases in respect of the seizure or detention of a ship, no damages shall be payable, and no officer or Local Authority shall be responsible, either civilly or criminally, in respect of the seizure or detention of any ship in pursuance of this Order in Council.

*Indemnity to High Commissioner.*

29. The High Commissioner shall not be responsible in any action or other legal proceedings whatsoever for any warrant issued by him in pursuance of this Order in Council, or be examinable as a witness except at his own request in any Court



of Justice in respect of the circumstances which led to the issue of the warrant.

INTERPRETATION CLAUSE.

*Interpretation of Terms.*

30. In this Order in Council, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them: that is to say—

“*State.*”

“*State*” includes any country, Colony, province, or part of any province other than Cyprus, and not forming part of the British dominions, and any person or persons exercising or assuming to exercise powers of government in or over any country, Colony, province, or part of any province other than Cyprus, and not forming part of the British dominions, or over any people not being Her Majesty’s subjects:

“*Military Service.*”

“*Military Service*” shall include military telegraphy and any other employment whatever, in or in connection with any military operation:

“*Naval Service.*”

“*Naval Service*” shall as respects a person include service as a marine, employment as a pilot in piloting or directing the course of a ship-of-war, or other ship when such ship-of-war or other ship is being used in any military or naval operation, and any employment whatever on board a ship-of-war, transport, store-ship, privateer or ship under letters of marque, and as respects a ship include any user of a ship as a transport, store-ship, privateer, or ship under letters of marque:

“*High Commissioner.*”

“*The High Commissioner*” shall include any Officer for the time being lawfully administering the Government of Cyprus:

“*Court.*”

“*Court*” shall mean Her Majesty’s High Court of Justice for Cyprus:

“*Ship.*”

“*Ship*” shall include any description of boat, vessel, floating battery or floating craft, also any description of boat, vessel, or other craft or battery made to move either on the surface of, or under water, or sometimes on the surface of and sometimes under water:

“*Building.*”

“*Building*” in relation to a ship shall include the doing any

act towards or incidental to the construction of a ship, and all words having relation to building shall be construed accordingly:

“*Equipping.*”

“Equipping” in relation to a ship shall include the furnishing a ship with any tackle, apparel, furniture, provisions, arms, munitions, or stores, or any other thing which is used in or about a ship for the purpose of fitting or adapting her for the sea or for naval service, and all words relating to equipment shall be construed accordingly:

“*Ship and Equipment.*”

“Ship and equipment” shall include a ship and anything in or belonging to a ship:

“*Master.*”

“Master” shall include any person having the charge or command of a ship:

“*Ports or Waters of Cyprus.*”

“The ports or waters of Cyprus” shall include all ports, harbours, roadsteads, anchorages, quarantine grounds, estuaries, creeks, bays, and waters within a limit of three marine miles round the Island of Cyprus.

SAVING AS TO COMMISSIONED SHIPS.

31. Nothing in this Order in Council contained shall subject to forfeiture any commissioned ship of any State or give to the Court over or in respect of any ship entitled to recognition as a commissioned ship of a State any jurisdiction which it would not have had if this Order in Council had not passed.

And the Right Honourable the Earl of Kimberley, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

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BRITISH ORDER IN COUNCIL, *providing for Extradition to and from Cyprus.* Windsor, July 15, 1881.

*At the Court at Windsor, the 15th day of July, 1881.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS, by Treaty, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has power and jurisdiction in and over Cyprus:

Now, therefore, Her Majesty, by virtue of the powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1878, or otherwise in Her Majesty vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows :

1. This Order may be cited as "The Cyprus Extradition Order in Council, 1881."

#### EXTRADITION FROM CYPRUS.

##### A.—GENERAL POWER.

2.—(a.) In the circumstances, and under the conditions, in this Order appearing and prescribed, persons found in Cyprus, and accused or convicted of offences committed in foreign countries, or in any part of the Ottoman dominions other than Cyprus, shall be given up to the respective Governments of those countries, or to the Ottoman Government, as the case may be, for trial there, or, in the case of persons so convicted, for the purpose of undergoing lawful punishment for the offences of which they were so convicted.

(b.) In every case the offence must be an offence which, if committed within British jurisdiction, would be an offence comprised in the First Schedule to this Order; and every such offence is in this Order referred to as a scheduled offence.

(c.) The list of scheduled offences shall be construed according to the law of Cyprus, relating to British subjects, as that law existed, in case of an offence committed before the British occupation of Cyprus, at the date of this Order; and as that law existed, in case of an offence committed since that occupation, at the date of the alleged offence,—whether the same existed at common law, or under Statute or Ordinance made before or after the passing of this Order.

##### B.—PERSONS ACCUSED.

###### *Request to High Commissioner.*

3.—(a.) If a person, being or being alleged to be in Cyprus, is alleged to be a fugitive from a foreign country, or from any part of the Ottoman dominions other than Cyprus, and to be under prosecution there for a scheduled offence; and

(b.) If a request for his extradition is made to the High Commissioner by the Government of that foreign country, or by the Ottoman Government, through a person recognized by the High Commissioner as a Consular or other officer of the requesting Government, authorized in that behalf; and

(c.) If the request is accompanied (i) by a warrant of arrest or other equivalent judicial document, issued by a Judge, Magistrate, or other person lawfully exercising jurisdiction in the country from which the person whose extradition is sought

is alleged to be a fugitive, and (ii) by depositions or statements taken or made on oath or affirmation before such a Judge or Magistrate, and authenticated as prescribed by this Order, clearly stating those acts, and containing a description of the person claimed, and any particulars that may serve to identify him;

(d.) The High Commissioner may, if he thinks fit, signify the request to the High Court.

*Warrant of High Court.*

4. Thereupon, and on such evidence being adduced as would, in the judgment of the High Court, justify the issue of a warrant for the apprehension of a British subject charged before it with an indictable offence, the Court may, if it thinks fit, issue a warrant for the apprehension, for purposes of this Order, of the fugitive.

*Jurisdiction of Court.*

5. On and after the issue of the warrant, as well before as after the fugitive is brought before the High Court thereon, the Court shall have the like jurisdiction and powers as in case of a British subject charged before it with an indictable offence.

*Foreign Evidence.*

6.—(a.) Foreign or Ottoman depositions and statements taken or made on oath or affirmation, and copies thereof, and foreign or Ottoman warrants or other judicial instruments authorizing apprehension, and foreign or Ottoman certificates of conviction or judicial instruments stating a conviction, shall be receivable in evidence under this Order, if authenticated to the satisfaction of the High Court, in manner provided by law independently of this Order, or in manner following:

(i.) If the depositions, statements, or copies purport to be certified as originals or as true copies by a Judge, Magistrate, or officer of the country where they were taken; or

(ii.) If the warrant, certificate, or judicial instrument purports to be signed by a Judge, Magistrate, or officer of the country where it was issued; and

(iii.) If every deposition, statement, copy, warrant, certificate, or judicial instrument is proved by the oath of a witness, or is sealed with the official seal of the Minister of Justice, or other Minister of State, of the country where it was taken or issued; for which purpose judicial notice shall be taken of that seal;

(b.) Such depositions and statements shall be receivable in evidence, whether they are taken or made in the particular charge or not, or in the presence of the person charged or not.

7. The fugitive shall not be liable to interrogation by or before the High Court; but he may, if he thinks fit, tender himself to be sworn and examined as a witness on his own behalf; and thereupon he may give evidence in the same manner, and with the like effect and consequences, as regards cross-examination and perjury and otherwise, as any other witness.

*Committal for Extradition.*

8.—(a.) If the High Court is satisfied that the person brought before it is a fugitive, as alleged; and

(b.) If the foreign or Ottoman warrant or other judicial instrument authorizing his apprehension is authenticated as required by this Order; and

(c.) If such evidence is adduced as, subject to the provisions of this Order, would, in the judgment of the Court, justify a committal for trial if the fugitive had been a British subject, and the offence of which he is accused had been committed in Cyprus;

(d.) The Court shall commit the fugitive to prison, for extradition; but otherwise shall discharge him from custody.

C.—PERSONS CONVICTED.

*Application of foregoing Provisions.*

9.—(a.) If a person, being or being alleged to be in Cyprus, is alleged to be a fugitive from a foreign country, or from any part of the Ottoman dominions other than Cyprus, and to have been convicted there of a scheduled offence; and

(b.) If a request is made for his extradition in manner aforesaid;

(c.) The course of proceeding shall be as prescribed in the foregoing provisions of this Order; except that—

(i.) The judicial documents accompanying the request shall clearly state the offence, and the place and time of conviction; and

(ii.) The evidence to be adduced before the High Court shall be such as, in the judgment of the Court, to prove the fact of conviction.

D.—PERSONS ACCUSED OR CONVICTED.

*Habeas Corpus.*

10.—(a.) A person committed for extradition under this Order shall have a right to apply to the High Court for a writ of habeas corpus, or an order in the nature thereof.

(b.) If he so applies, he shall not be given up before the decision of the Court on the return of the writ or order.

*Proceedings on Committal.*

11. On committal, the High Court shall inform the fugitive

that he will not be given up before the expiration of 15 days from committal, and that he may, at any time before he is given up, apply to the Court for a writ of habeas corpus, or an order in the nature thereof; but the fugitive may then and there waive his right so to apply, and in that case he may be given up before the expiration of that time.

12. On committal, the Court shall forthwith send to the High Commissioner a certificate thereof and of such waiver as aforesaid (if any), and such a report on the case as the Court thinks fit.

*Order for Extradition.*

13. Where a fugitive is committed for extradition, the High Commissioner, after the expiration of the time limited in this behalf by this Order, or sooner in case of such a waiver as aforesaid, may, if he thinks fit, issue an order directing that the fugitive be given up to a person therein described, being, in the High Commissioner's opinion, authorized to receive the fugitive on behalf of the requesting Government.

*Removal from Cyprus.*

14.—(a.) The person to whom the fugitive is by such Order directed to be given up may receive the fugitive in Cyprus, and hold him in custody there, and convey him out of Cyprus.

(b.) The High Commissioner shall cause all lawful and reasonable assistance in that behalf to be afforded to that person.

(c.) If the fugitive escapes in Cyprus out of the custody of that person, he may be retaken as a British subject may be retaken in Cyprus on an escape.

*Property in possession of Fugitive.*

15. Everything found in the possession of the fugitive on his apprehension, including not only property obtained by him by fraudulent bankruptcy, or otherwise unlawfully, but also everything that may serve as evidence of the offence in question, shall, if the High Court thinks fit, be seized, and, saving the rights of third parties, be given up either with the fugitive on his extradition, or without him if, by reason of his escape or death, the extradition, though granted, cannot be carried into effect.

E.—RESTRICTIONS ON EXTRADITION.

*Political Offences.*

16. A fugitive shall not be given up if the offence in question is, in the judgment of the High Commissioner, or of the High Court, of a political character.

17. If, at any time during the proceedings for extradition, it is shown to the satisfaction of the High Commissioner that the offence in question is of a political character,—or that the request for extradition is made with a view to the trial or punishment of the fugitive for an offence of a political character,—the High Commissioner shall refrain from signifying the request to the High Court, or shall issue an order directing that the fugitive be discharged from custody (as the case may require).

18. The High Court shall, at any time during the proceedings for extradition, receive any evidence tendered to show that the offence in question is of a political character,—or that the request for extradition is made with a view to the trial or punishment of the fugitive for an offence of a political character,—and if, by that evidence, or otherwise, the Court is, at any time during the proceedings for extradition, satisfied that the offence is of that character,—or that the request is made with that view,—the Court shall refrain from issuing a warrant for the apprehension of the fugitive, or shall discharge him from custody (as the case may require).

#### *Limitation of Time.*

19. A fugitive shall not be given up, except on such waiver as aforesaid, before the expiration of 15 days from his committal for extradition.

20. If a fugitive committed for extradition is not given up and conveyed out of Cyprus within two calendar months from the committal,—or from the decision against him on the return of a writ of habeas corpus or of an order in the nature thereof,—then, on application to the Court by him or on his behalf, at any time after the expiration of those two months, and on proof of reasonable notice of the application having been given to the High Commissioner, the Court may, if it thinks fit, order that, unless good cause be shown to the contrary, within a time limited by the Court, the fugitive be discharged from custody; and the Court may afterwards, if it thinks fit, discharge him from custody accordingly.

#### *Trial for Offences in question only.*

21. A fugitive shall not be given up unless the High Commissioner is satisfied that provision is made by the law of the country of the requesting Government, or by lawful arrangement with that Government, to the effect that the fugitive shall not be detained or tried in that country for any offence committed there before his extradition, other than a scheduled offence provable by the facts on which his extradition is grounded, unless and until he has been restored, or had a reasonable opportunity of returning, to a place within British jurisdiction.

22. A fugitive shall not be given up if he has been tried in

Cyprus for the offence in question, or is under prosecution there for that offence.

23. A fugitive shall not be given up if, at any time during the proceedings for his extradition, it is shown to the satisfaction of the High Court that, since the commission of the offence in question, he has, according to the law of the country of the requesting Government, acquired, by lapse of time or otherwise, exemption from prosecution or punishment in that country for the offence in question.

24. A fugitive who is under prosecution in Cyprus for an offence other than that in question,—or who is undergoing in Cyprus punishment under a conviction there for an offence other than that in question,—shall not be given up before he has been lawfully discharged in respect of that prosecution or conviction, by acquittal, or on expiration of his term of punishment, or otherwise.

#### F.—GENERAL APPLICATION OF FOREGOING PROVISIONS.

25. This Order applies whether the offence in question was committed before or after the passing of this Order.

26. This Order applies whether there is or is not concurrent jurisdiction in any Court in Cyprus in relation to the offence in question.

27. A fugitive is liable to be given up, notwithstanding the existence of any civil obligations contracted by him in Cyprus, or any detention or proceedings there, which he is undergoing, or to which he may be subject, in consequence of such obligations.

28. For purposes of this Order, every colony, dependency, and constituent member of a country, and every vessel of that country, is part of that country, and every vessel of any part of the Ottoman dominions, other than Cyprus, is part of those dominions.

29. This Order applies whether the fugitive is or is not an Ottoman subject or a British subject.

30. For purposes of this Order, a fugitive accused or convicted of having counselled, procured, commanded, aided, or abetted, the commission of an offence, or of having been accessory thereto, before or after the fact, is a fugitive accused or convicted (as the case may be) of having committed that offence, provided that such counselling, procuring, commanding, aiding, or abetting, or being accessory, would be an indictable offence if committed by a British subject in Cyprus, and would also be punishable as an offence by the law of the country of the requesting Government.

31. For purposes of this Order, a foreign conviction by default, or on contumacy, is an accusation only, and not a conviction.



## G.—APPREHENSION IN ANTICIPATION OF REQUEST.

32. Where it is shown to the satisfaction of the High Court that there are reasonable grounds for believing that a person who is in Cyprus is a fugitive from a foreign country, or from some part of the Ottoman dominions other than Cyprus, and is accused or has been convicted of a scheduled offence committed there, and that a request is about to be made for his extradition, the Court may, if it thinks fit, issue a warrant for his apprehension, and for his being brought before the Court, with a view to his detention until reasonable opportunity for a request has been given; and thereupon the Court may, if it thinks fit, either remand him to custody for a reasonable time and so from time to time, or at any time, discharge him from custody.

## H.—GENERAL.

*Judicial Commissioner.*

33. In all proceedings relating to extradition the High Court shall act by the Judicial Commissioner.

*Evidence to show not Scheduled Offence.*

34. At any time during proceedings for extradition, the High Commissioner, or the High Court, shall receive any evidence tendered to show that the offence in question is not a scheduled offence.

*Treatment after Committal.*

35. A person committed for extradition shall at all times during the proceedings for his extradition be treated in custody in the manner in which a British subject, charged before the High Court with an indictable offence, is entitled by law to be treated in custody, during a remand.

*Orders of High Commissioner.*

36. Every order of the High Commissioner under this Order shall be obeyed and acted on by the High Court, and by all keepers of prisons, constables, and others, without question.

*Writing ; Signature ; Seal.*

37. Every request for extradition, and every signification, warrant, certificate, and order under this Order, shall be in writing, signed by the person making or issuing the same, or some other person lawfully authorized in that behalf, and sealed, in the case of an instrument made or issued by the High Commissioner, with his official seal, and in case of an instrument issuing from the High Court, with the seal of the Court.

*Forms in Schedule.*

38. The forms in the Second Schedule to this Order may be

used, with variations and additions according to circumstances, in cases to which those forms refer, and when so used shall be valid and sufficient in law.

#### EXTRADITION TO CYPRUS.

39.—(a.) With a view to a request to be made by the High Commissioner to a foreign Government or to the Ottoman Government for the extradition of a fugitive, the High Court may, if it thinks fit, on a suggestion on behalf of the High Commissioner, and on a sworn information, issue its warrant for the apprehension in Cyprus of the fugitive.

(b.) But the High Court shall not so issue its warrant if it appears to the Court that the offence in question is of a political character, and the Court shall receive any evidence tendered in that behalf.

(c.) The High Court may also, if it thinks fit, from time to time, as well after as before the issue of the warrant, take and certify any supplementary evidence tendered in aid of the proceedings for obtaining the extradition.

40. In case of the extradition of any person to Cyprus by the Government of a foreign country or by the Ottoman Government—

(i.) He shall not be triable or punishable in Cyprus for an offence of a political character; and

(ii.) He shall not be triable in Cyprus for any offence committed within British jurisdiction before his extradition, other than a scheduled offence provable by the facts on which the extradition is grounded, unless and until he has been restored to the country by whose Government he was given up, or has had, in the judgment of the High Commissioner, reasonable opportunity of returning thereto.

#### TAKING OF EVIDENCE FOR FOREIGN PROSECUTION.

41.—(a.) Where it is shown to the satisfaction of the High Commissioner that a criminal prosecution is pending before a foreign Court, or a Court in any part of the Ottoman dominions other than Cyprus, he may, if he thinks fit, issue an order requiring the High Court to take evidence for the purposes thereof,—provided that he is satisfied that the offence in question is not of a political character, and that the evidence is not sought with a view to the trial or punishment of any person for an offence of a political character.

(b.) Thereupon, the Court shall take the evidence of every witness appearing, as on a charge before the Court of an indictable offence, and shall certify at the foot of the depositions or informations that they were so taken; save that the evidence may be taken in the absence of the person, if any, charged, and

the fact of his presence, or of his absence, shall appear on the depositions or informations.

(c.) For that purpose any person in Cyprus, after payment or tender to him of a reasonable sum for his expenses, shall be compellable to appear, and give evidence, and produce documents, as on a charge before the Court of an indictable offence.

(d.) The Court shall send the depositions or informations to the High Commissioner, with such a report, if any, on the case, as the Court thinks fit.

(e.) If any person wilfully gives false evidence under this Article, he shall be guilty of perjury.

#### APPLICATION TO CYPRUS OF FUGITIVE OFFENDERS ACTS.

42. "The Fugitive Offenders Act, 1843,"\* or so much thereof as is for the time being in force, and any enactment for the time being in force, amending or substituted for the same, are hereby extended to Cyprus with the following adaptations, namely—

(a.) In sections 2 and 6 of "The Fugitives Offenders Act, 1843," the High Court of Justice, acting by the Judicial Commissioner, shall be deemed to be substituted for a Judge of a Superior Court in a Colony.

(b.) In sections 3, 5, and 6 of the same Act, the High Commissioner shall be deemed to be substituted for the Governor of a Colony.

And the Right Honourable the Earl of Kimberley, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

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#### THE SCHEDULES.

##### THE FIRST SCHEDULE.

###### *List of Offences.*

Murder, and attempt and conspiracy to murder.

Manslaughter.

Counterfeiting and altering money and uttering counterfeit or altered money.

Forgery, counterfeiting, and altering, and uttering what is forged or counterfeited or altered.

Embezzlement and larceny.

Obtaining money or goods by false pretences.

Offences by bankrupts against bankruptcy law, or any indictable offence under the laws relating to bankruptcy.

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\* See Vol. 10. Page 790.

Fraud by a bailee, banker, agent, factor, trustee, or director, or member, or public officer of any company, made criminal by any Act of Parliament or Ordinance for the time being in force.

Rape.

Abduction.

Child-stealing.

Burglary and housebreaking.

Arson.

Robbery with violence.

Threats by letter or otherwise with intent to extort.

Piracy by law of nations.

Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

Assault on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

Offences against "The Slave Trade Act, 1873," or otherwise in connection with the Slave Trade, committed on the high seas or on land, or partly on the high seas and partly on land.

Kidnapping and false imprisonment.

Perjury and subornation of perjury.

Any offence not before mentioned, being an indictable offence under the following Acts of Parliament of 1861, or any of them, or under any Act amending or substituted for the same:—

24 & 25 Vict., c. 96. Larceny.

24 & 25 Vict., c. 97. Malicious injuries to property.

24 & 25 Vict., c. 98. Forgery.

24 & 25 Vict., c. 99. False coining.

24 & 25 Vict., c. 100. Murder and other offences against the person.

#### THE SECOND SCHEDULE.

##### *Form of Warrant for Apprehension after Request for Extradition.*

In the Queen's High Court of Justice for Cyprus.

To A.B., police officer, and other officers of this Court.

Whereas \_\_\_\_\_, High Commissioner and Commander-in-Chief of this Island, has by an instrument in writing, under his hand and official seal, signified to this Court that a request has been duly made to him for the extradition of \_\_\_\_\_, late of \_\_\_\_\_, accused [or convicted] of the commission of the crime of \_\_\_\_\_, within the jurisdiction of \_\_\_\_\_:

This is therefore to command you, in the name of Her Majesty Queen Victoria, forthwith to apprehend the said \_\_\_\_\_, and bring him before this Court, to show cause why he should not be surrendered in pursuance of the Cyprus Extradition Order in Council, 1881, for which this shall be your warrant.

Given under the hand of the undersigned Judicial Commissioner, and the seal of this Court, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

##### *Form of Warrant for Apprehension in anticipation of Request for Extradition.*

In the Queen's High Court of Justice for Cyprus.

To A.B., police officer, and other officers of this Court.

Whereas it has been shown to the satisfaction of this Court that there are reasonable grounds for believing that \_\_\_\_\_, late of \_\_\_\_\_, is accused [or has been convicted] of the commission of the crime of \_\_\_\_\_, within the jurisdiction of \_\_\_\_\_, and that a request is about to be made for his extradition:

This is therefore to command you, in the name of Her Majesty Queen Victoria, forthwith to apprehend the said \_\_\_\_\_, and to bring him before this Court, to be further dealt with according to law, for which this shall be your warrant.

Given under the hand of the undersigned Judicial Commissioner, and the seal of this Court, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

*Form of Warrant of Committal.*

In the Queen's High Court of Justice for Cyprus.

To A.B., police officer of this Court, and to the keeper of the prison at

On this day of , 18 , late of , was brought before this Court to show cause why he should not be surrendered, in pursuance of the Cyprus Extradition Order in Council, 1881, on the ground of his being accused [or having been convicted] of the commission of the crime of , within the jurisdiction of ; and no sufficient cause has been shown to this Court why he should not be surrendered in pursuance of the said Order in Council :

This is therefore to command you, the said police officer, in the name of Her Majesty Queen Victoria, forthwith to convey and deliver the said into the custody of the said keeper of the said prison, together with this warrant, and you, the said keeper of the said prison, to receive the said into your custody, and him there safely to keep until he is thence delivered, pursuant to the provisions of the said Order in Council, for which this shall be your warrant.

Given under the hand of the undersigned Judicial Commissioner, and the seal of this Court, this day of , 18 .

*Form of Order for Surrender of Fugitive.*

To the keeper of the prison at , and to

Whereas , late of , accused [or convicted] of the commission of the crime of , within the jurisdiction of , was delivered into the custody of you, the keeper of the above-mentioned prison, by warrant dated , pursuant to the Cyprus Extradition Order in Council, 1881 :

Now I do hereby, in pursuance of the said Order in Council, order you, the said keeper, to deliver the said into the custody of the said ; and I command you, the said , to receive the said into your custody, and to convey him out of Cyprus, to the intent that he may be conveyed within the jurisdiction of the said , and there placed in the custody of any person or persons appointed by the said to receive him, for which this shall be your warrant.

Given under the hand and official seal of the undersigned High Commissioner and Commander-in-Chief of the Island of Cyprus, this day of , 18 .

BRITISH ORDER IN COUNCIL, *providing for Appeals from Decisions of the High Court and the Temyiz Court of Cyprus to Her Majesty in Council.* Windsor, July 15, 1881.

*At the Court at Windsor, the 15th day of July, 1881.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by Treaty, grant, usage, sufferance, and other lawful means Her Majesty the Queen has power and jurisdiction in and over Cyprus :

And whereas by an Order in Council bearing date the 14th day of September, 1878,\* Her Majesty ordered that there should be a High Commissioner in and over Cyprus, and that there should be a Legislative Council in Cyprus, and empowered the said High Commissioner with the advice of the said Legislative

\* See Vol. 14. Page 663.

Council to make all such laws and ordinances as might from time to time be necessary for the peace, order, and good government of Cyprus :

And whereas by Ordinances duly made by the said High Commissioner, with the advice of the said Legislative Council, a Court of Record called the Queen's High Court of Justice for Cyprus (thereinafter referred to as the High Court) has been established in and for Cyprus :

And whereas there exists at Nicosia in Cyprus an Ottoman Court known as the Court of Temyiz, and hereinafter referred to as the Temyiz Court :

And whereas it is expedient that provision should be made to enable parties to appeal from the decisions of the High Court and the Temyiz Court respectively to Her Majesty in Council :

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1875, or otherwise in Her Majesty vested, is pleased by and with the advice of her Privy Council to order, and it is hereby ordered, as follows:—

1. Any person or persons may appeal to Her Majesty, her heirs and successors, in her or their Privy Council, from any final judgment, decree, order, or sentence of the High Court, or of the Temyiz Court, in such manner, within such time, and under and subject to such rules, regulations, and limitations as are hereinafter mentioned, that is to say :

In case any judgment, decree, order, or sentence shall be given or made for or in respect of any sum or matter at issue of the amount or value of not less than 500*l.* sterling, or shall involve directly or indirectly any claim demanded or question to or respecting property or any civil right amounting to or of the value of not less than 500*l.* sterling, the person or persons feeling aggrieved by any such judgment, decree, order, or sentence may, within 14 days next after the same shall have been given or made, apply to the Court by which the same shall have been given or made by motion or petition for leave to appeal therefrom to Her Majesty, her heirs and successors, in her or their Privy Council.

In case such leave to appeal shall be applied for by a party or parties who is or are directed to pay any sum of money or perform any duty, the Court to which the application is made shall be and is hereby empowered either to direct that the judgment, decree, order, or sentence appealed from shall be carried into execution, or that the execution thereof shall be suspended pending the said appeal, as to the same Court may appear to be most consistent with substantial justice.

And in case the same Court shall direct such judgment, decree, order, or sentence to be carried into execution, the person or persons in whose favour the same shall be given or

made shall, before the execution thereof, give security to be approved by the same Court for the due performance of such judgment or order as Her Majesty, her heirs and successors, shall think fit to make upon such appeal.

In all cases the appellant or appellants shall give security to be approved by the Court from whose judgment, decree, order, or sentence the appeal is made to an amount not exceeding 500*l.* sterling, for the prosecution of the appeal and the payment of all such costs as may be awarded to any respondent by Her Majesty, her heirs and successors, or by the Judicial Committee of Her Majesty's Privy Council.

If such last-mentioned security is given within three months from the date of such motion or petition for leave to appeal, then and not otherwise the Court from whose decision the appeal is made shall admit the appeal, and the appellant or appellants shall be at liberty to prefer and prosecute his, her, or their appeal to Her Majesty, her heirs and successors, in her or their Privy Council, according to the rules for the time being in force respecting appeals to Her Majesty from Her Majesty's Colonies and plantations abroad.

2. It shall be lawful for the High Court and the Temyiz Court respectively, at their respective discretion, on the petition of any party who considers himself aggrieved by any preliminary or interlocutory judgment, decree, order, or sentence of such respective Court, to grant permission to such party to appeal against the same to Her Majesty, her heirs and successors, in her or their Privy Council, subject to the same rules, regulations, and limitations as are herein expressed respecting appeals from final judgments, decrees, orders, and sentences.

3. Nothing herein contained doth or shall extend to take away or abridge the right or authority of Her Majesty, her heirs and successors, upon the humble petition of any person or persons aggrieved by any judgment or decision of the High Court or of the Temyiz Court, at any time to admit his, her, or their appeal therefrom upon such terms and in such manner as Her Majesty, her heirs or successors, shall think fit, and to reverse, correct, or vary such judgment or decision as to Her Majesty, her heirs or successors, shall seem meet.

In all cases of appeal admitted by the High Court or by the Temyiz Court, or by Her Majesty, her heirs or successors, the Court from whose decision the appeal is admitted shall certify and transmit to Her Majesty, her heirs and successors, in her or their Privy Council, in the case of an appeal from the High Court, a true and exact copy, and in the case of an appeal from the Temyiz Court a true and correct translation into the English language, of all evidence, proceedings, judgments, decrees, and orders had or made in such cases appealed, so far as the same have relation to the matter of appeal, such copies and trans-

lations to be certified under the seal of the Court transmitting the same, and the same Court shall also certify and transmit to Her Majesty, her heirs and successors, in her or their Privy Council, a copy of the reasons given by the Judges of the same Court, or by any of them, for or against the judgment or decision appealed against where such reasons have been given in writing, or a translation into the English language of such reasons if they shall have been given in any other language, and where such reasons shall have been given orally then a statement in writing of such reasons.

5. The High Court and the Temyiz Court respectively shall in all cases of appeal to Her Majesty, her heirs or successors, conform to and execute or cause to be executed such judgments and orders as Her Majesty, her heirs and successors, shall think fit to make in the premises, in such manner as any original judgment, decree, or order of the said respective Courts should or might have been executed.

And the Right Honourable the Earl of Kimberley, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

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## DENMARK.

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ARRANGEMENT *between the Money Order Department of India and the Post Office of Denmark for the Exchange of Money Orders. Signed at Copenhagen, November 29, 1875; and at London, January 4, 1876.*

In order to establish an exchange of money orders between India and Denmark, the Undersigned, duly authorized for that purpose, have, subject to ratification, agreed upon the following Articles:—

[The wording of this Arrangement is similar to that between India and Germany of the 18<sup>th</sup> <sup>and</sup> January, 1875 (Page 195), with the following exceptions:]

ART. 1. There shall be a regular exchange of money orders between India and Denmark by means of the weekly mail service *viâ Brindisi*.

2. The money order business between the two countries shall be performed exclusively through offices of exchange communicating with each other by means of lists, as explained more particularly below, the money orders being made out and forwarded to the payees by the office of exchange of the country in which the orders are payable. The offices of exchange shall





AA. From Korsøer to Bombay.

No. , dated , 187

LIST of Money Orders drawn in Denmark upon India.

LIST of Void Money Orders, as well as of Money Orders for the Repayment of which to Remitters in India authority is hereby given.

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B.

Quarterly Account of Money Order Exchanges between Denmark and India, prepared by the Danish Office of Exchange, for the Quarter 187

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AGREEMENT *between the Governments of Great Britain and Denmark relative to Merchant Seamen Deserters. Signed at London, June 21, 1881.\**

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the King of Denmark, being desirous, for the benefit of the commerce of the two countries, to facilitate the discovery, apprehension, and surrender of seamen who may desert from merchant-vessels of either country, on the basis of a full and entire reciprocity, have agreed as follows:—

It is mutually agreed that if any seamen or apprentices, not being slaves, should desert from any ship belonging to a subject of either of the Contracting Parties, within any port in the territories or in the Possessions or Colonies of the other Contracting Party, the authorities of such port and territory, Possession or Colony, shall be bound to give every assistance in their power for the apprehension and sending on board of such deserters, on application to that effect being made to them by the Consul of the country to which the ship of the deserter may belong, or by the deputy or representative of the Consul.

It is understood that the preceding stipulations shall not apply to subjects of the country where the desertion shall take place.

Each of the two High Contracting Parties reserves to itself the right of terminating this Agreement at any time, on giving to the other a year's notice of its wish to that effect.

In witness whereof the Undersigned, duly authorized for that purpose, have signed the present Agreement, and have affixed thereto the seal of their arms.

\* Signed also in the Danish language.

Done at London in duplicate, the 21st day of June, in the year of Our Lord 1881.

(L.S.) GRANVILLE.  
(L.S.) FALBE.

BRITISH ORDER IN COUNCIL, *for apprehending and delivering up of Seamen Deserters from Danish Merchant-Vessels in the British Dominions.* Windsor, July 15, 1881.

*At the Court at Windsor, the 15th day of July, 1881.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Foreign Deserters Act, 1852" [cap. 26],\* it is provided that whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering and apprehending seamen who desert from British merchant-ships in the territories of any foreign Power, Her Majesty may, by Order in Council, stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant-ships belonging to a subject of such Power when within Her Majesty's dominions shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such Order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient:

And whereas it hath been made to appear to Her Majesty that due facilities for recovering and apprehending seamen (not being Danish subjects) who desert from British merchant-ships in territories belonging to His Majesty the King of Denmark will be given under an Agreement between the Governments of Great Britain and Denmark, signed at London on the 21st of June, 1881:†

Now, therefore, Her Majesty, by virtue of the powers vested in her by the said "Foreign Deserters Act, 1852," and by and with the advice of her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that from and after the publication hereof in the London Gazette, seamen, not being slaves (and not being British subjects), who desert from merchant-ships belonging to subjects of the King of Denmark within Her Majesty's dominions, shall be liable to be apprehended and carried on board their respective ships; provided always, that if any such deserter has committed any crime in Her Majesty's dominions he may be detained until he has been tried by a competent Court, and until his sentence (if any) has been fully carried into effect.

\* See Vol. 9. Page 347.

† See Page 136.

And Her Majesty, by virtue of the powers vested in her by the said "Foreign Deserters Act, 1852," and by and with the advice of her Privy Council, is further pleased to order and declare that upon and after the publication hereof in the London Gazette, the Order in Council relating to seamen who desert from the merchant-ships belonging to the subjects of the King of Denmark, made, by virtue of the said Act, on the 13th day of June, 1853,\* and published in the London Gazette on the 14th day of June, 1853, shall be revoked, and the same is hereby revoked accordingly.

And the Secretary of State for the Home Department, the Secretary of State for the Colonies, and the Secretary of State for India in Council, are to give the necessary directions herein accordingly.

C. L. PEEL.

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ADDITIONAL ARTICLES *to the Money Order Convention between the General Post Office of the United Kingdom of Great Britain and Ireland and the General Post Office of the Kingdom of Denmark of the* <sup>22nd April,</sup> 1871.† (*Danish West Indies*).  
London, 10th January, 1882. <sup>10th May,</sup>  
Copenhagen, 27th February,

THE Postmaster-General of the United Kingdom of Great Britain and Ireland, on the one part, and the Director-General of the Posts, Telegraphs, and State Railways of the Kingdom of Denmark, on the other part;

Having regard to Article XX of the Money Order Convention concluded between the British Post Office and the Danish Post Office, signed at Copenhagen on the 22nd April, 1871, and in London on the 16th May, 1871;‡

And being of opinion that it is desirable to extend to the Danish West Indian Colonies of St. Thomas, Ste. Croix, and St. John the money order system regulated by the said Convention;

Have agreed as follows:—

ART. I. There shall be an exchange of money orders between the United Kingdom of Great Britain and Ireland on the one side and the Danish West Indian Colonies of St. Thomas, Ste. Croix, and St. John on the other side.

II. Amounts shall be expressed exclusively in English and Danish currency, and shall be converted from the one currency into the other at the same rate as that fixed for the conversion of the amounts of orders exchanged between the United Kingdom and Denmark, namely, 18 kroner 15 öre to the pound sterling. But this rate shall be subject to alteration should

\* See Vol. 9. Page 241. † Signed also in the Danish language.

‡ See Vol. 13. Page 369.

fluctuations in the market rate of exchange between the United Kingdom and Denmark at any time render an alteration necessary.

III. The particulars of all money orders drawn in the United Kingdom upon St. Thomas, Ste. Croix, and St. John, shall be entered at the chief office in London, in lists similar to Form A in the Appendix to the Convention of the <sup>22nd April,</sup><sub>10th May,</sub> 1871; and such lists shall be forwarded direct to the Postmaster of St. Thomas.

One copy of each list so despatched shall be sent, on the same day, to the Danish office of exchange at Korsoer; and, to prevent inconvenience in case the original lists should be lost, duplicate lists shall be forwarded by the London office to the Postmaster of St. Thomas by the following mail.

IV. The particulars (including the full addresses of the payees and remitters) of all money orders issued in the Islands of St. Thomas, Ste. Croix, and St. John, shall be entered by the Postmaster of St. Thomas in lists similar to Form A in the Appendix to the aforesaid Convention; and such lists shall be forwarded direct to England, addressed to the Controller, Money Order Office, General Post Office, London.

One copy of each list, so despatched, shall at the same time be forwarded to the Danish office of exchange at Korsoer; and duplicates shall be forwarded by the following mail from the office at St. Thomas to the Controller, Money Order Office, General Post Office, London.

V. When it is necessary to correct errors affecting the payment of orders, the Controller of the Money Order Office in London shall communicate with the Postmaster of St. Thomas direct; and, in like circumstances, the Postmaster of St. Thomas shall communicate with the Controller of the Money Order Office, General Post Office, London.

VI. All corrections affecting the amounts of orders and totals of lists shall be immediately notified to the Danish office of exchange at Korsoer.

VII. At the end of every calendar month a detailed statement shall be prepared by the office of exchange at London, on a form similar to pattern B, annexed to the Convention of the <sup>22nd April,</sup><sub>10th May,</sub> 1871, showing the total of each list received from St. Thomas during the month; and a similar statement shall, at the end of every month, be prepared by the Danish office of exchange at Korsoer, showing the totals of the lists of orders issued in the United Kingdom, and advised to St. Thomas.

VIII. The detailed accounts shall be examined, verified, and accepted in the manner described in Article XVII of the Convention of the <sup>22nd April,</sup><sub>10th May,</sub> 1871; and the results shall be incorporated by the Danish Post Office in the general account mentioned in Article XVIII of the said Convention.

IX. As regards all particulars not mentioned in the foregoing Additional Articles, the exchange of money orders between the United Kingdom and the Islands of St. Thomas, Ste. Croix, and St. John shall be carried on under the conditions which regulate the existing exchange of money orders between the United Kingdom and Denmark.

X. The present Articles shall be considered as additional to the Money Order Convention referred to therein, and shall be carried into effect on the 1st day of April, 1882.

Done in duplicate, and signed in London on the 16th day of January, 1882, and in Copenhagen on the 27th day of February, 1882.

(L.S.) HENRY FAWCETT.

(L.S.) SCHON.

## DOMINICAN REPUBLIC.

NOTIFICATION *of the Swiss Government of the Admission of the Dominican Republic into the Universal Postal Union of June 1, 1878. Berne, July 2, 1880.*

EN conformité de l'Article XVIII de la Convention de Paris du 1<sup>er</sup> Juin, 1878,\* concernant l'Union Postale Universelle, le Conseil Fédéral Suisse a l'honneur d'informer son Excellence M. le Ministre des Affaires Étrangères de Sa Majesté Britannique, &c.,—

1. Que le Haut Gouvernement de la République Dominicaine a déclaré, par l'organe de son Conseil-Général à Londres, muni à cet effet de pleins pouvoirs spéciaux, adhérer à la Convention susmentionnée, et conséquemment aussi au règlement d'exécution y relatif.

2. Que le Conseil Fédéral Suisse s'est entendu avec le Haut Gouvernement de la République Dominicaine sur les points suivants :—

(a.) L'Administration des Postes percevra, comme équivalents, en conformité de l'Article IV du Règlement d'Exécution à la Convention de Paris, concernant l'Union Postale Universelle,

Pour 25 centimes : 5 centavos de peso.

„ 10 „ 2 „ „  
„ 5 „ 1 centavo „

(b.) La date de l'accession est fixée au 1<sup>er</sup> Octobre, 1880 ;

(c.) Pour la part contributive aux frais du Bureau Inter-

\* See Vol. 14. Page 1007.

national des Postes (Article XXVIII du Règlement d'Exécution précité), la République Dominicaine sera rangée dans la 6<sup>me</sup> classe.

Le Conseil Fédéral saisit cette occasion pour renouveler à Son Excellence M. le Ministre les assurances de sa haute considération.

Au nom du Conseil Fédéral Suisse,

ANDENVERT, *Vice-Président.*

SCHIESS, *Chancelier de la Confédération.*

## EGYPT.

FIRMAN du Sultan, concédant à l'Égypte les Caïmacamats de Massawa, Suakim, et leurs Dépendances. Mai, 1865.

(Traduction.)

JE vous envoie ce Firman pour vous apprendre que selon votre demande les ports de Massawa et de Suakim vous sont concédés avec la Province de Taka, à cette condition, que vous y établirez une bonne administration pour leur prospérité, et que vous veillerez à la stricte exécution des réglemens pour empêcher la traite et au paiement régulier au Gouvernement de Djeddah des droits annuels dûs par ces Provinces, ainsi que cela avait lieu dans les dernières années du Gouvernement de feu Son Altesse Mehemet Aly Pacha.

Comme les deux côtes de la Mer Rouge appartiennent à l'Empire, aucun inconvénient ne s'oppose à ce que cette côte soit confiée à l'administration particulière de l'Égypte; cependant, comme à l'époque de la concession de ces lieux à feu Mehemet Aly Pacha, le Eyalet et le Liwa de Djeddah et d'Abyssinie n'étaient pas encore entrés sous le régime de la Réforme, les fonctionnaires désignés par l'Égypte devaient être confirmés par un Bouyouurdu du Gouvernement de Djeddah, tandis que maintenant les localités susdites se trouvant comprises dans l'Administration régulière, il a été nécessaire de prendre des renseignements à leur sujet auprès du Eyalet de Djeddah, lesquels renseignements, reçus en ces jours, furent soumis à l'appréciation du Haut Conseil des Ministres, et moi, qui ai confiance en votre dévouement et votre sincère fidélité, dont je suis convaincu, je vous cède à vous personnellement ces localités.

Vous paierez pour les contributions, droits de douane et de salines, d'après les registres de l'année 1280, une somme de 5,000 bourses, ainsi que cela se faisait du temps de feu Son

Altesse Mehemet Aly Pacha, plus 2,500 bourses, soit en tout 7,500 bourses à verser annuellement au Trésor de Djeddah.

Comme avec votre esprit droit et digne d'éloges vous maintenez toujours d'une façon juste et équitable les revenus tirés de la Province d'Égypte et de ses terres sacrées, dans le cas où les revenus du Hedjaz éprouveraient une diminution, et où ceux des localités concédées augmenteraient au contraire, vous ferez dresser tous les trois ans, pour établir une compensation, un Budget comprenant les modifications et améliorations apportées pour ces dites localités, en dehors de celui dressé pour le pays privilégié que vous tenez à titre d'héritage ; vous donnerez des instructions précises aux fonctionnaires que vous y enverrez pour qu'ils maintiennent, d'après les mesures régulièrement adoptées, l'administration des salines et des douanes de ces ports et de leurs dépendances, et j'ai en conséquence donné mon présent Firman Impérial pour vous accorder cette concession, conformément à ce qui vient d'être dit.

Vous prendrez consignation de ces localités à partir du mois de Mars, de l'année 1281, en remplissant les formalités nécessaires, et en donnant une déclaration contenant l'engagement d'effectuer les paiements ci-dessus mentionnés, et vous vous efforcerez de mériter de plus en plus ma bienveillance Impériale.

C'est pourquoi je vous délivre le présent Firman avec ma signature.

Fait et écrit vers le milieu de Zilhegeh (*mi-Mai*, 1865).

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DECLARATION *between the Representatives of Great Britain, Austria-Hungary, France, Germany, and Italy, relative to the appointment of a Commission of Liquidation of the Egyptian Debts. Cairo, March 31, 1880.*

CONSIDÉRANT que par un Décret en date du 30 Mars, 1878,\* une Commission Spéciale a été chargée d'ouvrir une enquête sur la situation financière de l'Égypte et de réunir les éléments d'un Règlement Général, et que par un nouveau Décret, dont le texte est ci-joint, Son Altesse le Khédive se propose de constituer une Commission de Liquidation définitive, composée de membres Allemands, Austro-Hongrois, Français, Anglais et Italiens, les Gouvernements d'Allemagne, d'Autriche-Hongrie, de France, de Grande Bretagne, et d'Italie sont convenus de donner leur assentiment au dit Décret.

Les Gouvernements précités s'engagent, en conséquence, à accepter comme obligatoire, et sans appel, la décision qui sera rendue, en ce qui concerne les obligations et dettes du Gou-

\* See State Papers, Vol. 69. Page 662.



vernement Égyptien, ainsi que des Dairas Kassa et Sanieh, par la Commission de Liquidation établie en vertu du dit Décret. Ils consentent aussi à ce que les décisions de la Commission constituée en vertu de ce Décret soient reconnues par les Tribunaux de la Réforme comme une loi obligatoire aussitôt qu'elles auront été publiées officiellement par le Gouvernement de Son Altesse le Khédive.

Les Gouvernements de Grande Bretagne, d'Allemagne, d'Autriche-Hongrie, de France, et d'Italie s'engagent, en outre, à porter collectivement cette Déclaration à la connaissance des Puissances qui ont pris part à l'établissement des Tribunaux Mixtes institués en Égypte, et à les inviter à y adhérer.

Les Soussignés, Mr. Edward Baldwin Malet, Ministre Plénipotentiaire, Agent et Consul-Général de Sa Majesté Britannique; M. Jean Antoine Baron de Saurma-Jeltsch, Conseiller de Légation, Consul-Général de Sa Majesté l'Empereur d'Allemagne; M. Ignace Chevalier de Schaeffer, Ministre Résident, Agent et Consul-Général d'Autriche-Hongrie; M. Maximilien Napoléon Théodore Baron de Ring, Ministre Plénipotentiaire, Agent et Consul-Général de France; M. Joseph de Martino, Agent et Consul-Général d'Italie; munis des pouvoirs nécessaires, déclarent, par les présentes, que leurs Gouvernements respectifs prennent, les uns envers les autres, les engagements relatés ci-dessus.

En foi de quoi les Soussignés ont signé la présente Déclaration, et y ont apposé le sceau de leurs armes.

Fait en cinq exemplaires originaux au Caire, le 31 Mars, 1880.

(L.S.) EDWARD B. MALET.

(L.S.) A. DE SAURMA.

(L.S.) SCHAEFFER.

(L.S.) N. DE RING.

(L.S.) J. DE MARTINO.

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DECREE of the Khedive of Egypt, establishing a Commission of Liquidation for Egyptian Debts. Cairo, March 31, 1880.

NOUS, Khédive d'Égypte,

Vu le Rapport de la Commission Supérieure d'Enquête, en date du 8 Avril, 1879;

Considérant que le Décret du 6 Avril, 1876, a prorogé l'échéance des dettes du Gouvernement Égyptien, en en diminuant l'intérêt, et déclaré la nécessité d'arriver à une combinaison financière destinée à régler la dette Égyptienne;

Considérant que la Commission d'Enquête, par son Rapport

en date du 8 Avril, 1879, a reconnu l'impossibilité de faire face actuellement à toutes les échéances des diverses dettes consolidées et de liquider intégralement et immédiatement la Dette Non-Consolidée ;

Considérant que la Commission d'Enquête a également reconnu que pour qu'il puisse être procédé à une répartition équitable des ressources disponibles entre les créanciers du Gouvernement il faut que la loi de liquidation, qui devra être faite, soit obligatoire pour tous les créanciers et soit reconnue comme telle par les Tribunaux de la Réforme ;

Considérant que l'Allemagne, l'Autriche-Hongrie, la France, la Grande Bretagne, et l'Italie ont déclaré qu'elles acceptaient d'avance la loi qui sera préparée par la Commission constituée en vertu du présent Décret, et qu'elles se sont engagées à la porter collectivement à la connaissance des autres Puissances qui ont pris part à l'établissement des Tribunaux Mixtes en Égypte, et à les inviter à y adhérer ;\*

Notre Conseil des Ministres entendu dans son avis conforme ;  
Décrétons :

ART. 1. Une Commission de Liquidation est instituée. Après avoir examiné l'ensemble de la situation financière et après avoir entendu les observations des parties intéressées, cette Commission préparera, en prenant comme point de départ les conclusions de la Commission Supérieure d'Enquête, et sans modifier les conditions de l'Emprunt Domaniale, un projet de loi réglant les relations du Gouvernement ainsi que des Dairas Sanieh et Khassa avec leurs créanciers, et déterminant les conditions et les formes dans lesquelles devra s'opérer la liquidation de la Dette Non-Consolidée.

2. La Commission déterminera les ressources qui pourront être mises à la disposition des créanciers des Dettes Consolidées ou Non-Consolidées, mais elle devra, en premier lieu, tenir compte, avec l'assentiment du Conseil des Ministres et des Contrôleurs, de la nécessité de réserver au Gouvernement la libre disposition des sommes indispensables pour assurer la marche régulière des services publics. Il lui sera à cet effet donné communication du Budget de l'année pendant laquelle elle exercera ses fonctions, ainsi que de ceux des années antérieures qui lui seront nécessaires pour se rendre un compte exact des besoins du Trésor Egyptien.

3. Les Contrôleurs-Généraux fourniront à la Commission, sur sa demande, les documents et explications complémentaires qui seraient de nature à l'éclairer dans l'accomplissement de sa tâche. Elle transmettra par leur entremise, soit à nous, soit à nos Ministres, les observations qu'elle aurait à faire parvenir au Gouvernement.

4. La Commission aura le droit de surveiller, d'accord avec :

\* See Page 142.

les Contrôleurs-Généraux, la mise en vigueur des dispositions qui auront été arrêtées par elle, et la durée de ses pouvoirs, après la publication du Décret de Liquidation, pourra être prolongée à cet effet pendant un délai qui n'excédera pas trois mois. A l'expiration de ce délai, la Commission sera, dans tous les cas, dissoute de plein droit.

5. La loi qui sera préparée par la Commission sera revêtue de notre sanction et publiée par nous.

Dès sa publication cette loi sera obligatoire et sans appel, malgré les dispositions du Règlement d'Organisation Judiciaire et des Codes de la Réforme.

6. Cette Commission sera nommée par Décret. Elle se composera de deux Commissaires désignés par chacun des Gouvernements de France et de Grande Bretagne et d'un Commissaire désigné par chacun des Gouvernements d'Allemagne, d'Autriche-Hongrie, et d'Italie. Le Gouvernement Égyptien se fera représenter par un Délégué auprès de cette Commission.

7. Le crédit nécessaire aux travaux de la Commission sera ouvert par nous, conformément au Rapport qui nous sera présenté à cet effet par le Président de la Commission.

8. Nos Ministres sont chargés, chacun en ce qui le concerne, de l'exécution du présent Décret.

Fait au Palais d'Abdin, le 31 Mars, 1880 (20 Rabi-el-Akher, 1297).

Par le Khédivé : MÉHÉMET TEWFIK.  
RIAZ, *Président du Conseil des Ministres.*

DCRÉE of the Khedive of Egypt, nominating the Members of the Commission of Liquidation. Cairo, April 5, 1880.

Nous, Khédivé d'Égypte,

Vu notre Décret du 31 Mars, 1880,\* instituant une Commission de Liquidation :

Décrétons :

Art. 1. Sont nommés Membres de la Commission de Liquidation :—

Sir Rivers Wilson, *Président.*

MM. Baravelli,

Bellaigue de Bughas,

Colvin,

De Kremer,

Liron d'Airoles,

De Trescow.

Le Gouvernement délègue Boutros Bey Ghali pour le représenter auprès de la Commission.

\* See Page 143.

2. Les délibérations de la Commission de Liquidation seront prises à la majorité des voix.

Fait au Palais d'Abdin, le 5 Avril, 1880 (25 Rabi-el-Akher, 1297).

MÉHÉMET TEWFIK.

Par le Khédive :

RIAZ, *Président du Conseil des Ministres.*

*LAW for the Liquidation of the Egyptian Debt. Ras-el-Tin, July 17, 1880.\**

*Loi de Liquidation.*

NOUS, Khédive d'Égypte,

Vu nos Décrets en date des 31 Mars et 5 Avril, 1880,†

Sur la proposition des Commissaires désignés par les Gouvernements d'Allemagne, d'Autriche-Hongrie, de France, de Grande Bretagne et d'Italie, et nommés par nous,

Notre Conseil des Ministres entendu,

Avons décrété et décrétons :—

Titre I.—DETTE CONSOLIDÉE.

Art. 1. Le service de la Dette Consolidée s'effectuera à l'avenir dans les conditions déterminées ci-après.

DETTE PRIVILÉGIÉE.

2. Les revenus nets des chemins de fer de l'État, des télégraphes, et du port d'Alexandrie sont spécialement affectés au service des intérêts et de l'amortissement de la Dette Privilégiée.

Le complément des ressources nécessaires pour ce service sera prélevé, comme première charge, sur les affectations de la Dette Unifiée.

Si, au contraire, les affectations spéciales de la Dette Privilégiée arrivent à présenter des excédants, ces excédants seront employés à l'amortissement de la Dette Unifiée.

3. Les dépenses ordinaires d'entretien et d'exploitation, prévues au Budget ou régulièrement autorisées par décisions spéciales, seront seules prélevées sur les recettes de ces Administrations.

Les frais de transport, dus par les services de l'État, qui ne seraient pas payés au comptant, devront être remboursés mensuellement à l'Administration des Chemins de Fer.

\* List of Accessions :—Belgium, May 24 ; Spain, May 24 ; Netherlands, June 1 ; Portugal, June 8 ; Sweden and Norway, June 9 ; Denmark, June 11 ; Greece, June 24 ; United States, July 17 ; Russia, August 19, 1880.

† See Pages 143 and 145.

4. Il sera pourvu sur les ressources générales du Trésor aux dépenses extraordinaires, telles que l'acquisition de terrains ou d'immeubles, la construction de lignes nouvelles et l'acquisition du matériel nécessaire à leur exploitation, le rachat de lignes concédées, la pose d'une seconde voie, la construction de bâtiments nouveaux, digues, quai, &c.

Les dites dépenses extraordinaires seront proposées par les Administrateurs et votées par le Conseil des Ministres.

S'il y a contestation entre le Gouvernement et l'Administration des Chemins de Fer, des Télégraphes, et du Port d'Alexandrie sur la question de savoir si une dépense doit ou non être considérée comme extraordinaire, le Gouvernement pourra, sur l'avis conforme de la Caisse de la Dette, autoriser la dite Administration à prélever cette dépense sur ses recettes.

5. L'intérêt annuel des obligations de la Dette Privilégiée est maintenu à 5 pour cent du capital nominal.

Il continuera à être payé semestriellement aux échéances du 15 Avril et du 15 Octobre.

L'amortissement sera fait au pair en 65 ans, à compter du 15 Octobre, 1876, par tirages semestriels.

Les tirages s'effectueront en séance publique, par les soins des Commissaires-Directeurs, dans les mois de Janvier et de Juillet.

Le remboursement des titres aura lieu à partir de l'échéance du coupon suivant.

6. Notre Ministre des Finances est autorisé à émettre pour £E. nominales 5,600,205 (5,743,800L.) d'obligations de la Dette Privilégiée, dont l'emploi sera fait conformément aux Articles 68 et suivants.

Ces titres seront émis, au fur et à mesure des besoins, jouissance du 15 Avril, 1880, et aux mêmes conditions d'intérêt et d'amortissement que les obligations primitives, auxquelles ils sont complètement assimilés.

Les nouveaux titres seront compris dans le premier tirage d'amortissement qui suivra leur émission.

7. Au fur et à mesure de la liquidation des créances payables en obligations et pendant un délai de six mois à compter de la publication de la présente Loi, il sera délivré aux intéressés des titres provisoires au porteur.

Les règlements ultérieurs seront faits directement en obligations définitives.

Les titres provisoires devront être échangés dans l'année qui suivra la publication de la présente Loi.

Passé ce dernier terme, notre Ministre des Finances procédera d'office à l'émission des obligations dont les titres provisoires n'auront pas été représentés, et les déposera à la Caisse de la Dette Publique pour le compte de qui de droit.

8. L'annuité nécessaire au service des obligations pri-

vilégiées, en intérêts et amortissement, est fixé à £E.1,157,768 (1,187,404*l.*)

#### DETTE UNIFIÉE.

9. Les revenus suivants demeureront affectés au service de la Dette Unifiée :—

(1.) Les revenus des Douanes et le produit des droits perçus pour notre Gouvernement à l'importation des tabacs, sous la déduction des dépenses d'administration.

(2.) Les revenus des Provinces de Garbieh, Menoufieh, Béhéra, et Siout, sous la déduction de 7 pour cent du montant brut des recouvrements à titre de frais de perception et d'administration.

Dans ces derniers revenus seront compris tous les impôts et droits divers actuellement en vigueur, ou créés dans l'avenir, à l'exception de la taxe des sels et de celle des tabacs indigènes.

Les autres affectations de revenus établies au profit de la Dette Unifiée par le Décret du 7 Mai, 1876,\* sont supprimées.

10. L'intérêt annuel des obligations de la Dette Unifiée est fixé à 4 pour cent du capital nominal, à compter du 1<sup>er</sup> Mai, 1880.

Il sera payé semestriellement aux échéances du 1<sup>er</sup> Mai et du 1<sup>er</sup> Novembre.

11. Le service des intérêts à 4 pour cent sera assuré par les affectations de revenus déterminées dans l'Article 9, et, en cas d'insuffisance, par les ressources générales du Trésor.

12. Les versements des revenus affectés à la Dette Unifiée, reçus du 26 Avril au 25 Octobre inclusivement, seront imputés à l'échéance du 1<sup>er</sup> Novembre, et ceux reçus du 26 Octobre au 25 Avril seront imputés à l'échéance du 1<sup>er</sup> Mai.

Si à la date du 25 Avril, ou à celle du 25 Octobre, les versements accomplis sont insuffisants pour effectuer le paiement du coupon à 4 pour cent par an, notre Ministre des Finances en fournira immédiatement le complément sur la demande des Commissaires de la Dette.

13. Toutefois, si les recouvrements du 1<sup>er</sup> semestre ont laissé un excédant disponible, cet excédant sera appliqué au complément du coupon de Novembre avant de recourir à la garantie de notre Gouvernement, et d'autre part les sommes versées par notre Ministre des Finances pour parfaire le coupon du 1<sup>er</sup> Mai lui seront remboursées, le cas échéant, sur les excédants du 2<sup>e</sup> semestre.

A cet effet le compte de garantie du Gouvernement sera arrêté annuellement le 25 Octobre, en cumulant les opérations des deux semestres.

14. L'amortissement de la Dette Unifiée se fera par rachat au cours du marché. Seront consacrés à cet amortissement (1) les excédants que les revenus affectés au service de la Dette

\* See State Papers. Vol. 67. Page 1016.

Publique présenteront après le paiement des deux coupons annuels et le règlement du compte de garantie du Gouvernement dont il est parlé à l'Article précédent; (2) les autres ressources indiquées aux Articles 2, 15, 22, 29, et 95.

15. La portion des excédants budgétaires qui pourra être versée annuellement à la Caisse de la Dette Publique conformément aux dispositions de l'Article suivant sera également employée au rachat des obligations de la Dette Unifiée, sous réserve de l'emploi éventuel prévu à l'Article 70.

Ces fonds resteront en dépôt à la Caisse de la Dette Publique jusqu'à ce que les justifications que devra fournir le Ministre des Finances aient permis aux Commissaires de la Dette de constater qu'ils ne sont pas nécessaires pour le règlement de la Dette Non-Consolidée.

L'amortissement par tirage de la Dette Unifiée est supprimé.

16. Seront considérés comme excédants de revenus des provinces et Administrations non-affectées au service de la Dette Publique les produits budgétaires de toute nature réalisés dans ces provinces et Administrations au delà de la somme de £E.4,897,888, à laquelle ont été arrêtées les dépenses budgétaires, y compris le Tribut de Constantinople et le service des diverses dettes que le Gouvernement est tenu d'assurer aux termes de la présente Loi sur les ressources générales du Trésor, savoir:—

Les intérêts des actions du Canal de Suez dus au Gouvernement Anglais;

L'annuité de la Daïra Khassa et celle de la Moukabalah.

Ces excédants de revenus resteront à la disposition du Gouvernement jusqu'à concurrence d'une somme égale à l'excédant de revenus des Administrations et Provinces affectées.

Si l'excédant des revenus affectés n'atteint pas un demi pour cent du montant total de la Dette Unifiée (soit £E.283,000), le complément de ce demi pour cent sera versé à la Caisse de la Dette Publique sur le surplus des excédants budgétaires.

Lorsqu'il n'y aura pas lieu à ce prélèvement, la totalité des excédants budgétaires sera conservée pour les dépenses administratives,

17. Il ne sera pas pourvu à l'amortissement par rachat des échéances du 1<sup>er</sup> Novembre, 1878, des 1<sup>er</sup> Mai et 1<sup>er</sup> Novembre, 1879, et 1<sup>er</sup> Mai, 1880, non plus qu'au paiement des portions d'intérêts impayées des trois dernières échéances.

18. Tous les bons ou titres qui devaient, aux termes des Décrets du 7 Mai et du 18 Novembre, 1876,\* être convertis en obligations de la Dette Unifiée, devront être présentés à la conversion avant le 1<sup>er</sup> Avril, 1881, sous peine de déchéance.

19. Notre Ministre des Finances est autorisé à émettre de nouveaux titres de la Dette Unifiée jusqu'à concurrence de

\* See State Papers. Vol. 67. Pages 1016 and 1024.

£E.1,909,280 nominales (1,958,240*l.*) pour en faire l'emploi fixé par l'Article 26.

Ces nouveaux titres seront émis jouissance du 1<sup>er</sup> Mai, 1880, et aux conditions d'intérêt et d'amortissement ci-dessus déterminées pour les anciennes obligations, auxquelles ils seront complètement assimilés.

*Dispositions communes à la Dette Privilégiée et à la Dette Unifiée.*

20. Les coupons et les titres seront payés en or, sans aucune retenue, en Égypte, à Paris, et à Londres.

A Paris les paiements seront faits au change fixe de 25 fr. la livre sterling.

21. Les obligations de la Dette Privilégiée et de la Dette Unifiée ne pourront être frappées d'aucun impôt au profit de notre Gouvernement.

22. La prescription quinquennale et la prescription de 15 ans établies par les Articles 275 et 272 du Code Civil seront applicables, la première aux intérêts des obligations de la Dette Unifiée et de la Dette Privilégiée ; la seconde, aux capitaux des mêmes obligations désignées par le tirage pour l'amortissement.

Les délais de prescription seront calculés d'après le calendrier Grégorien.

Le montant des intérêts et capitaux atteints par la prescription profitera à l'amortissement de la Dette Unifiée.

23. Les affectations de revenus établies par la présente Loi recevront leur application à compter du 1<sup>er</sup> Janvier, 1880.

La Caisse de la Dette Publique reversera au compte de la Liquidation une somme de £E.5,000.

Moyennant ce paiement la Caisse et la Liquidation seront quittes l'une envers l'autre de tous comptes à faire entre elles par suite du nouveau règlement des affectations.

24. Sont maintenues toutes les dispositions des Décrets des 25 Mai et 18 Novembre, 1876, concernant le service des obligations de la Dette Privilégiée et de la Dette Unifiée, non contraires aux dispositions de la présente Loi.

*Conversion des Emprunts à Court Terme.*

25. Le service des Emprunts 1864, 1865, et 1867 est supprimé.

Il ne sera pas pourvu à l'amortissement des obligations de l'Emprunt 1864, qui aurait dû avoir lieu le 1<sup>er</sup> Avril, 1880, non plus qu'au paiement des semestrialités des deux autres emprunts échues les 22 Mai et 7 Juillet, 1880.

26. Les obligations de ces emprunts seront converties, au taux de 80 pour cent de leur valeur nominale, en obligations de la Dette Unifiée au taux de 60 pour cent, jouissance du 1<sup>er</sup> Mai, 1880.



27. Les ayants droit recevront en numéraire au moment de la conversion :—

(1.) Les intérêts des anciennes obligations, encourus depuis le 1<sup>er</sup> Avril, 1880 (Emprunt 1864), le 7 Janvier, 1880 (Emprunt 1865), le 22 Novembre, 1879 (Emprunt 1867), jusqu'au 30 Avril, 1880, aux taux respectifs de chacun des emprunts ;

(2.) Le solde du capital converti qui sera inférieur à 12%.

28. La conversion sera faite sans frais pour les porteurs.

Le délai pour le dépôt des anciens titres à échanger est limité au 31 Décembre, 1880.

Passé cette date les obligations non représentées seront converties d'office et les nouveaux titres déposés à la Caisse de la Dette Publique pour le compte de qui de droit.

Les anciens titres seront annulés et remis à notre Ministre des Finances.

Notre Ministre des Finances prendra toutes les mesures d'exécution que comportera la conversion, ainsi que le paiement des arriérés de coupons et d'amortissement des trois emprunts convertis.

29. Les prescriptions de 5 ans et de 15 ans dont il est parlé aux deux premiers paragraphes de l'Article 22 seront appliquées aux coupons et aux obligations des Emprunts 1864, 1865, et 1867.

La valeur des coupons venus à échéance et des obligations sorties au tirage depuis l'origine de ces emprunts, qui se trouveront atteints par ces prescriptions, sera appliquée à l'amortissement de la Dette Unifiée.

#### ATTRIBUTIONS DE LA CAISSE DE LA DETTE PUBLIQUE.

30. La Caisse de la Dette Publique, instituée par Décret du 2 Mai, 1876,\* recevra les fonds destinés au service des intérêts et de l'amortissement de la Dette Privilégiée et de la Dette Unifiée, et fera l'emploi de ces fonds conformément aux dispositions de la présente Loi.

31. Les comptables supérieurs des provinces et Administrations dont les revenus sont affectés au service de la Dette Privilégiée et de la Dette Unifiée verseront ces revenus directement à la Caisse de la Dette, et ne seront libérés que par les quittances de la Commission de la Dette.

32. Les comptables supérieurs des quatre provinces affectées fourniront à la Commission de la Dette Publique par l'entremise du Ministère des Finances des relevés mensuels, par nature de droits, faisant connaître :

Les droits constatés de l'année courante et les arriérés dus sur les années antérieures ;

Les recouvrements et les dégrèvements ;

Les sommes retenues pour frais de perception et d'administration ;

\* See State Papers. Vol. 67. Page 1014.

Les versements effectués à la Caisse de la Dette ;  
 Les restes en Caisse au dernier jour du mois ;  
 Des relevés semblables seront en outre fournis aux dates du  
 25 Avril et du 25 Octobre.

33. L'Administration des Douanes et celle des Chemins de Fer, des Télégraphes, et du Port d'Alexandrie fournira également à la Commission de la Dette des relevés mensuels indiquant :

Les droits constatés de l'année, y compris les arriérés dus au  
 1<sup>er</sup> Janvier sur les années antérieures ;

Les sommes recouvrées et dégrévées ;

Les sommes dues par les Administrations du Gouvernement ;

Les dépenses d'Administration payées ;

Les versements effectués à la Caisse de la Dette ;

Les restes en Caisse au dernier jour du mois ;

Des relevés semblables seront, en outre, fournis par l'Administration des Douanes aux dates du 25 Avril et du 25 Octobre et par celle des Chemins de Fer aux dates du 14 Avril et du 14 Octobre.

34. Les Commissaires de la Dette nommeront et révoqueront les employés de la Caisse et régleront les rapports entre la Caisse et ses correspondants.

35. Les dépenses de personnel et de matériel de la Caisse de la Dette, les commissions et les allocations diverses de ses correspondants, les frais de change, assurances, transports d'espèces, et généralement toutes dépenses nécessaires pour l'exécution du service des Dettes Privilégiée et Unifiée, seront supportés par le Gouvernement et feront annuellement l'objet d'un Budget arrêté par la Commission de la Dette et approuvé par le Conseil des Ministres.

Notre Ministre des Finances entretiendra à la Caisse de la Dette une avance permanente en rapport avec la partie des dépenses ci-dessus qu'elle devra acquitter directement.

36. Annuellement la Commission de la Dette publiera un Rapport sur ses opérations, et soumettra son compte de gestion à l'autorité qui sera constituée pour juger les comptes des Administrations publiques.

37. Aucun nouvel emprunt, de quelque nature que ce soit, ne pourra être émis par notre Gouvernement que sur l'avis conforme de la Commission de la Dette

Il sera loisible toutefois à notre Ministre des Finances de se procurer des avances en compte courant, dans la limite maxima de £E.2,000,000.

38. Les Commissaires de la Dette, représentants légaux des porteurs de titres, auront qualité pour poursuivre devant les Tribunaux de la Réforme contre l'Administration Financière, représentée par notre Ministre des Finances, l'exécution des dispositions concernant les affectations de revenus, les taux d'intérêt des dettes, la garantie du Trésor, et généralement toutes les obligations qui incombent à notre Gouvernement en

vertue de la présente Loi, à l'égard du service des Dettes Privilégiée et Unifiée.

39. Sont maintenues avec force exécutoire toutes les dispositions des Décrets des 2 Mai et 18 Novembre, 1876, concernant les attributions de la Commission de la Dette Publique qui ne sont pas contraires à la présente Loi.

#### Titre II.—DAÏRA SANIEH.

40. Sont déclarées propriétés de l'État les propriétés des Daïras Sanieh et Khassa, mentionnées dans les états annexés au Contrat du 12 Juillet, 1877,\* ou dans les inscriptions hypothécaires prises en vertu de ce contrat.

41. Ces propriétés sont affectées exclusivement à la garantie de la Dette Générale de la Daïra Sanieh, sans préjudice des effets de l'hypothèque consenti par Acte du 19 Août, 1878. Elles seront insaisissables jusqu'à l'entier amortissement de cette dette.

Leurs produits et revenus ne pourront être saisis qu'en raison de dettes particulières, contractées par l'Administration de la Daïra postérieurement au Contrat du 12 Juillet, 1877.

42. Le produit des aliénations de ces propriétés sera exclusivement affecté à l'amortissement de la Dette Générale de la Daïra.

43. Il sera payé à la Daïra Sanieh sur les fonds de la liquidation une somme de £E.450,000, tant pour lui rembourser les sommes qu'elle a payées en l'acquit du Gouvernement que pour l'indemniser du préjudice résultant pour elle de la non-exécution des engagements pris à son égard par la Liste Civile.

Moyennant quoi, l'État et la Daïra seront complètement libérés l'un envers l'autre pour toutes causes antérieures au 1<sup>er</sup> Janvier, 1880, sauf compensation jusqu'à due concurrence de la somme de £E.450,000, avec les impôts dus par la Daïra pour l'année 1879.

44. Les titres de la Dette Générale de la Daïra Sanieh seront productifs d'un intérêt de 5 pour cent du capital nominal, dont 4 pour cent d'intérêt fixe garanti par le Gouvernement sur les ressources générales du Trésor, et 1 pour cent. d'intérêt complémentaire.

Il y aura lieu à la distribution de cet intérêt complémentaire lorsque le produit net des propriétés de la Daïra, constaté dans le compte mentionné à l'Article 47, excédera la somme nécessaire au service de l'intérêt à 4 pour cent du capital nominal des titres en circulation et seulement jusqu'à concurrence de cet excédant.

L'intérêt fixe sera payé par moitié le 15 Avril et le 15 Octobre de chaque année sur remise des coupons.

L'intérêt complémentaire sera payé sur quittance spéciale le 15 Avril de chaque année pour l'année précédente.

Il ne devra pas être distribué de fractions d'intérêt inférieures à  $\frac{1}{4}$  pour cent.

45. Il sera créé un fonds de réserve composé—

\* See State Papers. Vol. 69. Page 651.

(1.) D'une somme de £E.180,000 prélevée sur celle de £E.450,000, mentionnée à l'Article 43.

(2.) Des excédants de revenus nets au-dessus de 5 pour cent dans les limites indiquées à l'Article 48.

Ce fonds de réserve sera placé en titres de la Daïra Sanieh, de l'Emprunt Domaniak, de la Dette Privilégiée, ou de la Dette Unifiée, et servira, en cas d'insuffisance de revenus, à parfaire l'intérêt de 4 pour cent.

A chaque échéance le Conseil de Direction décidera dans quelle mesure il y aura lieu d'engager ou de vendre ces titres pour assurer le paiement du coupon, tout en réservant les fonds nécessaires à la marche des Services Administratifs.

46. Si les revenus de l'exercice, augmentés du fonds de réserve, sont insuffisants pour parfaire l'intérêt de 4 pour cent, la Daïra y pourvoira à chaque échéance de coupons par des moyens de trésorerie.

47. En fin d'année la Daïra arrêtera le compte de ses recettes et de ses dépenses. Si les recettes nettes, augmentées des ressources du fonds de réserve déjà employées dans le cours de l'année ou restant libres au 31 Décembre, sont inférieures à 4 pour cent du capital nominal des titres en circulation, le Gouvernement versera à la Daïra la différence dans un délai de 15 jours.

Tant que ce versement ne sera pas effectué, aucun impôt ne sera exigé de la Daïra dans les provinces non affectées.

48. La portion des revenus nets qui restera disponible en fin d'année après le paiement des intérêts à 5 pour cent et la constitution du fonds de réserve au chiffre de £E.350,000, sera employée à l'amortissement.

49. L'amortissement sera fait par rachats jusqu'au cours de 80 pour cent.

Au-dessus de ce cours l'amortissement s'effectuera par tirage à 80 pour cent.

50. L'Administration de la Daïra sera composée d'un Directeur-Général, d'un Conseil de Direction, et d'un Conseil Supérieur.

51. Le Directeur-Général sera nommé par nous. Il aura tous les pouvoirs d'Administration sous les réserves mentionnées ci-après.

52. Le Conseil de Direction sera constitué comme l'était le Conseil Supérieur établi par le Contrat du 12 Juillet, 1877, et en aura toutes les attributions.

53. La nomination et la révocation de tous les employés supérieurs, ainsi que les baux de terres d'une étendue moindre de 3,000 feddans, passés pour une période n'excédant pas six années, seront soumis à son approbation.

Il lui appartiendra, en outre, d'autoriser le Directeur-Général à ester en justice, soit en demandant, soit en défendant, et de

statuer sur les questions administratives dans lesquelles il jugerait à propos d'intervenir.

54. Les Contrôleurs de la Daïra seront nommés par nous sur la désignation officieuse des Gouvernements Anglais et Français. A défaut de cette désignation, notre choix se portera sur des fonctionnaires supérieurs des deux pays, en activité de service ou en retraite.

55. Le Conseil Supérieur se composera de notre Ministre des Finances, des deux Contrôleurs-Généraux, et des membres du Conseil de Direction. Les Contrôleurs-Généraux seront remplacés, en cas d'absence ou d'empêchement, par les Commissaires de la Dette, de leur nationalité respective.

Le Conseil Supérieur aura pour attributions de voter le Budget, de vérifier et d'approuver les comptes annuels de l'Administration, d'autoriser les emprunts, les aliénations et les baux, autres que ceux mentionnés à l'Article 53, de fixer le chiffre maximum du compte-courant et de déterminer le mode de placement des sommes composant le fonds de réserve.

Toutefois les projets d'aliénation et les baux réservés à son approbation ne lui seront soumis qu'autant que les deux Contrôleurs auront émis un vote favorable dans le Conseil de Direction, et les décisions qu'il prendra à ce sujet ne seront exécutoires qu'après approbation de notre Conseil des Ministres.

56. Le Conseil Supérieur aura, en outre, à statuer sur les décisions du Conseil de Direction qui lui seraient déferées par un des membres de ce Conseil.

57. Indépendamment des attributions qui leur sont conférées par les dispositions qui précèdent, les Contrôleurs de la Daïra seront considérés comme les représentants légaux des porteurs d'obligations de la Dette Générale de la Daïra.

Ils pourront, à ce titre, poursuivre par toutes les voies de droit l'exécution des engagements pris par le Gouvernement envers ces derniers.

58. Les titres de l'Emprunt 1870 et les bons Daïra non convertis devront être présentés à la conversion avant le 1<sup>er</sup> Avril, 1881, sous peine de déchéance.

Passé cette date, ces titres ne pourront plus donner lieu à aucune action contre la Daïra ni contre le Gouvernement.

59. L'Administration de la Daïra devra réclamer la remise des titres convertis ou amortis, à toutes personnes qui en sont actuellement dépositaires, et leur en donnera valablement décharge.

60. Seront prescrits au profit de la Daïra les coupons de la Dette Générale impayés dans le délai de cinq ans à compter de leurs échéances respectives, et les obligations désignées pour l'amortissement par voie de tirage qui n'auront pas été remboursées dans le délai de 15 ans.

Ces délais seront calculés d'après le calendrier Grégorien.

61. Les titres de la Dette Daïra Khassa seront, par les soins

de notre Ministre des Finances, convertis au pair en titres de la Dette Générale de la Daïra Sanieh, jouissance de 15 Avril, 1880.

Ces titres devront être présentés à la conversion avant le 1<sup>er</sup> Avril, 1881, sous peine de déchéance.

L'annuité actuellement affectée au service de la Dette Daïra Khassa, soit £ E.34,000, sera versée par notre Ministre des Finances à la Daïra Sanieh, moitié le 1<sup>er</sup> Avril, moitié le 1<sup>er</sup> Octobre de chaque année.

Le coupon de la Daïra Khassa échu le 1<sup>er</sup> Janvier, 1880, sera payé aux porteurs de titres, lors de la conversion, sur les fonds de la liquidation.

L'intérêt acquis du 1<sup>er</sup> Janvier au 15 Avril, 1880, leur sera payé, au taux de 5 pour cent sur les ressources générales du Trésor.

62. Toutes les clauses du Contrat du 12 Juillet, 1877, sont maintenus en tant qu'elles ne sont pas contraires aux dispositions de la présente Loi.

### Titre III.—DETTE NON-CONSOLIDÉE.

63. L'actif de la liquidation de la Dette Non-Consolidée comprend :—

(1.) Le solde de l'Emprunt Domanial.

(2.) Les soldes en numéraire existant au 31 Décembre, 1879, dans les Caisses des Ministères et dans celles des provinces et Administrations dont les revenus ne sont pas affectés par la présente Loi au service de la Dette Consolidée.

(3.) L'excédant des versements de la Moukabalah disponible à la Caisse de la Dette Publique.

(4.) Les sommes réalisées ou qui pourront être réalisées sur les droits et taxes de toute nature restant à recouvrer au 31 Décembre, 1879, dans les provinces et Administrations affectées ou non-affectées au service de la Dette Consolidée.

(5.) Les biens immeubles du Domaine Privé non affectés à des services publics, à la garantie de l'Emprunt Domanial ou de la Dette Générale de la Daïra Sanieh, jusqu'à extinction de la Dette Non-Consolidée.

(6.) Le produit de la conversion des bons ou titres rentrés au Trésor après remboursement de leur montant en exécution de décisions judiciaires.

(7.) Les titres de la Dette Privilégiée créés en vertu de l'Article 6 de la présente Loi.

(8.) Dans le cas prévu par l'Article 70, la partie des excédants budgétaires destinée à l'amortissement de la Dette Consolidée aux termes de l'Article 15.

64. Les biens mentionnés au Section 5 de l'Article précédent seront insaisissables pour les créanciers de la liquidation de la Dette Non-Consolidée jusqu'au 31 Mars, 1881, et pour tous autres créanciers du Gouvernement jusqu'à la fin de la liquidation.

65. Notre Ministre des Finances est autorisé à se procurer,

pour les besoins de la liquidation de la Dette Non-consolidée, une avance de £E.650,000, en donnant en garantie hypothécaire tout ou partie des biens du domaine désigné au Section 5 de l'Article 63.

Les biens ainsi donnés en hypothèque demeureront aliénables à charge d'en appliquer le prix, jusqu'à due concurrence, au remboursement intégral de l'emprunt dont il s'agit; jusqu'à ce remboursement et, au plus tard, jusqu'au 31 Décembre, 1882, ils seront insaisissables.

66. Le passif de la liquidation de la Dette Non-consolidée comprend :—

(1.) Les dettes de l'État résultant de décisions judiciaires ou pouvant résulter d'instances pendantes ;

(2.) Toutes les dettes, autres que les emprunts publics contractés à l'étranger ou à l'intérieur, qui au cours de la liquidation ont été ou seront reconnues par le Gouvernement et qui résultent de droits acquis antérieurement au 1<sup>er</sup> Janvier, 1880. Ces dettes seront réglées conformément aux dispositions qui suivent. Les réglemens déjà effectués d'après ces dispositions sont approuvés.

67. Seront payables intégralement en espèces—

(1.) Les arriérés du Tribut de Constantinople ;

(2.) Les créances garanties par des inscriptions hypothécaires prises antérieurement aux 2 et 3 Février, 1879, sur les biens affectés à la garantie de l'Emprunt Domanal ;

(3.) Les arriérés de traitements, pensions, et salaires :

(4.) Les sommes dues par le Beit-el-Mal et par la Caisse des Orphelins dans les conditions indiquées à l'Article 72 de la présente Loi ;

(5.) Les sommes versées à titre de dépôt dans les Caisses de l'État.

68. Toutes les autres créances contre l'État désignées à l'Article 66 seront liquidées en capital, intérêts de droit au 15 Avril, 1880, en frais, sous les réserves formulées aux Articles 72 et suivants. Le paiement en sera effectué dans les conditions suivantes :

30 pour cent en espèces ;

70 pour cent en titres de la Dette Privilégiée au pair, jouissance du 15 Avril, 1880.

Les créances et les reliquats de créances inférieurs à 1,950 piastres tarif (20*L.*) seront payés en espèces.

Les sommes à payer en espèces ne porteront pas intérêt.

69. Les créances pouvant résulter de décisions judiciaires à intervenir dans les instances actuellement pendantes et relatives à des droits acquis antérieurement au 1<sup>er</sup> Janvier, 1880, seront réglées en capital, frais et intérêts de droit calculés à la date de l'échéance du coupon de la Dette Privilégiée qui précédera le réglement. Elles seront payées de la façon suivante :

30 pour cent en espèces ;

70 pour cent en titres de la Dette Privilégiée au pair, avec jouissance du coupon en cours lors du règlement.

Les sommes à payer en espèces ne porteront pas intérêt.

Les créances et les reliquats de créances inférieurs à 1,950 piastres tarif (20L.) seront payés en espèces.

70. Une somme de £E.650,000 nominales en titres de la Dette Privilégiée, ou le capital effectif correspondant, sera prélevée sur l'actif et réservée pour le règlement de ces créances.

En cas d'insuffisance de cette réserve il y sera suppléé au moyen des ressources suivantes sur lesquelles, à l'exclusion de toutes autres, ces créanciers pourront exercer leurs droits :

(1.) Les propriétés engagées à la garantie de l'Emprunt de £E.650,000 autorisé par l'Article 65 qui resteront invendues après le remboursement intégral du dit emprunt ;

(2.) Toutes les autres propriétés saisissables et aliénables de l'État ;

(3.) La partie des excédants de revenus non affectés au service de la Dette Consolidée qui est destinée à l'amortissement par l'Article 15 de la présente Loi.

Ces ressources ne seront appliquées à l'amortissement qu'après l'extinction complète des créances mentionnées dans l'Article précédent. Nonobstant cette disposition, les excédants budgétaires dont il s'agit conserveront leur caractère de deniers publics.

71. Sont ratifiées les transactions particulières spécifiées dans l'Annexe A, et ayant eu pour objet le règlement de créances garanties par des gages ou des privilèges, ou la résiliation de contrats de fournitures non encore complètement exécutés.

72. Seront payées intégralement en titres de la Dette Privilégiée au pair, la créance de l'Administration des Wakfs, arrêtée à la somme de £E.290,976, et celle de l'Administration des Écoles Nationales, arrêtée à la somme de £E.13,433.

Les sommes dues à des tiers par la Caisse des Orphelins payables en numéraire seront soldées soit sur l'actif de la Caisse, soit sur les fonds de la liquidation, en ajoutant au capital un intérêt de 4 pour cent.

73. Les créanciers dont les droits sont l'objet des Règlements spéciaux édictés par les Articles 67 et 72, et qui sont munis de décisions judiciaires, auront l'option entre ces Règlements spéciaux et le Règlement général prévu aux Articles 68 et 69.

74. Les créanciers de la Daira Khassa, porteurs de délégations sur l'ancienne Liste Civile, enregistrées ou visées au Ministère des Finances, ou qui sont munis de décisions judiciaires établissant leurs droits, seront assimilés aux créanciers de l'État et désintéressés dans les conditions indiquées aux Articles 68 et 69.

Toutefois, ceux d'entre eux qui auraient pris inscription



hypothécaire sur des immeubles de la Daïra Khassa auront l'option entre l'exercice de leurs droits hypothécaires et le paiement de leur créance dans les conditions sus-indiquées.

Ces créanciers devront signifier leur option dans le délai de trois mois à partir de la publication de la présente Loi, à défaut de quoi ils cesseront d'être considérés comme créanciers de l'État. S'ils exercent leurs droits hypothécaires ils n'auront, pour le surplus de leur créance, aucun recours contre l'État.

L'État sera de plein droit subrogé aux droits hypothécaires des créanciers désintéressés sur les deniers de la liquidation.

75. Seront déduits du montant des dettes de l'État les arriérés dus pour l'année 1878 tant sur la Liste Civile de Son Altesse Ismaïl Pacha que sur les allocations des membres de sa famille désignés ci-après :

Son Altesse la Princesse sa Mère, leurs Altesses les Princesses ses épouses, leurs Altesses les Princes et Princesses ses enfants, leurs époux, leurs épouses, et leurs enfants.

Les sommes dues par eux ou leurs Daïras à titre d'impôts ou de taxes arriérés jusqu'au 1<sup>er</sup> Janvier, 1879, ne leur seront pas réclamées.

En outre, une somme de £E.225,000 prélevée sur les fonds de la liquidation sera affecté au règlement des dettes des membres de notre famille désignés ci-dessus, ainsi que des dettes de la Daïra Khassa autres que celles dont il est parlé à l'Article 74.

Ce règlement sera fait par les soins du Ministère des Finances en se conformant, par analogie, aux dispositions du droit privé applicables par les Tribunaux de la Réforme en matière de contribution.

76. Une somme de £E.127,816 est affectée au paiement des arriérés dus sur leurs allocations de l'année 1879, aux membres de notre famille mentionnés à l'Article précédent.

77. Les arriérés des allocations antérieures au 1<sup>er</sup> Janvier, 1879, dus aux Princes et Princesses de notre famille autres que ceux dont il est fait mention à l'Article 75, seront réglés et payés dans les conditions de l'Article 68.

Les arriérés des allocations de l'année 1879 seront payés intégralement.

78. L'annuité de 60,000L., précédemment constituée au profit de Son Altesse le Prince Abdul Halim Pacha et représentée par des bons du Trésor au porteur, est réduite, à compter du 1<sup>er</sup> Janvier, 1880, à £E.15,000, conformément à notre Décret en date du 21 Janvier, 1880.

Cette annuité sera incessible et insaisissable.

Les bons du Trésor, dits bons Halim, souscrits par le Ministre des Finances le 2 Octobre, 1870 (7 Ragheb, 1287), portant les No. 23 et suivants jusques et y compris le No. 80, chacun des dits bons d'une valeur de 2,925,000 piastres (30,000L.), venant à échéance le 11 Juillet, 1882, et les 11 Janvier et 11 Juillet des

années suivantes, sont rayés des livres des dettes de l'État. Aucun des dits bons ne sera payé, en quelques mains qu'il se trouve.

79. Indépendamment de l'annuité de £E.15,000 inscrite au Budget de l'État à partir du 1<sup>er</sup> Janvier, 1880, le montant intégral des cinq bons venant à échéance dans le cours des années 1880 et 1881, et le 11 Janvier, 1882, qui, aux termes du Contrat passé le 11 Juillet, 1870, entre Son Altesse le Khédive. Ismaïl Pacha, et Son Altesse le Prince Halim, ont pu être escomptés, soit 150,000L., sera exigible à partir de la publication de la présente Loi, et compris dans la Dette Non-Consolidée pour être réglé et payé dans les conditions spécifiées à l'Article 68.

80. Son Altesse le Prince Halim aura le droit de recueillir les successions qui ont pu ou qui pourront s'ouvrir à son profit à partir du 1<sup>er</sup> Janvier, 1880, nonobstant la renonciation insérée au Contrat du 11 Juillet, 1870.

81. Sera considérée comme nulle et non avenue la clause du même contrat par laquelle le Prince Halim renonce à toute allocation en sa faveur ou en faveur de ses enfants après l'échéance de la dernière des annuités de £E.15,000 visées dans l'Article 78.

82. La situation respective de l'État et de la succession d'Ismaïl Pacha Saddik demeure fixée ainsi qu'il suit: l'État prend à sa charge les dettes reconnues de la succession, et celles qui peuvent résulter des réclamations dirigées contre elle, telles qu'elles sont indiquées au Tableau (B) annexé à la présente Loi. Ces dettes seront intégralement payées en espèces.

Moyennant quoi, l'État et la succession ou ses ayants droit seront entièrement libérés l'un envers l'autre, sans qu'il puisse y avoir entre eux ni comptes à faire, ni réclamations à formuler, ni droits ou revendications à exercer, pour quelque cause que ce soit.

83. Par l'effet des règlements et paiements des créances aux clauses et conditions de la présente Loi, l'État et les Administrations de l'État seront complètement et définitivement libérés envers les créanciers de la liquidation et leurs ayants droit, quelles que soient leurs causes de préférence, sans qu'il puisse y avoir au sujet de droits acquis antérieurement à 1880 ni autres comptes à faire, ni réclamations à formuler, ni droits ou revendications à exercer de part ou d'autre.

Par suite, les créanciers désintéressés dans les conditions de la présente Loi devront, en même temps qu'ils donneront quittance, consentir la radiation de toute transcription ou inscription d'hypothèque, ou de tous autres droits sur les biens de l'État. A défaut de ce consentement, la radiation ou l'annulation devra en être ordonnée par justice.

Il en sera de même de toutes mesures conservatoires ou

d'exécution pratiquées à l'encontre du Gouvernement et les Administrations de l'État, antérieurement ou postérieurement à la présente Loi, par des créanciers de la liquidation.

Le présent Article ni préjudiciera en rien aux droits réels acquis en vertu d'inscriptions d'hypothèques conventionnelles.

Les frais d'inscription et de radiation des hypothèques seront à la charge de la liquidation.

84. Les biens de l'État énumérés dans le Décret du 16 Juin, 1880, font partie du domaine public insaisissable et imprescriptible, sous réserve, en ce qui concerne les Palais de Minieh et de Roda, de leur affectation à la garantie de la Dette Générale de la Daira Sanieh, telle qu'elle résulte de l'Article 41 de la présente Loi.

Toutefois les droits acquis en vertu d'inscriptions hypothécaires prises sur ces biens antérieurement à la publication du dit Décret sont maintenus.

Les biens immeubles énumérés dans le Décret précité ne pourront être aliénés qu'autant qu'un Décret les aura fait rentrer dans le domaine privé.

85. Toutes sommes dues à l'État ou aux Administrations de l'État par les créanciers de la liquidation, à quelque titre et pour quelque cause que ce soit, seront compensées avant tout règlement avec leurs créances, sans préjudice des compensations spéciales prévues dans la présente Loi.

86. À partir de la publication de la présente Loi, nul ne sera recevable devant aucune juridiction, pour quelque cause et sous quelque forme que ce soit, à intenter une action quelconque soit contre le Gouvernement, soit contre les Administrations de l'État, à raison de droits acquis antérieurement au 1<sup>er</sup> Janvier, 1880, si ce n'est en matière de contestations relatives au montant des dettes mentionnées à l'Article 66, et sous les réserves contenues dans les Articles 67 et suivants.

#### Titre IV.—MOUKABALAH.

87. La Loi de la Moukabalah, rapportée par notre Décret du 6 Janvier, 1880, est et demeure définitivement abrogée sous les réserves contenues dans l'Article 5 du dit Décret.

Sont également abrogées les dispositions de l'Article 3 du même Décret.

Les versements de la Moukabalah reconnus réguliers donneront droit à une indemnité au profit des personnes qui, lors du règlement dont il va être parlé ci-dessous, seront propriétaires des terres auxquelles ont été appliqués ces versements.

Seront considérés comme propriétaires, sous réserve des droits des tiers, les personnes inscrites sur les registres des impôts fonciers.

Les propriétaires sus-indiqués devront faire valoir leurs droits dans une demande écrite ou verbale, adressée avant le

1<sup>er</sup> Janvier, 1881, aux Moudirs ou aux agents désignés à cet effet par le Ministre des Finances, et il leur en sera délivré récépissé.

88. Au vu de ces réclamations le Ministre des Finances fera établir les décomptes individuels des réclamants en les considérant comme créanciers :

(1.) Des versements successifs faits à titre de Moukabalah par eux ou par les précédents propriétaires ;

(2.) Des intérêts à 4 pour cent de ces versements :

Et comme débiteurs :

1. Des dégrèvements annuels d'impôts fonciers alloués par suite des versements de la Moukabalah ;

2. Des arriérés d'impôts de toutes sortes et des autres dettes antérieures à 1880, dont les ayants droit se trouveraient redevables vis-à-vis de notre Gouvernement, et ce nonobstant toutes dispositions contraires ;

3. Des intérêts à 4 pour cent de ces dégrèvements, arriérés, et dettes.

Seront éliminés des décomptes les versements opérés en bons du Trésor et en Ragas qui seraient reconnus fictifs et ceux qui auraient été inscrits en vertu d'Ordres Supérieurs non suivis de paiement.

Le reliquat des décomptes, représentant la créance nette de chaque ayant droit, servira de base à la répartition de l'indemnité.

89. Une somme annuelle de £E.150,000 sera prélevée à compter du 1<sup>er</sup> Juillet, 1880, pour le service de l'indemnité de la Moukabalah sur les revenus budgétaires destinés à la dette générale, conformément à l'Article 16.

Elle sera répartie entre les propriétaires ci-dessus désignés sous forme d'annuités applicables au paiement de la contribution foncière. La répartition sera faite au prorata des créances nettes établies par les décomptes individuels.

Dans le cas où la liquidation ne serait pas achevée à temps pour que la demi-annuité de 1880 puisse être appliquée aux contributions de l'année courante, il en sera tenu compte aux contribuables sur les rôles de 1881.

90. Les annuités seront servies pendant une période de 50 ans.

La constatation en sera faite dans les villages sur un registre spécial présentant, dans des comptes ouverts à chaque ayant droit, la série des annuités successives, ainsi que la désignation détaillée par lieux dits, contenances et quotes-parts d'impôt des terres auxquelles les annuités seront applicables.

A chaque mutation de propriété, la portion des annuités correspondant à la portion des terres aliénées sera distraite, sur le registre spécial, du compte de l'ancien propriétaire et reportée au compte du nouveau.

91. Lors de l'exécution du cadastre l'évaluation des terres et la répartition de l'impôt seront faites sans tenir compte de ces annuités.

92. Il sera délivré par le Moudir à chaque ayant droit, lors de l'établissement des décomptes et à l'occasion des mutations, un certificat énonçant le montant des annuités pour lesquelles il se trouvera inscrit sur le registre spécial du village.

Chaque année les annuités seront inscrites sur les Wirds ou extraits de rôle des contribuables en diminution de leurs impôts fonciers.

Aux époques déterminées par notre Ministre des Finances, les Sarrafs feront annuellement l'imputation des annuités de l'année courante sur le registre de recette de l'impôt foncier comme d'un versement reçu des ayants droit sur leurs contributions.

En compensation de ces imputations la dotation des annuités restera à la disposition de notre Ministre des Finances.

Toutefois la portion de la dotation afférente aux provinces qui sont affectées à la Dette Publique devra être reversée à la Caisse de la Dette en deux termes égaux, avant le 26 Avril et le 26 Octobre.

93. Un règlement d'Administration, arrêté en Conseil des Ministres sur la proposition de notre Ministre des Finances, déterminera les mesures à prendre pour l'établissement des décomptes de la Moukabalah, la confection et la tenue des registres d'annuités, et le contrôle des opérations.

#### Titre V.—DISPOSITIONS GÉNÉRALES.

94. Les frais de toute nature auxquels donneront lieu les opérations de la liquidation seront prélevés sur l'actif général de la liquidation de la Dette Non-Consolidée.

95. Les reliquats de l'actif de la liquidation de la Dette Non-Consolidée, après extinction de cette dette, seront versés à la Caisse de la Dette Publique et affectés à l'amortissement de la Dette Unifiée.

96. Il sera tenu une comptabilité spéciale des opérations de la liquidation, et pendant toute la durée de ces opérations le compte nous en sera présenté annuellement par notre Ministre des Finances, avant le 31 Mars pour la période écoulée jusqu'au 31 Décembre de l'année précédente.

Ce compte sera publié au "Moniteur Égyptien."

97. La présente Loi ne portera aucune atteinte aux clauses du contrat intervenu le 14 Avril, 1880, entre notre Gouvernement et les contractants de l'Emprunt Domanial, en vertu desquelles les revenus de la Province de Kéneh sont éventuellement affectés à la garantie de cet emprunt.

98. La présente Loi sera publiée dans le "Moniteur Égyptien."

Dès sa publication elle sera exécutoire, nonobstant toutes dispositions contraires résultant des Lois, Décrets, Décisions du Conseil Privé, Ordres Supérieurs, Règlements, contrats, ou usages en vigueur.

99. Nos Ministres sont chargés, chacun en ce qui le concerne, de l'exécution de la présente Loi.

Fait au Palais de Ras-el-Tin, le 17 Juillet, 1880.

MÉHÉMET TEWFIK.

Par le Khédivé :

RIAZ, *Président du Conseil des Ministres, Ministre de l'Intérieur, et par intérim des Finances.*

OSMAN RIFKI, *Ministre de la Guerre.*

ALY PACHA, *Ministre des Travaux Publics.*

MOUSTAPHA FEHMY, *Ministre des Affaires Étrangères.*

H. FAKHRY, *Ministre de la Justice.*

ALY IBRAHIM, *Ministre de l'Instruction Publique.*

MAHMOUD SAMY, *Ministre des Wakfs.*

TABLEAU (A.)—*Transactions (voir l'Article 71).*

		P. T.	p.
14 Juin, 1880	Greenfield et Cie.. .. .	40,950,000	00
5 Juillet, 1880	G. C. Zuro et Cie. . . . .	3,905,816	22
10 Juillet, 1880	Achille Parisot . . . . .	721,626	25
23 Mai, 1880	Coppel, Wegersberg et Kirschbaum . . . . .	1,378,650	00
23 Mai, 1880	Remington . . . . .	6,337,500	00
23 Mai, 1880	Armstrong . . . . .	2,340,000	00
23 Mai, 1880	Paponot . . . . .	19,399,138	05
15 Juillet, 1880	Dusseaud, Frères.. . . .	7,229,683	20
		<b>82,262,414</b>	<b>32</b>

TABLEAU (B.)—*Succession d'Ismail Pacha Saddik (voir l'Article 82).*

1. Dettes constatées devant les Mehkémés ne comportant ni intérêts ni frais—		P. T.	p.
Moustapha Pacha Saddik	. . . . .	468,347	33
Farida Hanem	. . . . .	77,630	15
Saint-Maurice	. . . . .	32,916	00
Rochmann..	. . . . .	86,500	00
Coronco	. . . . .	10,725	00
Mohamed Effendi Barto..	. . . . .	11,863	08
		<b>637,982</b>	<b>16</b>
2. Dettes constatées par devant les Tribunaux Mixtes de la Réforme, portant intérêts jusqu'au jour du paiement intégral avec frais et dépens—			
Banque Anglo-Égyptienne. Compte, valeur fin Février, 1880		2,632,500	00
Baronne Issavardens. Compte approximatif . . . . .		234,532	14
Chaïlan, Frères.	. . . . .	52,276	36
Edouard Caprara.	. . . . .	63,352	16
Compagnie Fives-Lille.	. . . . .	18,794	23
A. Auric.	. . . . .	8,444	27
		<b>3,009,900</b>	<b>36</b>

3. Réclamations contestées et pendantes devant les Tribunaux—					
Aidé et Cie. (Différence sur le prix de Bons qui auraient été achetés pour compte de feu Ismaïl Pacha Saddik) .. .. .	..	..	..	..	Mémoire.
Aidié et Cie. (Capital prétendu souscrit et non versé en commande chez Aidié et Cie.) .. .. .	..	..	..	..	..
Hassan Moussa el Akkad. (Avance prétendue d'une somme d'argent) .. .. .	..	..	..	..	..
Marinelli. (Travaux et fournitures) .. .. .	..	..	..	..	..
Joseph Kabil. (Cession de créance) .. .. .	..	..	..	..	..
4. Honoraires de l'avocat de la succession .. .. .					

DECREE of the Khedive, prolonging the First Judicial Period of the Mixed Courts in Egypt till February 1, 1882. Cairo, January 6, 1881.

NOUS, Khédive de l'Égypte,

Vu le Règlement d'Organisation Judiciaire pour les Procès Mixtes en Égypte, et notamment l'Article 40 du Titre III,\* portant qu'après une période de cinq ans il sera loisible aux Puissances qui ont adhéré à cette organisation, soit de revenir à l'ancien ordre de choses, soit d'aviser, d'accord avec le Gouvernement Égyptien, à d'autres combinaisons;

Considérant que, cette période devant prendre fin le 31 Janvier courant, les Représentants des dites Puissances et les Délégués de notre Gouvernement, réunis en Commission Internationale, au Caire, le 6 Décembre, 1880, sont convenus d'en prolonger la durée jusqu'au terme ci-dessous indiqué;

Sur la proposition de notre Ministre de la Justice, et l'avis conforme de notre Conseil des Ministres,

Décretons :

ART. 1. La première période judiciaire des Tribunaux Mixtes est prolongée jusqu'au 1<sup>er</sup> Février, 1882, sauf pour notre Gouvernement la faculté de mettre le nouveau Règlement et les codes révisés en vigueur avant cette époque, si les projets soumis à la Commission reçoivent antérieurement l'adhésion des Gouvernements étrangers.

2. Notre Ministre de la Justice est chargé de l'exécution du présent Décret.

Fait au Palais d'Abdin, le 6 Janvier, 1881 (5 Safer, 1298).

MÉHÉMET TEWFIK.

Par le Khédive :

RIAZ, *Président du Conseil des Ministres.*

H. FAKHRY, *Ministre de la Justice.*

\* See Vol. 14. Page 314.

*DECLARATION between the British and Egyptian Governments, prolonging the Duration of the Mixed Tribunals in Egypt till February 1, 1883.\* Cairo, January 3, 1882.*

LE Gouvernement de Sa Majesté la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande et le Gouvernement de Son Altesse le Khédive d'Égypte, considérant que la période quinquennale des Tribunaux de la Réforme, prorogée d'une année par la Commission Internationale, dans la séance du 6 Décembre, 1880, prend fin le 1<sup>er</sup> Février, 1882,† et désireux d'assurer à ces Tribunaux une nouvelle durée d'une année, sont convenus de ce qui suit :—

Les pouvoirs des Tribunaux de la Réforme sont prorogés d'une année, c'est-à-dire, du 1<sup>er</sup> Février, 1882, au 1<sup>er</sup> Février, 1883.

En foi de quoi, les Soussignés, dûment autorisés par leurs Gouvernements, ont signé la présente Déclaration, faite en double expédition, au Caire, le 3 Janvier, 1882.

EDWARD B. MALET, *Agent et Consul-Général d'Angleterre.*

MOUSTAPHA FEHMY, *Ministre des Affaires Étrangères.*

*PROTOCOL between the Representatives of Great Britain, Austria-Hungary, France, Germany, Italy, and Russia, disclaiming any Exclusive Advantage in the Settlement of the Affairs of Egypt. Signed at Therapia, June 25, 1882.*

LES Gouvernements représentés par les Soussignés s'engagent dans tout arrangement qui pourrait se faire, par suite de leur action concertée pour le règlement des affaires d'Égypte, à ne rechercher aucun avantage territorial, ni la concession d'aucun privilège exclusif, ni aucun avantage commercial pour leurs sujets, que ceux que toute autre nation ne puisse également obtenir.

DUFFERIN.

HIRSCHFELDT.

CALICE.

MARQUIS DE NOAILLES.

L. CORTI.

ONOU.

Thérapia, le 25 Juin, 1882.

\* The period was extended to February 1, 1884, by the Egyptian Decree of January 28, 1883, and to February 1, 1889, by Decree of January 19, 1884.

† See Page 165.



## FRANCE.

*LOI de la République Française, concernant les Individus nés en France d'Étrangers qui eux-mêmes y sont nés, et les Enfants des Étrangers Naturalisés. Paris, le 7 Février, 1851.*

[Modified by Law of 16th December, 1874. See below.]

L'ASSEMBLÉE Nationale a adopté la Loi dont la teneur suit :—

ART. 1. Est Français tout individu né en France d'un étranger qui lui-même y est né, à moins que, dans l'année qui suivra l'époque de sa majorité, telle qu'elle est fixée par la Loi Française, il ne réclame la qualité d'étranger par une déclaration faite, soit devant l'autorité municipale du lieu de sa résidence, soit devant les Agents Diplomatiques ou Consulaires accrédités en France par le Gouvernement étranger.

2. L'Article 9 du Code Civil est applicable aux enfants de l'étranger naturalisé, quoique nés en pays étranger, s'ils étaient mineurs lors de la naturalisation.

À l'égard des enfants nés en France ou à l'étranger, qui étaient majeurs à cette même époque, l'Article 9 du Code Civil leur est applicable dans l'année qui suivra celle de la dite naturalisation.

Délibéré en séances publiques, à Paris, les 22, 29 Janvier, et 7 Février, 1851.

DUPIN, *Président.*

ARNAUD (de l'Ariège), LACAZE, CHAPOT, BÉRARD,

DE HEECKEREN, PEUPIN, *Secrétaires.*

La présente Loi sera promulguée et scellée du sceau de l'État,

LOUIS NAPOLEON BONAPARTE,

*Président de la République.*

E. DE ROYEZ, *Garde des Sceaux, Ministre de la Justice.*

*LOI de la République Française, qui modifie la Loi du 7 Février, 1851,\* concernant les Individus nés en France d'Étrangers qui eux-mêmes y sont nés. Versailles, le 16 Décembre, 1874.*

L'ASSEMBLÉE Nationale a adopté la Loi dont la teneur suit :—

ART. 1. L'Article 1 de la Loi du 7 Février, 1851, est ainsi modifié :

Est Français tout individu né en France d'un étranger qui lui-même y est né, à moins que, dans l'année qui suivra l'époque de sa majorité, telle qu'elle est fixée par la Loi Française, il ne

\* See above.

réclame la qualité d'étranger par une déclaration faite, soit devant l'autorité municipale du lieu de sa résidence, soit devant les Agents Diplomatiques et Consulaires de France à l'étranger, et qu'il ne justifie avoir conservé sa nationalité d'origine par une attestation en due forme de son Gouvernement, laquelle demeurera annexée à la déclaration.

Cette déclaration pourra être faite par procuration spéciale et authentique.

2. Les jeunes gens auxquels s'applique l'Article précédent peuvent, soit s'engager volontairement dans les armées de terre et de mer, soit contracter l'engagement conditionnel d'un an, conformément à la Loi du 27 Juillet, 1872, Titre IV, Section 3, soit entrer dans les écoles du Gouvernement à l'âge fixé par les lois et règlements, en déclarant qu'ils renoncent à réclamer la qualité d'étranger dans l'année qui suivra leur majorité.

Cette déclaration ne peut être faite qu'avec le consentement exprès et spécial du père, ou, à défaut du père, de la mère, ou, à défaut de père et de mère, qu'avec l'autorisation du conseil de famille. Elle ne doit être reçue qu'après les examens d'admission et s'ils sont favorables.

Délibéré en séances publiques, à Versailles, les 13 Juillet, 10 et 16 Décembre, 1874.

L. BUFFET, *Président.*

FÉLIX VOISIN, VANDIER, T. DUCHÂTEL, LOUIS DE SÉGUR,

*Secrétaires.*

Le Président de la République promulgue la présente Loi.\*

MAL. DE MACMAHON, DUC DE MAGENTA.

A. TAILHAND, *Garde des Sceaux, Ministre de la Justice.*

LOI de la République Française, sur les Sucres. Versailles, le 29 Juillet, 1875.

L'ASSEMBLÉE Nationale a adopté la Loi dont la teneur suit:—

ART. 1. L'exercice des raffineries prescrit par la Loi du 21 Mars, 1874, ne sera mis en pratique qu'au 1<sup>er</sup> Mars, 1876.

2. Le régime actuel des sucres, tel qu'il est réglé par les lois des 7 Mai, 1864, † 8 Juillet, 1871, 22 Janvier, 1872, 30 Décembre, 1873, et par la Convention du 8 Novembre, 1864, ‡ avec les modifications qui y ont été introduites, est prorogé jusqu'au 1<sup>er</sup> Mars, 1876.

3. Dans le cas où la nuance des sucres paraîtrait ne pas correspondre à leur richesse effective, le service provoquera

\* Promulguée au "Journal Officiel" du 29 Décembre, 1874.

† See Vol. 13. Page 403.

‡ See Vol. 12. Page 199.

l'expertise légale, et les commissaires experts devront recourir, pour le classement définitif, aux procédés saccharimétriques. De son côté, le fabricant ou l'importateur aura la faculté de déclarer la classe à laquelle appartiennent les sucres d'après leur richesse effective, toutes les fois que cette richesse ne sera pas en rapport avec la nuance.

Délibéré en séance publique, à Versailles, le 29 Juillet, 1875.

DUC D'AUDIFFRET-PASQUIER, *Président.*

FÉLIX VOISIN, E. LAMY, T. DUCHÂTEL, LOUIS DE SÉGUR,

*Secrétaires.*

Le Président de la République promulgue la présente Loi.\*

MAL. DE MACMAHON, DUC DE MAGENTA.

LÉON SAY, *Ministre des Finances.*

C. DE MEAUX, *Ministre de l'Agriculture et du Commerce.*

LOI de la République Française, sur le Régime des Sucres.  
Versailles, le 30 Décembre, 1875.

L'ASSEMBLÉE Nationale a adopté la Loi dont la teneur suit :—

ART. 1. A partir du 1<sup>er</sup> Mars, 1876, les droits sur les sucres livrés à la consommation seront établis ainsi qu'il suit, décimes et demi-décime compris :

	Par 100 kilog.
	Fr. c.
Sucres de toute origine—	
Raffinés.—Candis, en pains, en poudre, tapés, en grains cristallisés suivant type, ou agglomérés .. ..	73 50 00
Bruts en poudres blanches et tous autres ; vergeoises ..	0 71 50
pour chaque degré de richesse absolue.	
Mélasses des fabriques, des raffineries et des Colonies	
Françaises .. .. .	10 00 00

L'impôt intérieur sur les glucoses est porté à 20 francs par 100 kilogrammes.

2. Sont exonérés de tout droit les glucoses et les mélasses exportées et celles qui sont employées dans la fabrication de produits non-alimentaires, ou transformées en produits soumis à un impôt.

Un règlement d'administration publique déterminera les conditions auxquelles est subordonnée la franchise accordée par le précédent paragraphe.

3. Le régime spécial établi à l'égard des sucres provenant de mélasses traitées par les procédés barytiques et autres est supprimé.

4. Ne sont considérés comme mélasses que les résidus liquides de la fabrication et du raffinage des sucres.

\* Promulguée au " Journal Officiel " du 1<sup>er</sup> Août, 1875.

Sont assimilées aux sucres bruts les matières contenant plus de 53 pour cent de sucre cristallisable ou ayant plus de 70 pour cent de richesse absolue (glucose comprise), et dont la densité, à la température de 15 degrés centigrades, n'est pas au moins de 13 cent 93 grammes par litre (40 degrés de l'aréomètre du Baumé).

5. Les sucres bruts destinés aux raffineries sont préalablement imposés au minimum, d'après leur rendement présumé au raffinage; ce rendement est calculé conformément aux bases que déterminera un règlement d'administration publique.

La perception est opérée à raison de 63 francs 50 centimes par 100 kilogrammes de raffiné, soit dans les bureaux de Douanes, soit dans les bureaux des contributions indirectes, selon l'origine des sucres.

Les sommes ainsi encaissées sont définitivement acquises au trésor, quel que soit le résultat final du raffinage.

6. Les droits acquittés en exécution du précédent Article peuvent faire l'objet de traites cautionnées à deux mois ou à quatre mois d'échéance, au choix des soumissionnaires.

Le montant des traites à deux mois d'échéance n'est pas passible d'intérêt. Pour les traites à quatre mois l'intérêt n'est dû que pour deux mois.

La remise spéciale exigible en vertu de l'Article 3 de la Loi du 15 Février, 1875, ne peut dépasser un tiers de franc pour cent pour les traites à quatre mois et un 6<sup>m</sup>e de franc pour cent pour les traites à deux mois.

7. À la sortie des raffineries, les droits sur les sucres expédiés à toute destination sont définitivement liquidés d'après le tarif édicté par l'Article 1<sup>er</sup> de la présente Loi.

Le montant de cette liquidation est imputé, jusqu'à due concurrence, sur les droits préalablement perçus en exécution de l'Article 3, et dont l'expéditeur aura été crédité.

Quand les droits liquidés à la sortie dépassent le compte crédeur, le reliquat est payé au comptant ou garanti par des traites souscrites dans les conditions de la Loi du 15 Février, 1875.

Les droits applicables aux mélasses imposables livrées à la consommation sont payés ou garantis de la même manière.

À la sortie des raffineries, les sucres candis donnent lieu à la délivrance de certificats spéciaux, sur la représentation desquels le rendement applicable aux sucres bruts ultérieurement introduits dans les raffineries est atténué d'une quantité égale à 7 pour cent du poids des sucres mentionnés dans ces certificats.

8. Le régime de l'admission temporaire, créé par l'Article 5 de la Loi du 7 Mai, 1864,\* est supprimé.

À l'exportation des sucres raffinés, le service des Douanes délivre un certificat de sortie qui en constate la nature, le poids et la richesse saccharine.

\* See Vol. 13. Page 403.

Les certificats de sortie n'ayant pas plus de deux mois de date sont admis en compensation soit dans le paiement des droits sur les sucres, soit dans le paiement des traites souscrites en vertu de l'Article 6, pour une somme équivalente à l'impôt qu'auraient payé les produits exportés, s'ils avaient été livrés à la consommation.

9. Des règlements d'administration publique déterminent les obligations des fabricants et des raffineurs et les différentes conditions de l'exercice, suivant qu'il s'agit des raffineries, des fabriques-raffineries, des fabriques de sucre et des établissements dans lesquels on extrait le sucre des mélasses.

Ces règlements fixent le minimum des rendements obligatoires, les conditions et les formalités relatives à l'enlèvement et à la circulation des sucres et des matières sucrées.

Ils déterminent, en outre, les produits qui peuvent être reçus dans les fabriques, dans les raffineries, dans les raffineries annexées à des fabriques et dans les autres établissements exercés, ceux qui peuvent en être expédiés, ainsi que les caractères distinctifs de ces produits et les procédés à l'aide desquels est constatée la richesse des sucres et des matières sucrées.

Un règlement d'administration publique déterminera également les droits dont il y aurait lieu de tenir compte aux raffineurs pour les sucres libérés d'impôt existant dans les raffineries au jour de l'application de l'exercice dans ces usines.

10. Toute infraction aux dispositions de la présente Loi et aux règlements d'administration publique rendus pour son exécution, toute fausse énonciation dans les déclarations exigées par les dits règlements, donnent lieu à l'application des peines prononcées par l'Article 3 de la Loi du 30 Septembre, 1873, sans préjudice des dommages et intérêts qui peuvent être alloués au trésor.

Est puni des mêmes peines l'emploi de tout procédé ayant pour objet de déguiser la richesse du sucre ou de tromper sur son poids.

11. Les raffineurs payent le même droit de licence que les fabricants de sucre.

12. Toutes les dispositions contraires à la présente Loi sont abrogées.

#### *Disposition alternative.*

13. Dans le cas où la Convention sucrière signée à Bruxelles, le 11 Août, 1875,\* ne serait pas ratifiée, et tant qu'elle ne sera pas ratifiée, la perception de l'impôt, après le 1<sup>er</sup> Mars, 1876, continuera à être effectuée conformément à la Loi du 29 Juillet, 1875.†

14. Ce cas échéant, et toujours à partir du 1<sup>er</sup> Mars, 1876,

\* See State Papers. Vol. 66. Page 1070.

† See Page 168.

lorsqu'il y aura lieu, conformément à l'Article 3 de la Loi précitée, de recourir à la saccharimétrie, le classement des sucres s'opérera d'après le tableau ci-après :

*A.—Payement des Droits de Consommation.*

Sont classés au-dessous du No. 13 de la série des types de Paris les sucres titrant moins de 91 degrés ;

Du No. 13 inclus au No. 20 inclus, les sucres titrant de 91 degrés à 98 degrés exclusivement ;

Parmi les poudres blanches, les sucres titrant 98 degrés ou plus.

*B.—Régime de l'Admission Temporaire.*

La première classe (15 à 18 inclus) comprend les sucres titrant 92 inclus à 98 exclusivement ;

La deuxième classe (10 à 14 inclus), les sucres titrant 85 inclus à 92 exclusivement ;

La troisième classe (7 à 9 inclus), les sucres titrant 76 inclus à 85 exclusivement ;

La quatrième classe (moins 7), les sucres titrant moins de 76 degrés.

15. Les soumissions d'admission temporaire relatives aux sucres indigènes d'une nuance supérieure au No. 18 (poudres blanches comprises) pourront être apurées par l'exportation de sucres raffinés en pains, en raison d'un rendement de 97 pour cent.

Cette disposition s'applique aux sucres de canne des mêmes qualités, importés des pays hors d'Europe.

Délibéré en séance publique, à Versailles, le 30 Décembre, 1875.

AUDREN DE KERDREL, *Président.*

FÉLIX VOISIN, T. DUCHÂTEL, ÉTIENNE LAMY,

E. DE CAZENOVE DE PRADINE, *Secrétaires.*

Le Président de la République promulgue la présente Loi.\*

MAL. DE MACMAHON, DUC DE MAGENTA.

C. DE MEAUX, *Ministre de l'Agriculture et du Commerce.*

ARRANGEMENT *between Austria-Hungary, Belgium, Egypt, France, Germany, Great Britain, India, Italy, Netherlands, Spain, and Sweden and Norway, respecting the Entry of British India and the French Colonies into the General Postal Union of October 9, 1874.† Berne, January 27, 1876.*

L'ADMINISTRATION des Postes de l'Inde Britannique ayant

\* Promulguée au "Journal Officiel" du 7 Janvier, 1876.

† See Vol. 14. Page 67.

fait connaître, conformément à l'Article XVII du Traité concernant la création d'une Union Générale des Postes, conclu à Berne le 9 Octobre, 1874, son intention d'entrer dans l'Union Générale des Postes, et le Gouvernement Français ayant fait une Déclaration semblable au nom de ses Colonies ;

Les Délégués soussignés ont arrêté, sauf approbation, les dispositions suivantes :—

ART. 1. L'Inde Britannique et les Colonies Françaises accèdent aux stipulations du Traité concernant la création d'une Union Générale des Postes, conclu à Berne le 9 Octobre, 1874, ainsi qu'aux dispositions du règlement de détail et d'ordre arrêté pour l'exécution du dit Traité.

2. Les correspondances originaires de l'un des pays mentionnés à l'Article I, à destination d'un autre pays de l'Union, et *vice versa*, seront soumises aux taxes de l'Union adoptées par chacune des Administrations en vertu des alinéas 1, 2, 3, 4, et 5 de l'Article III, et des alinéas 1, 2, et 3 de l'Article IV du Traité de Berne du 9 Octobre, 1874.

Chaque Administration aura la faculté d'ajouter à ces taxes, à titre de port maritime, une surtaxe qui ne pourra pas dépasser les *maxima* fixés par les Articles III, 2<sup>e</sup> alinéa, et IV, 2<sup>e</sup> alinéa, du Traité de Berne pour les envois affranchis.

Toutefois, lorsque la conversion des taxes dans la monnaie nationale fera ressortir des fractions, ces fractions pourront être forcées jusqu'à l'unité.

Il est expressément entendu que la surtaxe maritime ne sera perçue qu'une fois, alors même que plusieurs services maritimes participeraient au transport.

3. Du chef du transport maritime des correspondances mentionnées à l'Article 2 précédent, l'Administration expéditrice paiera à l'Administration ou aux Administrations qui pourvoient à ce transport une bonification :

(1.) De 25 francs par kilogramme, poids net, de lettres et de cartes-correspondance, et

(2.) De 1 franc par kilogramme, poids net, d'objets désignés à l'Article IV du Traité conclu à Berne le 9 Octobre, 1874.

Lorsque le transport maritime sera effectué par deux ou par plusieurs Administrations, la bonification en sera répartie entre elles sur la base des distances parcourues, sans préjudice aux arrangements différents qui pourraient intervenir entre les Administrations intéressées.

Toutefois, aucune bonification ne sera due pour les transports maritimes n'excédant pas 300,000 marins.

4. Les correspondances qui, en vertu de l'alinéa final de l'Article X du Traité de Berne du 9 Octobre, 1874, auront à supporter des frais de transport extraordinaires, pourront être frappées d'une surtaxe en rapport avec ces frais.

5. Par rapport aux dispositions de l'Article XXVII du

Règlement joint au Traité de Berne, concernant la répartition des frais du Bureau International de l'Union Générale des Postes, il est convenu que l'Inde fera partie de la 1<sup>re</sup> classe et l'ensemble des Colonies Françaises de la 3<sup>me</sup> classe prévues par cet Article.

6. Le présent Arrangement sera mis à exécution à partir du 1<sup>er</sup> Juillet, 1876.

Fait et signé à Berne, en 14 expéditions, le 27 Janvier, 1876.

GUNTHER, pour l'Administration des Postes de l'Allemagne.

DEWÉZ, pour l'Administration des Postes de l'Autriche.

EUGÈNE BOREL, pour l'Administration des Postes de l'Égypte.

J. DE HOYOS, VTE. DE MANZANERA, pour l'Administration des Postes de l'Espagne.

ANSAULT, pour l'Administration des Postes de la France.

E. ROY, pour le Ministère de la Marine et des Colonies de France, au nom des Colonies Françaises.

ALAN MACLEAN, pour l'Administration des Postes de la Grande Bretagne.

HEIM, pour l'Administration des Postes de la Hongrie.

FAISSIAUX, } pour l'Administration des Postes de la  
GIFE, } Belgique.

ALAN MACLEAN, pour l'Administration des Postes de l'Inde Britannique.

TANTESIO, pour l'Administration des Postes de l'Italie.

HOFSTEDE, pour l'Administration des Postes des Pays-Bas.

M. BJORNSTJERNA, pour les Administrations des Postes de la Suède et de la Norvège.

AGREEMENT between the Governments of Great Britain and France, for increasing the Limits of Weight and the Dimensions of Packets of Patterns of Merchandize exchanged through the Post between the two Countries. Signed at Paris, January 28, 1880.\*

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of the French Republic, being desirous of facilitating the postal relations between the two countries, and in exercise of the power given to them under Article XV of the Convention of

\* Signed also in the French language.



the Universal Postal Union, concluded in Paris on the 1st June, 1878;\*

Have agreed as follows:—

The limits of weight and the dimensions of packets of patterns of merchandize exchanged through the post between the United Kingdom of Great Britain and Ireland on the one part, and France and Algeria on the other part, may be increased by the Postal Administration of the country of origin beyond those which have been fixed by Article V of the International Convention of the 1st June, 1878, under the express reservation that such limits shall not exceed the following:—

In weight ..	350 grammes.	
In dimensions	{	30 centim., length.
		20 centim., breadth.
		10 centim., depth.

The present Agreement shall take effect on the 1st February, 1880.

In witness whereof the Undersigned, the Ambassador Extraordinary and Plenipotentiary of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland in Paris and the Minister for Foreign Affairs of the French Republic, duly authorized for that purpose, have drawn up the present Agreement, which they have sealed with the seal of their arms.

Done in duplicate, in Paris, on the 28th day of January, 1880.

(L.S.) LYONS.

(L.S.) C. DE FREYCINET.

BRITISH ORDER IN COUNCIL *respecting Sea-fishing Boats.*  
*Windsor, February 26, 1880.*

*At the Court at Windsor, the 26th day of February, 1880.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Sea Fisheries Act, 1868" [cap. 45],† it is (among other things) enacted that it shall be lawful for Her Majesty from time to time by Order in Council to make, alter, and revoke Regulations for carrying into execution the said Act, and the intent and object thereof, and for the maintenance of good order among sea-fishing boats and the persons belonging thereto:

And whereas by the said Act it is further enacted that it

\* See Vol. 14. Page 1007.

† See Vol. 13. Page 422.

shall be lawful for Her Majesty, by Order in Council from time to time, to do all or any of the following things, viz. :—

(a.) To make Regulations for carrying out, enforcing, and giving effect to both the entry and registry of sea-fishing boats, and also Articles IV, V, VI, VII, and VIII of the Convention then recently concluded between Her Majesty and the Emperor of the French concerning the fisheries in the seas adjoining the British Islands and France, and set out in the first Schedule to the Act.

(b.) To adopt in such Regulations any existing system of registering or lettering and numbering of boats, and to provide for bringing any such system into conformity with the requirements of the said Convention and the Act, and with the said Regulations.

(c.) To define the boats or classes of boats to which such Regulations, or any of them, are to apply, and to provide for the exemption of any boats or classes of boats from such Regulations, or any of them, and from the provisions of Part II of the Act with respect to entry or registry, and the possession of a certificate of registry and official papers.

(d.) To apply to the entry and registry respectively of sea-fishing boats so defined, and to all matters incidental thereto, such (if any) of the enactments contained in any Act relating to the registry of British ships, and with such modifications and alterations, as may be found desirable.

(e.) To impose penalties not exceeding 20*l.* for the breach of any Regulations made by any Order in Council for the breach of which a punishment cannot be provided by the application of the enactments contained in any Act relating to the registry of British ships.

(f.) To alter and revoke an Order so made, and that every such Order shall be of the same force as if it were enacted by the said recited Act.

And whereas Her Majesty did, in pursuance of the said recited Act, on the 18th day of June, 1869,\* by Order in Council, make certain Regulations for the lettering, numbering, and registering of British sea-fishing boats under Part II of the Act and did, on the 23rd day of October, 1877,† by a further Order in Council, make certain Additional Regulations for the same purpose, all of which Regulations are now in force:

And whereas it has been made to appear that it is expedient that the said Order of the 23rd day of October, 1877, should be revoked, and that the Regulations in the Schedule hereto annexed should be substituted for the Regulations annexed to the said Order of the 23rd day of October, 1877:

Now, therefore, Her Majesty, in exercise of the powers vested in her by the said recited Act, by and with the advice of

\* See Vol. 13. Page 443.

† See Vol. 14. Page 1052.

her Privy Council, is pleased to revoke the said Order so made on the 23rd day of October, 1877, and is pleased to make, in lieu of the Regulations to the said Order annexed, the Regulations which are set forth in the Schedule hereto annexed, and to direct that the same shall come into force from the date of the present Order.

C. L. PEEL.

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SCHEDULE to which the foregoing Order refers.

ADDITIONAL REGULATIONS for the Lettering, Numbering, and Registering of British Sea-Fishing Boats under Part II of "The Sea Fisheries Act, 1868" (31 & 32 Vict., c. 45).

1. All open or undecked boats employed in fishing or dredging for purposes of sale on the coasts of England, Wales, and the Islands of Guernsey, Jersey, Alderney, Sark, and Man, and not going outside,—

(a.) The distance of three miles from low-water mark along the whole extent of the said coasts;

(b.) In cases of bays less than ten miles wide the line joining the headlands of such bays;

shall not be subject to the Regulations for the lettering, numbering, and registering of British sea-fishing boats under Part II of "The Sea Fisheries Act, 1868," made by Her Majesty on the 18th day of June, 1869.

2. If any boat required to have its name, and that of the port to which it belongs, painted on the stern in pursuance of the Regulations for the lettering, numbering, and registering of British sea-fishing boats under Part II of "The Sea Fisheries Act, 1868," made by Her Majesty on the 18th day of June, 1869, and not having the name and port so painted, is used as a sea-fishing boat, the owner and master shall each be liable to a penalty not exceeding 20*l.*

3. The owner and master of any boat required to be registered, lettered, and numbered or otherwise marked in pursuance of the said Regulations, who shall, in the absence of any reasonable cause for the same (proof whereof shall lie on him) efface, cover, or conceal, or cause to be effaced, covered, or concealed, in any manner whatsoever, the letters, numbers, and names placed on such boats or their sails, shall each be liable to a penalty not exceeding 20*l.*

4. For the purpose of carrying out the two foregoing Regulations, any sea-fishery officer may seize and detain the boat, and prevent it from going to sea, and from sea-fishing, and may for that purpose, if it is at sea, take it back into the nearest or most convenient British port.

5. Whenever the owner of any registered British sea-fishing boat proves to the satisfaction of the proper officer of Customs or Coast Guard or any sea-fishery officer that he has lost or been deprived of any certificate of registry already granted to him under Part II of "The Sea Fisheries Act, 1868," and the Regulations made thereunder, and a copy of such certificate is made out, and delivered to such owner, a fee of 1*s.* shall be paid by him to the officer delivering the same.

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FRENCH LAW respecting the Mercantile Marine (Bounties, &c.).  
Paris, January 29, 1881.

(Translation as laid before Parliament.)

THE Senate and the Chamber of Deputies have adopted,  
The President of the Republic promulgates, the Law of  
which the text follows:—

ART. 1. The right of free pilotage is granted to all sailing-vessels not measuring over 80 tons, and to steamers whose measurement does not exceed 100 tons, whenever they run regularly between port and port, and habitually frequent the entrances to rivers.

Nevertheless, at the request of the Chambers of Commerce, and after an inquiry in the usual form has been made, public administrative regulations shall determine the modifications of the existing rules which may be considered necessary in the interest of navigation.

2. For foreign-going vessels the visit of inspection prescribed by Article 225 of the Commercial Code for a fresh cargo loaded in France shall not be obligatory unless more than six months have elapsed since the last inspection, unless the vessels shall have sustained damage.

3. For the official documents or *procès-verbaux* showing the changes of owners of the ship, either total or partial, a fixed charge shall be made for registration of 3 francs. Article 5, No. 2, of the Law of the 28th February, 1872, is repealed so far as it is contrary to the present provision.

4. To compensate ship-builders for the charges fixed by the Custom-house Tariff, the following allowances shall be made to them :—

For iron or steel vessels, 60 francs per ton gross measurement;

For wooden vessels of 200 tons or more, 20 francs;

For wooden vessels of less than 200 tons, 10 francs;

For composite vessels, 40 francs;

For driving engines placed on board steamers, and for auxiliary apparatus, such as steam-pumps, donkey-engines, winches, ventilators worked by machinery, also their boilers and pipes, 12 francs per 100 kilog. ;

Ships planked with timber, having beams and ribs of iron or steel, are to be considered as composite vessels.

5. Every change in a ship by which an increase in measurement is gained shall give right to a bounty, based on the above Tariff, according to the increase of tonnage gained.

The bounty shall be granted for driving-engines and auxiliary apparatus placed on board after completion of the ship.

On change of boilers, the owner shall be allowed a compensation allowance of 8 francs per 100 kilog. on new boilers, weighed without the tubes, and of French make.

6. The allowances granted by Articles 4 and 5 shall be paid, on delivery of the French register, by the Receiver of Customs at the nearest place of construction.

7. The system of admission duty free, fixed by Article 1 of

the Law of the 19th May, 1866,\* and by Article 2 of the Law of the 17th March, 1879, is abolished.

8. Ship-builders shall receive allowances for vessels on the stocks at the time when the present Law shall come into force, as stipulated in Article 4, after deducting the amount of Customs dues fixed by the Conventional Tariff on foreign imports which may have been entered free of duty for ship-building purposes.

9. As compensation for charges imposed on the mercantile navy for the recruitment and service of the military navy, a navigation bounty shall be granted, during ten years from the date of publication of this Law, to all French vessels, sailing or steam.

This bounty is applicable only to foreign-going vessels.

It is fixed at 1 franc 50 cents per register ton and per 1,000 miles run for vessels of French construction fresh off the stocks, and decreases annually by—

0·075	franc	for	wooden	vessels.
0·075	„	„	composite	„
0·05	„	„	iron	„

For foreign-built vessels, the bounty is reduced to one-half of the above assigned amount.

Vessels taking out French registers before the promulgation of the present Law are assimilated for bounty purposes to vessels of French construction.

The bounty is increased by 15 per cent. for steamers built according to plans previously approved of by the Marine Department.

The number of miles run is calculated according the distance from the point of departure to the point of arrival, measured on a direct maritime line.

In case of war merchant-ships can be requisitioned by the State.

Vessels engaged in the foreign and home fisheries (“la grande et la petite pêche”), those belonging to subsidized lines, and yachts, are excepted from receiving the bounty.

10. Every master of a vessel receiving one of the bounties fixed by Article 9 of the present Law shall be obliged to carry, free of charge, mails put under his charge by the Post Office authorities, or to be delivered to that Administration, as prescribed in the Consular Decree of the 19th Germinal, year X.

If a Post Office agent is deputed to accompany the despatches, he shall also be conveyed free of charge.

11. A regulation of public administration, containing a special statement of the distances between ports, shall fix the system on which this Law shall be applied.

\* See Vol. 13. Page 410.

The present Law, discussed and adopted by the Senate and by the Chamber of Deputies, shall be carried out as a State Law.

Done at Paris, January 29, 1881.

JULES GRÉVY.

By the President of the Republic :

P. TIRARD, *Minister of Agriculture and Commerce.*

G. CLOUÉ, *Minister of Marine and Colonies.*

J. MAGNIN, *Minister of Finance.*

AGREEMENT *between the Governments of Great Britain, Spain, and France, for facilitating Telegraphic Intercourse between Gibraltar and France. Signed at London, March 21, 1881.*

LE Gouvernement de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Gouvernement de Sa Majesté le Roi d'Espagne, et le Gouvernement de la République Française, désirant faciliter les relations télégraphiques entre la possession Anglaise de Gibraltar et la France, et usant de la faculté qui leur est accordée par l'Article XVII de la Convention Internationale de St. Pétersbourg\* et l'Article 16 du Règlement de Service annexé à cette Convention, et révisé à Londres, † sous réserve, pour la France, de la sanction ultérieure des Chambres, sont convenus des dispositions suivantes :—

ART. 1. La taxe des télégrammes ordinaires échangés entre Gibraltar et la France (par la voie d'Espagne) est fixée uniformément, et par mot, à 25 centimes, sans surtaxe.

Le montant de recettes effectuées de part et d'autre sera réparti entre les trois Administrations dans les proportions suivantes :—

Il sera attribué à la Grande Bretagne (Gibraltar), 5 centimes ; à l'Espagne, 10 centimes ; et à la France, 10 centimes par mot.

2. Les dispositions qui précèdent sont applicables aux correspondances échangées entre Gibraltar et l'Algérie (ou la Tunisie), par la voie des câbles qui relient directement la France et l'Algérie.

Il sera toutefois perçu, pour ces correspondances, une taxe additionnelle de 10 centimes par mot, exclusivement attribuée à la France pour le transit sous-marin entre les côtes de France et d'Algérie.

3. Les dispositions de la Convention Télégraphique Internationale en vigueur sont applicables aux relations entre la possession Anglaise de Gibraltar et la France, dans tout ce qui n'est pas réglé par les Articles ci-dessus.

4. Le présent Arrangement, destinée à entrer en vigueur à

\* July 22, 1875. See Vol. 14. Page 98.

† See Page 17.

une date qui sera déterminée d'accord entre les trois Administrations,\* formera, avec la Convention Télégraphique Internationale de St. Pétersbourg et son Règlement de Service révisé à Londres, l'ensemble des dispositions qui devront être observées dans les relations télégraphiques entre Gibraltar et la France (Algérie et Tunisie comprises), par la voie d'Espagne.

Elle demeurera en vigueur pendant un temps indéterminé, et jusqu'à l'expiration d'une année à partir du jour où la dénonciation en sera faite par l'une des Parties Contractantes.

En foi de quoi les Soussignés, dûment autorisés à cet effet, ont dressé le présent Arrangement, qu'ils ont revêtu du cachet de leurs armes.

Fait à Londres, en triple exemplaire, le 21<sup>ème</sup> jour du mois de Mars, 1881.

(L.S.) GRANVILLE.

(L.S.) MARQUES DE CASA LAIGLESIA.

(L.S.) CHALLEMEL-LACOUR.

BRITISH NOTIFICATION *of the Termination of the Commercial Treaties and Conventions between Great Britain and France, 1860-1874. London, May 9, 1881.*†

*Foreign Office, May 9, 1881.*

NOTICE is hereby given, that the French Ambassador in London has announced that the "Journal Officiel" of the 8th instant contains the promulgation by the President of the French Republic of the new French General Tariff. Accordingly, under the provisions of the Declaration between the British and French Governments signed on the 10th October, 1879,‡ the duration of the undermentioned Commercial Treaties and Conventions between Great Britain and France will cease and determine six months after the said date of the 8th May, 1881, namely :

1. The Treaty of Commerce of the 23rd January, 1860.
2. Additional Article of the 25th February, 1860.
3. Second Additional Article of the 27th June, 1860.
4. First Supplementary Convention of the 12th October, 1860.
5. Second Supplementary Convention of the 16th November, 1860.
6. Treaty of Commerce and Navigation of the 23rd July, 1873.

\* July 1, 1881, was agreed upon as the date upon which the Agreement shall come into force.

† See Declaration, September 21, 1881. Page 182.

‡ Vol. 14. Page 1204.

7. Supplementary Convention of the 24th January, 1874.
8. Declaration of the 24th January, 1874.

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DECLARATION *between the British and French Governments, prolonging to the 8th of February, 1882, the Commercial Treaties between Great Britain and France. Signed at Paris, September 21, 1881.\**

THE Government of Her Britannic Majesty and the Government of the French Republic, animated by an equal and sincere desire of arriving at the conclusion of a Commercial Convention:

Considering that the negotiations commenced in London on the 26th May last have resulted in determining the points on which it was proper to establish a preliminary understanding;

Considering that the correspondence exchanged during the last three months between the two Governments leaves no doubt as to the possibility of concluding, in the course of the present negotiations, Treaties of Commerce and of Navigation equally satisfactory to the two countries;

Considering that it is of the highest importance to put an end forthwith to the state of uncertainty in which the commerce of Great Britain and France is situated as to the system to which the commercial and maritime relations of the two countries will be subjected at the expiration of the existing Treaties;

Agree to prolong for a further period of three months, that is to say, from the 8th November next to the 8th February, 1882, the Treaties of Commerce and Navigation in force between Great Britain and France.

The benefit of this prolongation will apply to the Conventional Acts hereinafter enumerated, that is to say:

1. Treaty of Commerce of the 23rd January, 1860.†
2. Additional Article of the 25th February, 1860.‡
3. Second Additional Article of the 27th June, 1860.§
4. First Supplementary Convention of the 12th October, 1860.||
5. Second Supplementary Convention of the 16th November, 1860.¶
6. Treaty of Commerce and Navigation of the 23rd July, 1873.\*\*
7. Supplementary Convention of the 24th January, 1874.††

\* Signed also in the French language.

† See Vol. 11. Page 171.

‡ See Vol. 11. Page 183.

\*\* See Vol. 14. Page 340.

† See Vol. 11. Page 165.

§ See Vol. 11. Page 177.

¶ See Vol. 11. Page 191.

†† See Vol. 14. Page 348.



## 8. Declaration of the 24th January, 1874.\*

In witness whereof the Undersigned, acting in the name of their respective Governments, have drawn up the present Declaration, and have affixed the seal of their arms.

Done in duplicate in Paris, the 21st day of September, 1881.

(L.S.) LYONS.

(L.S.) B. ST. HILAIRE.

**DECLARATION** *between the British and French Governments, prolonging to the 1st March, 1882, the Declaration of the 21st September, 1881,† for the Prolongation of the existing Commercial Treaties between the Two Countries. Signed at Paris, February 4, 1882.‡*

THE Government of Her Britannic Majesty and the Government of the French Republic, considering that the Treaty of Commerce now in course of negotiation cannot be definitively concluded between the two countries before the 8th of this month, the date fixed for the expiration of the Treaties in force:

Agree to prolong to the 1st March, in all its effects and parts, the Declaration signed at Paris on the 21st September, 1881, between the United Kingdom of Great Britain and Ireland and France.

In witness whereof the Undersigned, acting in the name of their respective Governments, have drawn up the present Declaration, and have affixed thereto their seals.

Done at Paris, this 4th day of February, 1882.

(L.S.) LYONS.

(L.S.) FREYCINET.

**LAW** *relating to the Customs Regulations applicable to English Goods on their entry into France. Paris, February 27, 1882.*

LE Sénat et la Chambre des Députés ont adopté,

Le Président de la République promulgue la Loi dont la teneur suit :—

ART. 1. A partir de la promulgation de la présente Loi, les marchandises d'origine ou de manufactures Anglaises seront soumises, à leur entrée en France, au même traitement que celles des nations les plus favorisées.

2. Les dispositions de l'Article ci-dessus ne seront point

\* See Vol. 14. Page 1201.

† Page 182.

‡ Signed also in the French language.

applicables aux produits coloniaux, qui restent soumis aux conditions du Tarif Général des Douanes.

La présente Loi, délibérée et adoptée par le Sénat et par la Chambre des Députés, sera exécutée comme Loi de l'État.

Fait à Paris, le 27 Février, 1882.

JULES GRÉVY.

Par le Président de la République :

C. DE FREYCINET, *Président du Conseil,*

*Ministre des Affaires Étrangères.*

P. TIRARD, *Ministre du Commerce.*

CONVENTION *to regulate the Commercial and Maritime Relations between Great Britain and France.\* Signed at Paris, February 28, 1882.†*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the French Republic, being equally animated with the desire of maintaining the ties of friendship which unite the two countries, and considering that the Treaties prolonged by the Declaration of the 4th of this month are to come to an end on the 1st March next,‡ have determined to conclude a Convention to regulate the commercial and maritime relations of the two countries, as well as the status of their subjects, and they have, accordingly, appointed their respective Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Bickerton Pemell, Viscount Lyons, a Peer of the United Kingdom of Great Britain and Ireland, Knight Grand Cross of the Most Honourable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, one of Her Britannic Majesty's Most Honourable Privy Council, and Her said Majesty's Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic; and

The President of the French Republic, M. Louis Charles de Saulces de Freycinet, Senator, President of the Council, Minister of Foreign Affairs, Officer of the National Order of the Legion of Honour; M. Pierre Tirard, Deputy, Minister of Commerce; and M. Maurice Rouvier, Deputy, formerly Minister of Commerce and of the Colonies;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ART. I. The Customs Tariff for goods the produce or manufacture of the United Kingdom on their importation into France

\* Signed also in the French language.

† Ratifications exchanged at Paris, May 12, 1882.

‡ See Page 183.

and Algeria, and for goods the produce or manufacture of France or Algeria on their importation into the United Kingdom, being from henceforth regulated by the internal legislation of each of the two States, the High Contracting Parties guarantee to each other reciprocally in the United Kingdom and in France and Algeria in all other matters the treatment of the most favoured nation.

It is therefore understood that, with the exception above stated, each of the High Contracting Parties engages to give the other immediately and unconditionally the benefit of every favour, immunity, or privilege in matters of commerce or industry which have been or may be conceded by one of the High Contracting Parties to any third nation whatsoever, whether within or beyond Europe.

It is likewise understood that in all that relates to transit, warehousing, exportation, re-exportation, local dues, brokerage, Customs formalities, samples, and likewise in all matters relating to the exercise of commerce and industry, and in respect to residence, whether temporary or permanent, the exercise of any calling or profession, the payment of taxes or other impositions, and the enjoyment of all legal rights and privileges, including the acquiring, holding, and power of disposing of property, British subjects in France or in Algeria, and French in the United Kingdom, shall enjoy the treatment of the most favoured nation.

II. The transit of goods of all kinds to and from the United Kingdom shall be free from all transit duties in France and Algeria, and the transit of goods to and from France and Algeria shall be free from all transit duties in the United Kingdom.

The two Governments reserve the faculty of excluding from transit arms and munitions of war, and spurious imitations.

The treatment of the most favoured nation is reciprocally guaranteed to each of the two countries in all that concerns transit.

It is understood that each of the two High Contracting Parties reserves to itself to decide, as regards goods and merchandize passing from one or other of the two countries, on such prohibitions or temporary restrictions of import, export, or transit which they may think necessary to enforce for sanitary reasons, to prevent the spread of cattle diseases, or the destruction of crops, or in view of events of war.

III. The High Contracting Parties engage not to enforce one against the other any prohibition of importation or exportation which shall not at the same time be applicable to all other nations.

IV. Goods, the produce or manufacture of the United Kingdom imported into France or Algeria, shall not be subject

to any other or higher duties of octroi, excise, or internal consumption than those which are or may be charged upon the like goods of French origin; and in like manner goods, the produce or manufacture of France or Algeria, imported into the United Kingdom, shall not be subject to any other or higher duties of octroi, excise, or internal consumption than those which are or may be charged upon the like goods of British origin.

V. The importer of machines and mechanical instruments, complete or in detached pieces, shall be exempt from the obligations of producing at the Customs any model or drawing of the imported article.

VI. Articles liable to duty, serving as patterns or samples, which shall be introduced into the United Kingdom by French commercial travellers, or into France and Algeria by commercial travellers of the United Kingdom, shall be admitted free of duty, subject to the following formalities requisite to ensure their being re-exported or placed in bond:—

1. The officers of Customs at any port or place at which the patterns and samples may be imported shall ascertain the amount of duty chargeable thereon. That amount must either be deposited by the commercial traveller at the Custom-house in money, or ample security must be given for it.

2. For the purpose of identification, each separate pattern or sample shall, as far as possible, be marked by the affixing of a stamp, or by means of a seal being attached to it.

3. A permit or certificate shall be given to the importer, which shall contain—

(a.) A list of the patterns or samples imported, specifying the nature of the goods, and also such particular marks as may be proper for the purpose of identification;

(b.) A statement of the duty chargeable on the patterns or samples, as also whether the amount was deposited in money, or whether security was given for it;

(c.) A statement showing the manner in which the patterns or samples were marked;

(d.) The appointment of a period, which at the utmost must not exceed 12 months, at the expiration of which, unless it is proved that the patterns or samples have been previously re-exported or placed in bond, the amount of duty deposited will be carried to the public account or the amount recovered under the security given. No charge shall be made to the importer for the above permit or certificate, or for marking for identification.

4. Patterns or samples may be re-exported through the Custom-house through which they were imported, or through any other.

5. If, before the expiration of the appointed time (para-

graph 3 d) the patterns or samples should be presented at the Custom-house of any port or place for the purpose of re-exportation or being placed in bond, the officers at such port or place must satisfy themselves by examination whether the articles which are brought to them are the same as those for which the permit of entry was granted. If so satisfied, the officers will certify the re-exportation or deposit in bond, and will refund the duty which had been deposited, or will take the necessary steps for discharging the security.

VII. British ships and their cargoes shall in France and in Algeria, and French ships and their cargoes shall, in the United Kingdom of Great Britain and Ireland, from whatever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as national ships and their cargoes.

VIII. The two High Contracting Parties reserve to themselves the power of levying tonnage, landing or shipping dues in order to pay the expenses of all necessary establishments at the ports of importation and exportation; but all these dues, whether levied by the State, towns, chambers of commerce, or any other corporate body, shall never be other nor higher than those which are or may be applicable to national ships and their cargoes to whatever ports they may belong, the wish of the High Contracting Parties being that in this respect English and French vessels and their cargoes should be treated on a footing of perfect equality.

But in all that relates to local treatment the placing, loading, and unloading of vessels, as well as the dues and charges in the ports, basins, docks, roadsteads, harbours, and rivers of the two countries, and generally in respect of all formalities or regulations to which merchant-ships, their crews and cargoes, are subject, the privileges, favours, or advantages which are or shall be granted to national vessels generally, or to the goods imported or exported in them, shall be equally granted to the vessels of the other country, and to the goods imported or exported in them.

#### *Coasting Trade.*

IX. The coasting trade is excepted from the stipulations of the present Convention, and remains subject to the respective laws of the two countries.

#### *Fisheries.*

The fisheries are also excepted and remain subject to the special Conventions for the time being existing between and to the respective laws of the two countries.

X. The subjects of each of the two High Contracting Parties shall, in the dominions of the other, enjoy the same protection

and be subject to the same conditions as native subjects in regard to the rights of property in trade marks, names of firms, and other distinctive marks showing the origin or quality of goods, as well as in patterns and designs for manufacture.

XI. The subjects of the High Contracting Parties shall be exempted from military service, requisitions, and contributions of war, forced loans, advances, and other contributions leviable under exceptional circumstances in so far as these contributions are not imposed on landed property.

XII. The present Convention shall come into operation on the 16th of May, 1882, and remain in force until the 1st February, 1892. In case neither of the two High Contracting Parties should have notified 12 months before the said date the intention of putting an end to it, it shall remain binding until the expiration of one year from the day on which either of the two High Contracting Parties shall have denounced it.

XIII. The ratifications of the present Convention shall be exchanged at Paris at latest on the 12th May, 1882.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have thereto affixed their seals.

Done in duplicate at Paris, the 28th day of February, in the year 1882.

(L.S.) LYONS.

(L.S.) C. DE FREYCINET.

(L.S.) P. TIRARD.

(L.S.) M. ROUVIER.

CONVENTION *for the Exchange of Post Office Money Orders between Great Britain and France.*\* Signed at Paris, December 8, 1882.†

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the French Republic, being desirous that facilities should exist for the transmission of sums of money from one country to the other by means of postal money orders, have determined upon securing this result by a Convention, and have named as their Plenipotentiaries for this purpose, namely :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Bickerton Pemell, Viscount Lyons, a Peer of the United Kingdom of Great Britain and Ireland, Knight Grand Cross of the Most Honourable

\* Signed also in the French language.

† Ratifications exchanged at Paris, January 12, 1883.

Order of the Bath, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, one of Her Britannic Majesty's Most Honourable Privy Council, and Her said Majesty's Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic, &c.;

The President of the French Republic, M. Eugène Duclerc, Senator, President of the Council, Minister of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ART. I. Remittances of money may be made through the medium of the post, as well from the United Kingdom of Great Britain and Ireland to France and Algeria as from France and Algeria to the United Kingdom of Great Britain and Ireland.

These remittances shall be effected by money orders drawn by offices of the British Postal Administration on offices of the French Postal Administration, and *vice versa*.

The maximum of each money order is fixed at 252 francs, or 10*l.* sterling.

There is reserved to each of the two Contracting Countries the right of declaring the ownership in money orders originating in the other country to be transferable by means of endorsement.

II. There shall be charged for each remittance of money effected in pursuance of the preceding Article a commission which shall be fixed by the Administration of the country of origin, and which shall be chargeable to the remitter of the money.

The orders issued on either side and the receipts given upon such money orders shall not, under any pretext, or on any ground whatever, be subject to any kind of tax or duty chargeable to the recipients of the remittances.

III. The Administration issuing money orders shall account to the Administration paying them for a commission of a half per cent. on the total amount of orders paid.

IV. The amount of money orders shall be paid in by the depositors and paid to the payees in gold or in any other legal money of the same current value.

Nevertheless, in case there should be in circulation in one of the two countries a paper currency which is legal tender, but which is inferior in value to gold, the Administration of such country shall have power to receive and employ such currency in its relations with the public subject to the difference in the rate of exchange.

V. The basis for converting British money into French, and French money into British, for the issue and payment of money orders shall be fixed by common consent between the Postal Administrations of the two countries, and may be modified by

those Administrations whenever they shall consider it necessary.

VI. The British and French Postal Administrations shall each prepare, at such times as they may fix by common consent, accounts in which shall be recapitulated the sums paid by their respective offices; and after these accounts have been checked and accepted, the balance shall be paid in French money by the Administration which shall be found indebted to the other, within such period as the two offices may agree upon.

In case of non-payment of the balance of an account within the time agreed upon, the amount of such balance shall bear interest from the day of the expiration of that period to the day on which the sum due shall be remitted. This interest shall be at the rate of five per cent. per annum, and shall be carried to the debit of the office in arrear in the following account.

VII. The sums received by each of the Administrations for money orders of which payment shall not have been claimed by those entitled to it within the time fixed by the laws and regulations of the issuing country, shall ultimately accrue to the office which shall have issued these money orders.

VIII. The two Administrations shall name, each in so far as concerns itself, the post offices authorized to issue and pay money orders.

They shall regulate, by common consent, the form and the manner of transmission of money orders, the form and periods for settlement of accounts, and all other matters of detail and regulation necessary for the execution of the present Convention.

It is understood that the arrangements made in virtue of this Article can be modified, by common consent, by the two offices whenever they may consider it necessary.

IX. Each of the two Administrations shall be able, in extraordinary circumstances of a kind that would justify the measure, to suspend temporarily the international money order service, on condition of giving immediate notice thereof by telegraph, if necessary, to the other Administration.

X. The present Convention shall come into operation from a day to be agreed upon by the Postal Administrations of the two countries,\* after it shall have been promulgated according to the respective laws of each of the two countries. It shall replace, from that day, the Convention of the 30th of April, 1870,† and it shall remain binding from year to year until one of the Contracting Parties shall have announced to the other, a year in advance, its intention to terminate it.

During such final year, the Convention shall continue to be executed fully and entirely, without prejudice to the settlement and payment of the accounts after the expiration of the said term.

\* January 1, 1883.

† See Vol. 13. Page 456.



XI. The present Convention shall be ratified, and the ratifications thereof shall be exchanged as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto their seals.

Done at Paris, the 8th day of December, 1882.

(L.S.) LYONS.

(L.S.) E. DUCLERC.

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## GERMANY.

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ARRANGEMENT *between the Post Offices of Germany and India.*  
*Signed at Berlin, May 9, 1874.*

ART. 1. There shall be a regular exchange of ordinary letters, registered letters, and other registered articles of correspondence, newspapers, articles of the book-post, and patterns of merchandize between the Post Office of the German Empire and the Post Office of India. This exchange shall be effected for the present in closed mails viâ Brindisi and Bombay, by means of British mail-steamers. Should it become convenient hereafter to adopt any other route, or to use the steamers of other nations, such services may be arranged under agreement between the two Departments. The two Departments shall design by common consent the Post Offices which shall be charged with the mutual exchange of the correspondence.

2. The cost of the territorial transit and of the sea conveyance between the two countries shall be borne by each Post Office for the paid correspondence sent by it and for the unpaid or insufficiently prepaid letters received by it. The total sum of the cost of the territorial transit, however, as well as the total sum of the cost of the sea conveyance, shall first be paid by that Office which has obtained the most favourable conditions from the country serving as the route, whereas the other Office shall repay the amount due to it for the paid correspondence sent by the same, and for the unpaid or insufficiently prepaid letters received by it.

3. Persons who intend to send ordinary letters from Germany to India, or from India to Germany, may send those letters either paid to destination or unpaid. Registered letters and other registered articles of correspondence, newspapers, articles of the book-post, and patterns of merchandize must always be paid to destination.

4. The postage of a single letter exchanged between

Germany and India shall be (1), for a paid letter from Germany 6 groschen, and for a paid letter from India 5 annas 6 pies; (2), for an unpaid letter to Germany 8 groschen, and for an unpaid letter to India 7 annas 6 pies. Letters shall, if the postage is received in Germany, be regarded as single, the weight of which does not exceed 15 grammes. For letters exceeding the weight of 15 grammes an additional single rate shall be charged for each 15 grammes or fraction thereof. If, however, the postage is received in India, letters shall be regarded as single the weight of which does not exceed half-an-ounce. For letters exceeding the weight of half-an-ounce, an additional single rate shall be charged for each half-ounce or fraction thereof. Post-cards shall be regarded as equivalent to single paid letters.

5. The postage as well upon newspapers as upon articles of the book-post, especially upon periodical works, pamphlets, books, music, catalogues, prospectuses, announcements, and advertisements of different kinds, whether printed, engraved, or lithographed, also upon engravings, lithographs, photographs, and upon all printed or written papers, if not bearing the character of a letter or personal correspondence, unless such letter or personal correspondence be wholly printed, exchanged between Germany and India shall be, if sent from Germany,  $1\frac{1}{2}$  groschen for each 50 grammes or fraction thereof; if sent from India 1 anna 6 pies for 2 ounces, 3 annas for 4 ounces, and a like rate, viz., 3 annas extra for every additional 4 ounces or fraction thereof. The reduced postage fixed in this Article shall only be applied to the objects before mentioned if they answer to the conditions about their conveyance and mode of packing prescribed by the Laws or Ordinances of the country whence they originated. Such of the objects above mentioned which do not answer to the requisite conditions, or are not paid to destination, may be either detained or treated as letters and taxed accordingly. The weight of a packet of newspapers or other printed papers shall not exceed  $2\frac{1}{2}$  kilogrammes. The provisions of this Article shall limit in no way the right of the two Offices to prevent within their territories the conveyance or delivery of those objects pointed out in the present Article in respect of which the conditions of publication and circulation might not be in accordance with the Laws and Ordinances as well in Germany as in India.

6. The postage upon patterns of merchandize exchanged between the two countries shall be—if sent from Germany  $1\frac{1}{2}$  groschen for each 50 grammes or fraction thereof; if sent from India 1 anna 8 pies for 2 ounces, 3 annas 4 pies for 4 ounces, and a like rate, viz., 3 annas 4 pies extra for every additional 4 ounces or fraction thereof. The reduced postage fixed in this Article shall only be applied to patterns of

merchandize in case they are laid under wrapper or packed in such other manner that their contents may be inspected without difficulty. They must have no mercantile value and bear no other written communication but the name and address of the receiver, the name and address of the sender, the manufacturer's or trade mark, the numbers and prices. Patterns of merchandize not answering to the conditions above mentioned, or not paid to destination, may be either detained or treated as letters and taxed accordingly. The weight of a packet of patterns of merchandize shall not exceed 250 grammes.

7. Correspondence of every kind forwarded from one country to the other may be paid by means of the postage stamps in use in the country whence it originated. The objects of correspondence insufficiently paid by means of postage stamps shall be taxed as unpaid letters, after deducting, however, the value of the stamps affixed by the sender. In computing the supplementary postage to be raised from the receiver whenever a fraction of a half-groschen or 6 pies occurs, there shall be levied by the German Post Office a half-groschen for the fraction of a half-groschen, and by the Indian Post Office 6 pies for the fraction of 6 pies.

8. The objects of correspondence of every kind mutually exchanged between the inhabitants of Germany and the inhabitants of India may be sent under registration. For the registered articles shall be levied, besides the postage fixed in the preceding Articles 4, 5, and 6, the registration fees raised in the country whence they originated.

9. The German Post Office shall pay to the Indian Post Office as inland postage:—For prepaid letters from Germany 4*d.* for 30 grammes net weight; for newspapers, articles of the book-post, and patterns of merchandize from Germany, 1*s.* 8*d.* per kilogramme net weight; for unpaid and insufficiently prepaid letters from India 8*d.* per 30 grammes net weight. The Post Office of India shall pay to the Post Office of Germany as inland postage:—For paid letters from India 4*d.* per 30 grammes net weight; for newspapers, articles of the book-post, and patterns of merchandize from India, 1*s.* 8*d.* per kilogramme net weight; for unpaid and insufficiently prepaid letters from Germany, 8*d.* per 30 grammes net weight. Moreover, the German Post Office shall pay to the Post Office of India the value of the stamps affixed to insufficiently prepaid letters from Germany, and the Post Office of India to the German Post Office the value of the stamps affixed to insufficiently prepaid letters from India. The Contracting Parties explicitly stipulate that no tax or fee whatever shall be charged under any pretext or title upon the delivery at the original destination of the objects mentioned in the preceding Articles if they are duly paid.

10. The exchange of correspondence between India and the

Grand Duchy of Luxemburg undertaken by the German Post Office shall be effected according to the Regulations fixed in the preceding Articles for the postal communications between India and Germany. The German Post Office shall undertake the settlement of the accounts of the postage for the transmission of the mails in that territory.

11. The German Post Office and the Indian Post Office may mutually deliver to each other in open mails correspondence of every kind to and from those countries for which they serve as the route. The two Post Offices reserve to themselves the right of fixing by mutual agreement the conditions of such exchange.

12. There shall take place no other transmission, free of postage, except in respect of correspondence on the service of the Post Office.

13. The account concerning the exchange of the correspondence shall be prepaid monthly by each of the two Departments for the mails received from the other Office. These accounts shall be embodied in a general account quarterly by the German Post Office. The payment of the balance of this quarterly account shall be effected by bills of exchange on Berlin, if the balance be in favour of the German Post Office; and by bills of exchange on London, if the balance be in favour of the Indian Post Office. If by experience another method of payment should be found more suitable, the two Post Offices may adopt it by mutual agreement.

14. The German Post Office and the Indian Post Office shall fix by mutual agreement the forms of the accounts mentioned in the preceding Article 13, as well as all further particulars necessary to secure the execution of the present Convention.

15. In the event of any future change in the amount of the rates charged for territorial and sea transit, on which the rates of postage herein provided have been calculated, it shall be open to the two Post Offices, by mutual arrangement, to make a corresponding change in the postage rates.

16. The two Departments may mutually arrange for the introduction of a parcel post between Germany and India.

17. The present Arrangement shall be brought into operation as soon as possible, and at latest on the 1st of January, 1875, and shall continue in force until one year from the date when one of the two Post Offices shall have announced to the other its intention to terminate it.

18. The present arrangement shall be executed after having been submitted for sanction to the Office of the Chancellor of the German Empire and to the Government of India.

Done in duplicate in Berlin, the 9th day of May, 1874.

A. M. MONTEATH.  
H. STEPHAN.

**ARRANGEMENT** *for the Exchange of Money Orders between the Money Order Department of India and the Post Office of Germany. Signed at Berlin, January 18, 1875; and at London, January 22, 1875.*

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IN order to establish an exchange of money orders between India and Germany, the Undersigned, duly authorized for that purpose, have, subject to ratification, agreed upon the following Articles:—

ART. 1. There shall be a regular exchange of money orders between India and Germany by means of the weekly mail service *viâ* Brindisi.

2. The money order business between the two countries shall be performed exclusively through offices of exchange communicating with each other by means of lists, as explained more particularly below, the money orders being made out and forwarded to the payees by the office of exchange of the country in which the orders are payable. The offices of exchange shall be on the side of India, Bombay, and on the side of Germany, Munich.

3. The amount of orders exchanged in both directions shall be expressed in sterling money.

4. The maximum amount for which a money order may be drawn in either country upon the other shall be 10*l*.

5. No money order shall contain a fractional part of a penny.

6. The manner and condition of issuing money orders in either country shall be governed by the regulations in force for the time being in the country of issue.

7. The cost of money orders, *i.e.*, the amounts to be paid for them by the remitters in the currency of the country of issue shall be governed by the regulations in force for the time being in the country of issue.

Each country shall communicate to the other the regulations relating to the charges for money orders issued in force for the time being.

8. Applications by remitters for the alteration or correction of the name of the payee shall be received under the regulations of the country of issue, and forwarded to the country of payment for disposal under its regulations, accompanied by such information as may be necessary for the identification of the particular orders referred to.

Application by remitters for repayment of orders shall be received and forwarded in like manner, the repayment being made only under the authority of the country of payment, and according to the regulations of the country of issue.

9. The conversion of money orders into the currency of the

country of payment shall be governed by the regulation in force for the time being in the country of payment.

Each country shall communicate to the other the regulations for the time in force, relating to the conversion of money orders expressed in sterling money into its own currency for the purpose of payment.

10. The manner and conditions of paying orders, including stoppage of payment, renewal of orders, issue of duplicate orders, and other services affecting payment, shall be governed by the regulations in force for the time being in the country of payment.

11. The amount of money orders not ultimately paid, *i.e.*, of orders which become void under the regulations of the country of payment, shall belong to the country of issue.

12. The country of issue which collects the money from remitters shall account to the country of payment for the total amount of the orders issued, together with 1 per cent. additional on the total by way of commission.

13. The two offices of exchange shall communicate to each other by each mail the particulars of money orders issued by means of lists of the annexed Forms marked (A) and (AA), giving all particulars for which provision is made in the Forms.

The particulars as to names shall include the surname, and at least the initial of one Christian name, both of the remitter and of the payee, or, in the case of natives of India, the name, tribe or caste, and father's name, or the name of the firm or company who are the remitters or payees. The address of the payee must be given fully and precisely, as on it depends the determination by the receiving office of exchange of the office where the Order shall be made payable.

14. Besides the particulars of money orders issued, the lists mentioned in Article 13 shall contain particulars of orders authorized to be repaid to the remitters.

15. Blank lists shall be forwarded in case there shall be no money orders to communicate.

16. Should any list fail to be received in due course, the despatching office shall, on receiving information to that effect, transmit without delay a duplicate thereof.

17. The lists despatched from each office of exchange shall be numbered consecutively, commencing with No. 1 for the first list of each calendar year, and these numbers shall be termed the "List numbers."

18. The entries in the lists respecting orders issued shall also bear consecutive numbers, commencing with No. 1 for each list, and these numbers shall be termed the "Entry numbers."

19. Each list shall be accompanied by a transmitting letter of the Form annexed, bearing the same number and date as the

list. This transmitting letter shall mention the number of applications forwarded from remitters affecting orders previously issued; it shall give information respecting the disposal of similar applications received from the other office of exchange, and it shall contain an acknowledgment of the list or lists received since the date of the previous letter.

20. Each list shall be carefully verified by the receiving office of exchange, and corrected when it contains simple errors, such corrections being noted at the foot of the transmitting letter containing the acknowledgment of the receipt of the list.

21. When a list shall contain errors or irregularities which cannot be rectified without previous communication with the despatching office, the receiving office shall, at the time of acknowledging the receipt, request an explanation from the despatching office. This explanation shall be given with as little delay as possible, and meantime the payment of orders dependent on the irregular entries shall be suspended.

22. As soon as the German office of exchange shall have received from India acknowledgments of the receipt of all the lists bearing dates in any month, these lists, as well as the Indian lists bearing dates in the same month, shall be made the subject of a monthly account in the annexed Form (B).

23. The account mentioned in Article 22 shall be based on the lists as corrected by the receiving office, any entries at the time under suspension pending explanation being excluded.

24. The account shall also include, under the head of "Special Items," any necessary adjustments of previous accounts (such as adjustments on account of suspended entries), as well as any other items of account not otherwise provided for, a detailed statement of such special items being annexed to the account, and the correspondence or other documents forming the authority for each special item being quoted opposite in the statement.

25. The account shall be prepared in duplicate, one copy being forwarded to the Indian office of exchange, and the other through the General Post Office, Berlin, to the Financial Secretary, India Office, London, for payment by bill of exchange on Berlin, if the balance be in favour of Germany, and with payment by bill of exchange on London, if the balance be in favour of India.

In the case of payment to Germany, the bill of exchange on Berlin shall be for an amount in German currency equivalent, at the current rate of exchange, to the balance in sterling money stated in the account.

26. Each office shall have authority to suspend temporarily the exchange of money orders, in case the course of exchange, or any other circumstance, shall give rise to abuses, or cause detriment to the revenue.





(A). From Bombay to Munich. 187 .  
 No. , dated  
 List of Money Orders drawn in India upon Germany.

Particulars to be furnished by the Bombay Office.						For the use of the German Office.					
Entry No.	Date of Receipt given to Remitter.	Office by which the Money was received.	Name and Address of Remitter.	Name of Payee.	Address of Payee.	Amount of Order.			Equivalent in German Money.	No. of German Money Order.	
						₹	s.	d.			
									Mark.	Pfen.	
					Total ...						

List of Void Money Orders, as well as of Money Orders for Repayment of which to Remitters in Germany authority is hereby given.

German (A.A.) List in which the Orders were originally included.						For the use of the German Office.		
List No.	Date.	Entry No.	Name and Address of Remitter as given therein.	Amount of Order.			Equivalent in German Money.	No. of German Money Order.
				₹	s.	d.		
							M.	Pf.
			Total ...					

N.B.—Void Orders entered in this List should be distinguished by the word "void" added opposite the number in Column 1.

(A.A.) From Munich to Bombay.  
 No. , dated 187 .  
 List of Money Orders drawn in Germany upon India.

Particulars to be furnished by the German Office.										For the use of the Bombay Office.						
Entry No.	Original No. of Money Order.	Office in which the Money Order was paid in.	Name and Address of Remitter.	Name of Payee.	Address of Payee.	Amount of Order.			Equivalent in Indian Money.			Office where payable.	No. of Indian Money Order.	Date of Indian Money Order.	Remarks.	
						£	s.	d.	₹.	A.	P.					
					Total ...											

List of Void Money Orders, as well as of Money Orders for the Repayment of which to Remitters in India authority is hereby given.

Indian (A) List in which the Orders were originally included.										For the use of the Bombay Office.			
List No.	Date.	Entry No.	Name and Address of Remitter as given therein.	Amount of Order.			Equivalent in Indian Money.			Office where payable.	No. of Indian Money Order.	Date of Indian Money Order.	Remarks.
				£	s.	d.	₹.	A.	P.				
			Total ...										

N. B.—Void Orders entered in this List should be distinguished by the word "void" added opposite the number in Column I.



AGREEMENT *between the Telegraph Offices of Great Britain and Germany. Signed at Berlin, November 11, 1878.*

UNDER the terms of Article XVII of the International Telegraph Convention concluded at St. Petersburg, and of Section XIV of the Agreement for the execution of it,\* the Undersigned have, subject to the approval of the Postmasters-General of the two countries, agreed upon the following Articles:—

ART. 1. The charge on ordinary telegrams exchanged either directly or *viâ* Belgium or *viâ* the Netherlands between the United Kingdom of Great Britain and Ireland and Germany shall be uniformly—

30 pfennig when the telegram originates in Germany, and  
4 pence when the telegram originates in Great Britain or Ireland for each single word.

Both the Administrations, however, reserve to themselves the right to agree to further reductions of these charges if the results of the above tariffs should prove to be satisfactory.

2. For a prepaid reply to a telegram the fee shall be equal to the amount charged for a telegram of 10 words. In case any other number of words shall be prepaid for the answer, the number of words so paid for shall be given in the text of the telegram. It shall not be allowed to prepay more than 30 words.

For the acknowledgment of receipt the same fee shall be paid as for an ordinary telegram of 10 words.

For the multiplication of a telegram to several addresses in the same place there shall be levied on telegrams up to 100 words a rate of 40 pfennig or 5 pence, and on telegrams of more than 100 words an additional rate of 40 pfennig or 5 pence for each further series of 100 words or part thereof.

The computation of this additional fee shall be based upon the aggregate number of the words to be taxed (all the addresses included).

The fee for exchanging telegrams with ships at sea through a semaphore station shall be 30 pfennig or 4 pence for each word, which will be added to the fees to be levied according to the general regulations.

3. In case a telegram cannot be delivered, the office of destination shall give notice to the office of origin, stating briefly the cause of non-delivery. This notice shall be handed to the sender on payment of an amount of 40 pfennig or 5 pence, which shall be retained by the collecting Administration.

4. The distribution of the fees levied shall take place in the following manner:—

\* July 22, 1875. Vol. 14. Page 98.

1. Germany shall repay for the English and cable rates for each word of the ordinary telegrams forwarded to Great Britain or Ireland 25 centimes, which amount includes the transit rate of 5 centimes due to the Netherlands or Belgium for telegrams when sent viâ these countries.

2. Great Britain shall repay for the German rate for each word of the ordinary telegrams forwarded to Germany—

If sent viâ direct cable 12½ centimes, and if sent viâ the Netherlands or Belgium 17½ centimes, whereof 5 centimes shall be due to the Netherlands or Belgium as the case may be and 12½ centimes to Germany.

In accounting for the sums collected for reply paid and semaphore telegrams and for acknowledgments of receipt, the rate for each word shall be reckoned at 40 centimes. In accounting for multiple telegrams, 1*s.* shall be taken as the equivalent of one mark or of 1 franc 25 centimes.

Both the Administrations promise to obtain the consent of Belgium and the Netherlands by means of correspondence.\*

5. No additional fee shall be levied on telegrams which in consequence of interruptions of the direct communications are exchanged between Germany and Great Britain viâ the lines of other foreign Administrations but those of Belgium or the Netherlands. The expenses of transit shall be borne by the Administration of the office of origin.

To those telegrams forwarded on request of the sender by any other way than those mentioned in Article 1, the taxes and regulations of the International Telegraph Convention shall be applied.

6. The regulations of the International Telegraph Convention for the time in force shall be applied to the telegrams exchanged between Germany and Great Britain and Ireland as far as the Undersigned have not come to different understanding in this Agreement.

7. The present Agreement shall come into operation from the 1st of January, 1879.

The same represents, together with the International Telegraph Convention of St. Petersburg and the regulations belonging thereto, all the rules with regard to the telegraphic intercourse between Germany and Great Britain and Ireland.

This Agreement shall remain in force for an indefinite period, and until one year from the date when one of the Contracting Parties shall have announced to the other its intention to terminate it.

In witness whereof the representatives of the two Telegraph Administrations have signed this Agreement in duplicate.

Done at Berlin, the 11th of November, 1878.

C. H. B. PATEY.  
BUDE.

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\* The Netherlands acceded December 21, 1878, and Belgium December 31, 1878.

BRITISH ORDER IN COUNCIL *revoking the Order of 26th February, 1880, respecting the Surrender of Seamen Deserters from German Vessels. Windsor, March 18, 1880.*

*At the Court at Windsor, the 18th day of March, 1880.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Order in Council dated the 26th day of February, 1880, and published in the London Gazette on the 2nd day of March, 1880, Her Majesty, by virtue of the powers vested in her by "The Foreign Deserters Act, 1852" [cap. 26\*], and by and with the advice of her Privy Council, was pleased to order and declare that, from and after the publication of the said Order in the London Gazette, seamen, not being slaves (and not being British subjects), who desert from merchant-ships belonging to subjects of the Emperor of Germany within Her Majesty's dominions, shall be liable to be apprehended and carried on board their respective ships; provided always, that if any such deserter has committed a crime in Her Majesty's dominions he may be detained until he has been tried by a competent Court, and until his sentence (if any) has been fully carried into effect:

And whereas it is expedient that the said Order be revoked:

Now, therefore, Her Majesty, by and with the advice of her Privy Council, is pleased to direct that the said Order in Council of the 26th day of February, 1880, be, and the same is, hereby revoked.

C. L. PEEL.

BRITISH ORDER IN COUNCIL *for the Surrender of Seamen Deserters from German Vessels. Windsor, March 18, 1880.*

*At the Court at Windsor, the 18th day of March, 1880.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Foreign Deserters Act, 1852" [cap. 26\*], it is provided that whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering and apprehending seamen who desert from British merchant-ships in the territories of any foreign Power, Her Majesty may, by Order in Council stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant-ships belonging to a subject of such Power when within Her Majesty's dominions shall be liable to be apprehended and carried on board their respective ships, and may

\* See Vol. 9. Page 347.

limit the operation of such Order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient :

And whereas it hath been made to appear to Her Majesty that due facilities for recovering and apprehending seamen (not being German subjects) who desert from British merchant-ships in the territories belonging to His Imperial Majesty the Emperor of Germany will be given under an Agreement between the Governments of Great Britain and Germany, signed at London on the 5th November, 1879:\*

Now, therefore, Her Majesty, by virtue of the powers vested in her by the said "Foreign Deserters Act, 1852," and by and with the advice of her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that from and after the publication hereof in the London Gazette, seamen, not being slaves (and not being British subjects), who desert from merchant-ships belonging to subjects of the Emperor of Germany within Her Majesty's dominions shall be liable to be apprehended and carried on board their respective ships; provided always, that if any such deserter has committed any crime in Her Majesty's dominions he may be detained until he has been tried by a competent Court, and until his sentence (if any) has been fully carried into effect.

And Her Majesty, by virtue of the powers vested in her by the said "Foreign Deserters Act, 1852," and by and with the advice of her Privy Council, is further pleased to order and declare that, upon and after the publication hereof in the London Gazette, the Order in Council made, by virtue of the said Act, on the 16th day of October, 1852,† and published in the London Gazette on the 26th day of October, 1852, so far as it relates to seamen who desert from merchant-ships belonging to citizens of the Free Hanseatic Cities of Lubeck, Bremen, and Hamburg, and the Order in Council relating to seamen who desert from the merchant-ships belonging to the subjects of the King of Prussia, made by virtue of the said Act, on the 16th day of October, 1852,‡ and published in the London Gazette on the 26th day of October, 1852, and the Order in Council relating to seamen who desert from the merchant-ships belonging to subjects of the Grand Duke of Oldenburg, made, by virtue of the said Act, on the 13th day of June, 1853,§ and published in the London Gazette on the 14th day of June, 1853, and the Order in Council relating to seamen who desert from the merchant-ships belonging to the subjects of the Grand Duke of Mecklenburg-Schwerin, made, by virtue of the said Act, on the 9th day of March, 1854,|| and published in the London Gazette on the 10th day of March, 1854, and the

\* See Vol. 14. Page 1205.

† See Vol. 9. Page 134.

‡ See Vol. 9. Page 665.

§ See Vol. 9. Page 600.

|| See Vol. 10. Page 469.

Order in Council relating to seamen who desert from the merchant-ships belonging to the subjects of the King of Hanover, made, by virtue of the said Act, on the 8th day of June, 1854,\* and published in the London Gazette on the 13th day of June, 1854, shall be revoked, and the same are hereby revoked accordingly.

And the Secretary of State for the Home Department, the Secretary of State for the Colonies, and the Secretary of State for India in Council, are to give the necessary directions herein accordingly.

C. L. PEEL.

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AGREEMENT *between the Governments of Great Britain, Germany, Belgium, and the Netherlands, fixing the Rates for Telegraphic Messages between Great Britain and Germany. Signed at London, May 31, 1880.*

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LE Gouvernement de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Gouvernement de Sa Majesté l'Empereur d'Allemagne, le Gouvernement de Sa Majesté le Roi des Belges, et le Gouvernement de Sa Majesté le Roi des Pays-Bas, désirant faciliter les relations télégraphiques entre le Royaume Uni de la Grande Bretagne et d'Irlande et l'Allemagne, et usant de la faculté qui leur est accordée par l'Article XVII de la Convention Télégraphique Internationale signée le 22 Juillet, 1875,† à St. Pétersbourg, sont convenus des dispositions suivantes :—

ART. 1. La taxe des télégrammes ordinaires échangés entre la Grande Bretagne et l'Irlande et l'Allemagne, par la voie directe ou par la voie de la Belgique ou par la voie des Pays-Bas, est fixée uniformément à 30 centimes par mot.

Les taxes à percevoir dans la Grande Bretagne et l'Irlande ou en Allemagne peuvent être arrondies d'après les convenances monétaires et conformément aux dispositions de l'Article 21 du Règlement de Service International (Révision de Londres)‡ de manière que la taxe à percevoir pour un télégramme de 15 mots ne dépasse pas le montant de 4 francs 50 centimes de plus de 30 centimes.

2. Sur le montant des recettes effectuées de part et d'autre il sera attribué :—

A la Grande Bretagne et l'Irlande—	Centimes.
Par voie directe .. .. .	par mot 22½
Par les voies de la Belgique ou des Pays-Bas .. .. .	„ 18½
A l'Allemagne—	
Par voie directe, ou par les voies de la Belgique ou des Pays-Bas .. .. .	„ 7½

Pour les télégrammes ordinaires échangés par la voie de la

\* See Vol. 10. Page 462.

† See Vol. 14. Page 98.

‡ See Page 18.



Belgique ou par celle des Pays-Bas il sera attribué à ceux-ci respectivement 4 centimes (fr. 04) par mot.

3. Pour les télégrammes qui, par suite de l'interruption des communications normales, sont échangés par l'intermédiaire des lignes d'autres offices, il n'est perçu aucune surtaxe. Les frais du transit sont supportés par l'Administration du bureau d'origine.

Les télégrammes transmis sur la demande de l'expéditeur par une voie autre que la voie normale sont taxés et traités conformément aux tarifs et dispositions des règlements télégraphiques internationaux.

4. Les dispositions de la Convention et du Règlement de Service en vigueur dans les relations télégraphiques internationales de l'Europe seront applicables aux relations entre la Grande Bretagne et l'Irlande d'une part et l'Allemagne d'autre part, dans tout ce qui n'est pas réglé par les Articles ci-dessus.

5. La présente Convention entrera en vigueur le 1<sup>er</sup> Juin, 1880.

Elle formera, avec la Convention Télégraphique Internationale en vigueur et le Règlement de Service y annexé, l'ensemble des dispositions qui devront être observées dans les relations télégraphiques entre la Grande Bretagne et l'Irlande d'une part et l'Allemagne d'autre part.

Elle aura la même durée que le Règlement de Service et le Tarif Général révisés à la Conférence de Londres. A défaut d'un commun accord elle ne pourra être modifiée qu'à l'expiration d'une année à partir du jour où la dénonciation en aura été faite par l'une des Parties Contractantes.

En foi de quoi les Soussignés, dûment autorisés à cet effet, ont dressé la présente Convention, qu'ils ont revêtue du sceau de leurs armes.

Fait en quadruple expédition à Londres, le 31<sup>ème</sup> jour du mois de Mai, 1880.

(L.S.) GRANVILLE.  
 (L.S.) MÜNSTER.  
 (L.S.) SOLVYNS.  
 (L.S.) C. DE BYLANDT.

GERMAN NOTICE *respecting the Observance by German Fishermen of the Limits of Danish Coast Fishing-Grounds.* Berlin, June 8, 1880.

(Translation.)

THE Royal Danish Government intends to station the gun-boat *Villemoes* during the present summer on the Danish coast,

in order to guard the fishing in the Danish waters. The commander will receive orders to drive away foreign fishermen who attempt illegally to fish within Danish waters. The Royal Danish Government will consider as belonging to these waters the space up to the three sea miles out to sea from the extreme limit of the land; bays, the entrances to which do not exceed 10 miles, will be considered as inland waters.

To prevent complications and difficulties, German fishermen are requested to take notice of the intended measure, and are warned not to penetrate into Danish fishing-grounds.

(For the Chancellor),

HOHENLOHE.

Berlin, June 8, 1880.

BRITISH ORDER IN COUNCIL *for the Execution of the Treaty with Germany of the 29th March, 1879, extending to the German Empire the provisions of the Slave Trade Treaty of the 20th December, 1841.\* Windsor, June 28, 1880.*

*At the Court at Windsor, the 28th day of June, 1880.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Earl Granville.

Lord Chamberlain.

Mr. Gladstone.

WHEREAS by an Act passed in the 37th year of Her Majesty's reign, chapter 88, intituled "The Slave Trade Act, 1873" [cap. 88†], it was, amongst other things, provided that "where any Treaty in relation to the Slave Trade is made after the passing of that Act, by or on behalf of Her Majesty with any foreign State, Her Majesty may, by Order in Council, direct that, as from such date, not being earlier than the date of the Treaty, as may be specified in the Order, such Treaty shall be 'deemed' to be an existing Slave Trade Treaty within the meaning of the Act," and it was further provided that "thereupon (as from the said date, or, if no date is specified, as from the date of such 'Order') all the provisions of the Act shall apply and be construed accordingly:"

And whereas on the 29th day of March, 1879, a Treaty or Convention was concluded between Her Majesty's Government and the Government of the German Empire, extending to the German Empire the provisions of the Treaty made on the 20th day of December, 1841, between Great Britain, Austria, France,

\* See Vol. 6. Page 2.

† See Vol. 14. Page 717.

and Russia, for the suppression of the Slave Trade, in the following terms, that is to say:—

[Here follows the Treaty of 29th March, 1879. See Vol. 14. Page 1212.]

And whereas it is expedient that the said Treaty or Convention shall be brought within the operation of “The Slave Trade Act, 1873”:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf as aforesaid, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered as follows:—

The said Treaty or Convention hereinbefore recited shall, from the said 29th day of March, 1879, being the day of the date thereof, be deemed to have been and to be an existing Slave Trade Treaty within the meaning of “The Slave Trade Act, 1873.”

And the Lords Commissioners of Her Majesty’s Treasury, the Right Honourable the Earl Granville, one of Her Majesty’s Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEI.

*NOTICE to British Fishermen for the Observance of the Regulations agreed upon between the British and German Governments for fishing off the coasts of the German Empire. London, July, 1880.*

HER Majesty’s Government and the German Government having agreed respecting the regulations to be observed by British fishermen fishing off the coasts of the German Empire, the following Notice is issued for the guidance and warning of British fishermen:—

*Notice.*

1. The exclusive fishery limits of the German Empire are designated by the Imperial Government as follows: that tract of the sea which extends to a distance of three sea miles from the extremest limit which the ebb leaves dry of the German North Sea coast, of the German islands or flats lying before it, as well as those bays and incurvations of the coast which are 10 sea miles or less in breadth, reckoned from the extremest points of the land and the flats, must be considered as under the territorial sovereignty of the German Empire.

2. The exclusive right of fishery within the above limits is accordingly to be enjoyed by fishermen of German nationality

only, and the English fishing boats are not at liberty to enter those limits except under the following circumstances, namely:—

(1.) When driven by stress of weather or by evident danger.

(2.) When carried in by contrary winds, by strong tides, or by any other cause beyond the control of the master and crew.

(3.) When obliged by contrary winds and tides to beat up in order to reach their fishing-grounds; and when, from the same cause of contrary wind or tide, they could not, if they remained outside, be able to hold on their course to their fishing-ground.

(4.) When, during the herring fishing season, English fishing boats shall find it necessary to anchor under shelter of the German coasts, in order to wait for the opportunity for proceeding to their fishing-ground.

(5.) When proceeding directly to any port of the German Empire, open to Englishmen for the sale of fish, where the cargo is to be sold.

3. Fishing boats not of German nationality which pass within the limits above-mentioned without being compelled to do so by any of the circumstances above enumerated, and not being on their direct way to a port for the sale of fish, will be liable to be turned back; and in the event of their resisting, or in the event of their being found fishing within the limits above described, will be arrested and proceeded against before the nearest competent authority.

Complaints having been made to Her Majesty's Government that the crews of certain British fishing boats have misconducted themselves when off the coasts of the German Empire, by sailing across and cutting the lines and injuring the gear of German fishermen, notice is also hereby given that every endeavour will be used by Her Majesty's Government to assist the German authorities in repressing all such outrages, and in bringing the offenders to justice.

T. H. FARRER, *Secretary*.

Board of Trade, July 1880.

GERMAN LAW *respecting the Coasting Trade.* Berlin, May 22, 1881.

(Translation.)

WE, William, by the grace of God, German Emperor, King of Prussia, &c., Decree in the name of the Empire, with the consent of the Bundesrath and the Reichstag, as follows:—

§ 1. The right to ship goods in a German port and to

convey them to another German port, there to be landed, is exclusively confined to German ships.

§ 2. This right can be conceded to foreign ships by Treaty or by an Imperial Order with the consent of the Federal Council.

§ 3. The master of a foreign ship, who carries on a coasting trade without authority, is liable to a fine up to 3,000 marks. In addition to the fine the ship and the goods conveyed without authority can be confiscated, irrespectively of their being the property of the condemned or not. Section 42 of the Penal Code is equally applicable.

§ 4. This Law does not interfere with existing Treaty stipulations as regards coasting trade.

§ 5. This Law comes into force on the 1st January, 1882.

As witness our Imperial hand and seal.

Given at Berlin, the 22nd May, 1881.

(L.S.) WILLIAM

FÜRST V. BISMARCK.

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PROTOCOL OF CONFERENCE *between the Delegates of Great Britain, Belgium, Denmark, France, Germany, Netherlands, Sweden and Norway, relative to the Police of the Fisheries in the North Sea. The Hague, October 29, 1881.*

LES Soussignés, Délégués de l'Allemagne, de la Belgique, du Danemark, de la France, de la Grande Bretagne, des Pays-Bas, de la Suède et de la Norvège, se sont réunis à la Haye, le 8 Octobre, 1881, dans le but de préparer une Convention Internationale, ayant pour objet de régler la police de la pêche dans la Mer du Nord, en dehors des eaux territoriales.

A la suite des délibérations consignées dans les procès-verbaux des séances, ils ont arrêté, sauf approbation de leurs Gouvernements respectifs, le projet de Convention qui est annexé au présent Protocole.

La Conférence est unanime à déclarer qu'il est excessivement désirable de mettre un terme aux abus qu'engendre le trafic de spiritueux, exercé par les cabarets flottants dans la Mer du Nord; mais, en raison de la divergence des lois et des dispositions fiscales dans les différents pays, elle croit devoir se borner à émettre le vœu que les Gouvernements s'efforcent d'établir une entente internationale pour prévenir ces abus, ainsi que le troc de poisson, de filets, &c., qui en résulte.

En considération de la haute importance qui s'attache au maintien permanent des communications télégraphiques, la Conférence exprime également le très vif désir que les Gouverne-

ments prennent des mesures efficaces pour prévenir la détérioration volontaire des câbles sous-marins par les pêcheurs.

Fait en huit exemplaires à la Haye, le 29 Octobre, 1881.

	Pour la Grande Bretagne :	C. M. KENNEDY. C. CECIL TREVOR.
	Pour l'Allemagne :	CHR. DONNER. H. STEENGRAFE.
	Pour la Belgique :	LÉOPOLD ORBAN. A. MICHEL.
	Pour le Danemark :	C. BRUUN.
	Pour la France :	T. BIGREL. EM. MANCEL.
	Pour les Pays-Bas :	E. N. RAHUSEN. J. T. BUYS.
	Pour la Suède :	F. A. SMITT.
	Pour la Norvège :	E. BRETTEVILLE.

(*Inclosure.*)—*Projet de Convention Internationale ayant pour objet de régler la Police de la Pêche dans la Mer du Nord en dehors des Eaux Territoriales.*

[For Convention of May 6, 1882, see NETHERLANDS.]

NOTIFICATION of the Senate of Hamburg, that a portion of the Lower Elbe and certain of the Islands situated therein will be included in the German Customs Union from the 1st of January, 1882. Hamburg, December 12, 1881.

(Translation.)

THE Council of the Union has resolved, at its sitting of the 8th of the present month, that that portion of the Lower Elbe and the islands situated therein which come within the boundary lines hereafter indicated, shall, from the 1st January, 1882, be included in the German Customs Union.

The whole of the lower course of the Elbe is to be included in the Customs territory of Germany. The line begins at the embankment by the quarantine harbour of Cuxhaven, and runs across the estuary of the river in a direct line to the most westerly point of the Kaiser Wilhelm Koog, where it joins the present frontier.

At Altona the line follows the course of the municipal boundaries between Altona and Neumühlen, as marked by the boundary stone No. XII, runs along the northern inclosure of the Neumühlen Quay to a point in the middle of that quay marked by a Customs board, and thence in a straight line across the quay and the water of the Elbe to a Customs mark on the shore of the Mühlenwärder.

From this point the frontier runs along the western shore of the Köhlbrand and the eastern side of the Elbe Islands, Mühlenwärder, Waltershof, and Altenwärder, crossing the Mühlenfleth and Köhlfleth to the south-eastern point of the Altenwärder.

The above-mentioned islands, viz., Mühlenwärder, Waltershof, and Altenwärder are included within the new frontier.

The line then runs along the northern shore of the Kleine Hattwick, the old Süder-Elbe, and cuts the present frontier at a marked point on the landing quay near the second class Custom-house of Moorburg.

The present frontier on the left bank of the Elbe from the landing quay near Moorburg to the limits of Cuxhaven, and the present frontier on the right bank of the Elbe from the Neumühlen Quay to the Kaiser Wilhelm Koog, will cease to exist immediately on the establishment of the new frontier.

Ships which may happen to lie within those portions of the stream of the Elbe which are to be incorporated, shall, if entitled to carry the Customs flag or lights, hoist the same either at the moment or even before the actual establishment of the new frontier.

Vessels entitled to hoist flag and lights which, at the time of the incorporation, shall be in the Lower Elbe, without having been cleared, will be subject to the regulations enforced before the incorporation, and will have to take clearance in that way.

At the request of captains of vessels proposing to enter or leave the Elbe, the Custom-houses of Cuxhaven and Altona will deliver clearance according to the new regulations as early as December 31.

All ships within the waters of the Elbe at the moment of incorporation which have not had clearance may be sealed by the Customs authorities or boarded and occupied by Customs officers.

Given in the Assembly of the Senate, December 12, 1881.

**ADDITIONAL ARTICLES** *to the Convention between the General Post Office of the United Kingdom of Great Britain and Ireland and the General Post Office of North Germany of 1<sup>st</sup> 1/8<sup>th</sup> January, 1871.\* (Money Orders.) Signed at* Berlin, November 27 *1882.†* London, December 16

THE Postmaster-General of the United Kingdom of Great Britain and Ireland and the Secretary of State of the Post Office Department of the German Empire have agreed as follows:—

I. Articles 3 and 4 of the Postal Convention of the 1<sup>st</sup> 1/8<sup>th</sup> of

\* See Vol. 13. Page 518.

† Signed also in the German language.

January, 1871, between the Post Offices of the United Kingdom of Great Britain and Ireland and North Germany are replaced by the following Articles 3 and 4.

3. There shall be levied for each money order a commission to be determined by the country of origin and which shall be paid by the remitter. The amounts thus levied shall belong to the issuing office.

4. The issuing office shall account to the paying office for a commission of one-half of 1 per cent. ( $\frac{1}{2}$  per cent.) on the total amount of money orders paid.

II. The provisions of the above new Articles 3 and 4 shall be put into operation on the 1st of January, 1883.

Done in duplicate and signed at London, on the 19th day of December, 1882, and at Berlin, on the 27th day of November, 1882.

(L.S.) G. SHAW LEFEVRE.  
(L.S.) STEPHAN.

## GREECE AND MONTENEGRO.

PROTOCOL, *signed by the Representatives of Great Britain, Austria-Hungary, France, Germany, Italy, and Russia, disclaiming any desire to seek Increase of Territory, Exclusive Influence, or Commercial Advantages, in the Settlement of the Questions of Montenegro and Greece. Constantinople, September 21, 1880.*

LES Gouvernements représentés par les Soussignés, afin de prouver l'entier désintéressement avec lequel ils poursuivent l'exécution de toutes les stipulations du Traité de Berlin, s'engagent à ne rechercher dans aucun arrangement qui pourrait intervenir comme conséquence de leur action concertée pour l'exécution du dit Traité en ce qui concerne la question Monténégrienne, et éventuellement la question Grecque, aucune augmentation de territoire, aucune influence exclusive, ni aucun avantage commercial en faveur de leurs sujets qui ne serait pas également obtenu par ceux de toute autre nation.

Fait à Constantinople, ce 21 Septembre, 1880.

GEORGE J. GOSCHEN.  
V. HATZFELDT.  
CALICE.  
TISSOT.  
N. CORTI.  
NOVIKOW.



**AGREEMENT** *between the Governments of Great Britain and Greece, for increasing the Limits of Weight and the Dimensions of Packets of Patterns of Merchandize exchanged through the Post between the two countries. Signed at London, June 23, 1881.\**

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the King of the Hellenes, being desirous of facilitating the postal relations between the two countries, and in exercise of the power given to them under Article XV of the Convention of the Universal Postal Union concluded in Paris on the 1st June, 1878; †

Have agreed as follows:—

The limits of weight and the dimensions of packets of merchandize exchanged through the post between the United Kingdom of Great Britain and Ireland on the one part, and the Kingdom of Greece on the other part, may be increased by the Postal Administration of the country of origin beyond those which have been fixed by Article V of the International Convention of the 1st June, 1878, under the express reservation that such limits shall not exceed the following:—

In weight .. ..	350 grammes.
In dimensions.. ..	{ 30 centim., length.
	{ 20 centim., breadth.
	{ 10 centim., depth.

The present Agreement shall take effect on the 1st September, 1881.

In witness whereof the Undersigned, duly authorized for that purpose, have signed the present Agreement, and have affixed thereto the seal of their arms.

Done in duplicate at London, on the 23rd day of June, 1881.

(L.S.) GRANVILLE.

(L.S.) CONTOSTAVLOS.

## HAYTI.

**CONSTITUTION** *of Hayti, so far as relates to the Territory of the Republic, Nationality, Naturalization, the power of declaring War, and the conclusion of Treaties. Port-au-Prince, August 6, 1874.*

LE peuple Haïten proclame, en présence de l'Être Suprême, la présente Constitution de la République d'Haïti, pour consacrer ses droits, ses garanties civiles et politiques, sa souveraineté et son indépendance.

\* Signed also in the French language.

† See Vol. 14. Page 1013.

TITRE I.—*Du Territoire de la République.*

ART. I. La République d'Haïti est une et indivisible, essentiellement libre, souveraine, et indépendante.

II. Son territoire et les îles adjacentes qui en dépendent sont inviolables et ne peuvent être aliénés par aucun Traité ou Convention.

Ces îles adjacentes sont :

La Tortue, la Gonave, l'Île-à-Vache, les Cayemittes, la Navase, la Grosse Caille, et toutes les autres qui se trouvent placées dans le rayon des limites consacrées par le droit des gens.

TITRE II.—*Des Haïtiens et de leurs Droits.*§ 1. *Des Haïtiens.*[*Nationalité. Naturalisation.*]

IV. Sont Haïtiens tous individus nés en Haïti ou en pays étranger d'un Haïtien et d'une Haïtienne.

Sont également Haïtiens tous ceux qui, jusqu'à ce jour, ont été reconnus en cette qualité.

V. Tout Africain ou Indien et leurs descendants sont habiles à devenir Haïtiens.

La loi règle les formalités de la naturalisation.

VI. La femme Haïtienne mariée à un étranger suit la condition de son mari.

VII. Nul, s'il n'est Haïtien, ne peut être propriétaire d'immeubles en Haïti. Néanmoins, sur la proposition du Président d'Haïti, le Corps Législatif pourra délivrer des titres de naturalité à tout étranger de bonnes mœurs qui, après sept années de résidence dans le pays, y aura introduit un art ou un métier utile, formé des élèves, ou rendu des services réels et efficaces à la République.

La loi règle les formalités de cette naturalisation.

Tout Haïtien qui se fait naturaliser dans le pays pardevant un représentant quelconque d'une Puissance étrangère agit contre le droit commun des nations ; et cette prétendue naturalisation demeure nulle et non avenue.

Tout Haïtien qui se fera naturaliser étranger en due forme ne pourra revenir dans le pays qu'après cinq années.

§ 2. *Des Droits Civils et Politiques.*

XI. Tout citoyen, âgé de 21 ans accomplis, exerce les droits politiques, s'il réunit d'ailleurs les autres conditions déterminées par la Constitution.

Néanmoins, les étrangers devenus Haïtiens ne sont admis à cet exercice qu'après une année de résidence dans la République.

XII. La qualité de citoyen se perd :—

1. Par la naturalisation acquise en pays étranger ;

2. Par l'abandon de la patrie au moment d'un danger imminent;
3. Par l'acceptation, non autorisé, de fonctions publiques ou de pensions conférées par un Gouvernement étranger;
4. Par tout service, non autorisé, soit dans les troupes, soit à bord des bâtiments de guerre d'une Puissance étrangère.

§ 3. *De l'Exercice de la Puissance Législative.*

[*Des Traités. Des Déclarations de Guerre.*]

CII. Le Sénat approuve ou rejette les Traités de Paix, d'Alliance, de Neutralité, de Commerce, et d'autres Conventions Internationales consenties par le Pouvoir Exécutif.

Néanmoins, tout Traité stipulant des sommes à la charge de la République doit être également soumis à la sanction de la Chambre des Représentants.

CIII. Le Sénat donne ou refuse son approbation aux projets de déclaration de guerre que lui soumet le Pouvoir Exécutif.

CHAPITRE II.—*Du Pouvoir Exécutif.*

§ 1. *Du Président d'Haïti.*

[*Des Traités. Des Déclarations de Guerre.*]

CXXIII. Il [le Président] fait les Traités de Paix, d'Alliance, de Neutralité, de Commerce, et autres Conventions Internationales, sauf la sanction du Sénat ou du Corps Législatif, dans les cas déterminés par la Constitution (Article CII).

Il propose au Sénat les déclarations de guerre, lorsque les circonstances l'exigent. Si ses projets sont approuvés, il déclare la guerre.

## ITALY.

ARRANGEMENT *between the Money Order Department of India and the Post Office of Italy, for the Exchange of Money Orders. Signed at Florence, August 27, 1875; and at London, September 21, 1875.*

In order to establish an exchange of money orders between India and Italy, the Undersigned, duly authorized for that purpose, have, subject to ratification, agreed upon the following Articles:—

[The wording of this Arrangement is similar to that between India and Germany of the 18<sup>th</sup> 22<sup>nd</sup> January, 1875 (page 195) with the following exceptions:—]

ART. I. There shall be a regular exchange of money orders

between India and Italy by means of the weekly mail service *viâ* Brindisi.

II. The money order business between the two countries shall be performed exclusively through offices of exchange communicating with each other by means of lists, as explained more particularly below, the money orders being made out and forwarded to the payees by the office of exchange of the country in which the orders are payable. The offices of exchange shall be, on the side of India, Bombay, and on the side of Italy, Florence,—the exchange office of Florence using the office at Brindisi for the transmission of the Lists (AA) as provided in the annexed Form of transmitting letter.

IX. The conversion of money orders into the currency of the country of payment shall be governed by the regulations in force for the time being in the country of payment.

Each country shall communicate to the other the regulations for the time in force relating to the conversion of money orders expressed in sterling money into its own currency for the purpose of payment.

Provided that in the case of any change of the rate at which orders are converted into Indian or Italian currency for the purpose of payment, the Indian or Italian office shall cause the operation of such change to commence with the orders to be received from Italy or India, with the Brindisi or Bombay list bearing date in a particular week; such week being specified in the Indian or Italian intimation of change, and being so calculated as to allow of the circulation in Italy or India of the new Indian or Italian tariff prior to the issue of the orders affected thereby. The first day of any week so fixed by the Indian or Italian Office shall be at least 30 days after the Bombay or Brindisi date of the mail which carries the intimation.

XXII. As soon as the Italian office of exchange shall have received from India acknowledgments of the receipt of all the lists bearing dates in any quarter, these lists, as well as the Indian lists bearing dates in the same quarter, shall be made the subject of a quarterly account in the annexed Form (B).

XXV. The account shall be prepared in duplicate, one copy being forwarded to the Indian office of exchange, and the other through the General Post Office, Florence, to the Financial Secretary, India Office, London, for payment by bill of exchange on Florence, if the balance be in favour of Italy, and with payment by bill of exchange on London if the balance be in favour of India.

In the case of payment to Italy, the bill of exchange on Florence shall be for an amount in Italian currency equivalent, at the current rate of exchange, to the balance in sterling money stated in the account.

XXVII. For ordinary correspondence affecting the prepara-

tion, transmission, or correction of lists, accounts, &c., the offices of exchange shall be the medium; but in matters involving questions other than detail, the offices of correspondence shall be the General Post Office, Florence, on the one hand, and the office of the Controller-General of Accounts, Money Order Department, Calcutta, on the other hand.

XXIX. The present Arrangement shall take effect on the 1st January, 1876. It shall then continue in force until one year after the date at which one of the Contracting Parties shall have notified the other of its intention to terminate it.

Executed in duplicate and signed: at London, the 21st of September, 1875; at Florence, the 27th of August, 1875.

(L.S.) A. M. MONTEATH, *Director-General of Posts of India.*

(L.S.) G. BARBAVARA, *Director-General of Posts of Italy.*

[For specimens of the following Forms. See page 198.]

(*Transmitting Letter.*)

To the General Post Office, Florence,  
or  
To the Controller, Money Order Office, Bombay.

(A.) From Bombay to Florence.

No. , dated , 187 .

LIST of Money Orders drawn in India upon Italy.

LIST of Void Money Orders, as well as of Money Orders for Repayment of which to Remitters in Italy authority is hereby given.

(AA.) From Brindisi to Bombay.

No. , dated , 187 .

LIST of Money Orders drawn in Italy upon India.

LIST of Void Money Orders, as well as of Money Orders for the Repayment of which to Remitters in India authority is hereby given.

(B.)

Quarterly Account of Money Order Exchanges between Italy and India, prepared by the Italian Office of Exchange, for the Quarter , 187 .

**AGREEMENT** *between the British and Italian Governments, for the Mutual Relief of Distressed Seamen. Signed at London, June 8, 1880.\**

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of

\* Signed also in the Italian language.

His Majesty the King of Italy, being desirous to make arrangements for the relief of distressed seamen of the two nations in certain cases, the Undersigned, duly authorized to that effect, have agreed as follows:—

If a seaman of one of the Contracting States, after serving on board a ship of the other Contracting State, remains behind in a third State or in its Colonies, or in the Colonies of that State whose flag the ship carries, and the said seaman is in a helpless condition in consequence of shipwreck or from other causes, then the Government of that State whose flag the ship bears shall be bound to support the said seaman until he enters into ship-service again, or finds other employment, or until he arrives in his native State or its Colonies, or dies.

But this is on condition that the seaman so situated shall avail himself of the first opportunity that offers to prove his necessitous condition and the causes thereof to the proper officials of the State whose support is to be solicited, and that the destitution is shown to be the natural consequence of the termination of his service on board the ship; otherwise the aforesaid liability to afford relief lapses.

The said liability is also excluded if the seaman has deserted, or has been turned out of the ship for any criminal act, or has left it on account of disability for service in consequence of illness or wounding resulting from his own fault.

The relief includes maintenance, clothing, medical attendance, medicine, and travelling expenses; in case of death the funeral expenses are also to be paid.

The present Agreement shall come into operation on the 1st September, 1880, and shall continue in force until one of the Contracting Parties shall announce to the other, one year in advance, its intention to terminate it.

In witness whereof the Undersigned have signed the present Agreement, and have affixed thereto the seal of their arms.

Done in duplicate at London, the 8th day of June, 1880.

(L.S.) GRANVILLE.

(L.S.) LUIGI FEDERIGO MENABREA.

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DECLARATION *between the British and Italian Governments, for prolonging the Duration of the Treaty of Commerce and Navigation of the 6th August, 1863, till the 31st December, 1881. Signed at Rome, December 11, 1880.\**

WHEREAS the Treaty of Commerce and Navigation between Great Britain and Italy of the 6th August, 1863,† would cease

\* Signed also in the Italian language.

† See Vol. 11. Page 1112.

to be in force on the 31st December, 1880, and the two Governments having recognized the utility of prolonging its duration, the Undersigned, duly authorized to this effect, have agreed to declare as follows:—

The Treaty of Commerce and Navigation between Great Britain and Italy of the 6th August, 1863, will continue to remain in force until the 31st December, 1881.

In faith of which, they have signed the present Declaration, made in duplicate, and have affixed their seals.

Done at Rome, on the 11th December, 1880.

(L.S.) A. B. PAGET.

(L.S.) CAIROLI.

BRITISH ORDER IN COUNCIL, *relative to the Punishment of unauthorized Persons found on board Italian Ships in British Territorial Waters.* Windsor, March 2, 1881.

*At the Court at Windsor, the 2nd day of March, 1881.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by Section 5 of "The Merchant Seamen (Payment of Wages and Rating) Act, 1880,"\* it is provided that where a ship is about to arrive, is arriving, or has arrived at the end of her voyage, every person not being in Her Majesty's service, or not being duly authorized by law for the purpose who—

(a.) Goes on board the ship without the permission of the master before the seamen lawfully leave the ship at the end of their engagement or are discharged (whichever last happens) or—

(b.) Being on board the ship remains there after being warned to leave by the master, or by a police officer, or by any officer of the Board of Trade or of the Customs,—shall for every such offence be liable on summary conviction to a fine not exceeding 20*l.*, or, at the discretion of the Court, to imprisonment for any term not exceeding six months, and the master of the ship or any officer of the Board of Trade may take him into custody and deliver him up forthwith to a constable to be taken before a Court or Magistrate capable of taking cognizance of the offence and dealt with according to law:

And whereas by Section 6 of the said Act it is further provided that whenever it is made to appear to Her Majesty—

1. That the Government of any foreign country has provided that unauthorized persons going on board of British ships which are about to arrive or have arrived within its terri-

\* 43 and 44 Vict., c. 16. See Great Britain.

torial jurisdiction shall be subject to provisions similar to the provisions contained in the last preceding section as applicable to persons going on board British ships at the end of their voyages: and

2. That the Government of such foreign country is desirous that the provisions of the said section shall apply to unauthorized persons going on board of ships belonging to such foreign country within the limits of British territorial jurisdiction :

Her Majesty may by Order in Council declare that the provisions of the said last preceding section shall apply to the ships of such country, and thereupon so long as the Order remains in force those provisions shall apply and have effect as if the ships of such country were British ships arriving, about to arrive, or which had arrived at the end of their voyage :

And whereas it has been made to appear to Her Majesty—

1. That the Government of Italy has provided that unauthorized persons going on board of British ships which are about to arrive or have arrived within its territorial jurisdiction shall be subject to provisions similar to the provisions contained in the said herein first-recited section as applicable to persons going on board British ships at the end of their voyages;\* and

2. That the said Government is desirous that the provisions of the said first-recited section shall apply to unauthorized persons going on board of Italian ships within the limits of British territorial jurisdiction :

Now, therefore, Her Majesty, by virtue of the power vested in her by the said recited Act, and by and with the advice of her Privy Council, is pleased to declare that the provisions of the said first-recited section shall apply to Italian ships.

C. L. PEEL.

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*DECLARATION between the British and Italian Governments,  
for prolonging the Duration of the Treaty of Commerce and  
Navigation of the 6th August, 1863, till the 31st May, 1882.  
Signed at Rome, November 29, 1881.†*

WHEREAS the Treaty of Commerce and Navigation between Great Britain and Italy of the 6th August, 1863,‡ would cease to be in force on the 31st December, 1881, and the two Governments having recognized the utility of prolonging its duration, the Undersigned, duly authorized to this effect, have agreed to declare as follows:—

The Treaty of Commerce and Navigation between Great Britain and Italy of the 6th August, 1863, will continue to remain in force until the 31st May, 1882.

\* Articles 167 and 422 of the Italian Mercantile Marine Code.

† Signed also in the Italian language.

‡ See Vol. 11. Page 1112.



In faith of which they have signed the present Declaration, made in duplicate, and have affixed their seals.

Done at Rome on the 29th November, 1881.

(L.S.) A. B. PAGET.  
(L.S.) MANCINI.

DECLARATION *between the British and Italian Governments, for prolonging the Duration of the Treaty of Commerce and Navigation of the 6th August, 1863, till the 30th June, 1883. Signed at Rome, May 31, 1882.\**

WHEREAS the Treaty of Commerce and Navigation between Great Britain and Italy of the 6th August, 1863,† would cease to be in force on the 31st May, 1882, and the two Governments having recognized the utility of prolonging its duration, the Undersigned, duly authorized to this effect, have agreed to declare as follows:—

The Treaty of Commerce and Navigation between Great Britain and Italy of the 6th August, 1863, will continue to remain in force until the 30th June, 1883.

In faith of which they have signed the present Declaration, made in duplicate, and have affixed their seals.

Done at Rome, on the 31st May, 1882.

(L.S.) A. PAGET.  
(L.S.) MANCINI.

## JAPAN.

ARRANGEMENT *for an Exchange of Money Orders between the General Post Office of the United Kingdom of Great Britain and Ireland and the Post Office of the Empire of Japan.* London, May 18, 1881.  
Tokio, July 25, 1881.

ART. I. There shall be a regular exchange of money orders between the United Kingdom of Great Britain and Ireland and the Empire of Japan by the weekly mail, *viâ* Brindisi.

II. The amounts of orders, in both directions, shall be expressed in sterling money, and, on account of the frequent fluctuations in the rate of exchange between the two countries, it is agreed that all amounts shall be converted into their proper

\* Signed also in the Italian language.

† See Vol. 11. Page 111B.

equivalents by the Japanese Post Office; that is to say, the sums received by the Japanese Post Office for orders drawn on the United Kingdom shall be converted at the time of issue into sterling money at the current rate of exchange; and the amounts of orders drawn in the United Kingdom on Japan shall, in like manner, be rendered by the Japanese Post Office into the currency of Japan before payment is made.

III. The maximum amount for which an order may be drawn in either country upon the other shall be 10*l*.

IV. No money order shall contain a fractional part of a penny.

V. In order to prevent variations in payments of money orders to the public which might be caused by fluctuations of the silver currency, all money orders shall be paid in gold or its nearest equivalent in value.

VI. The British Post Office and the Japanese Post Office shall each have power to fix, from time to time, the rates of commission to be charged on all money orders they may respectively issue. The commission shall belong to the issuing office, but the Post Office of Japan shall pay to the General Post Office of the United Kingdom  $\frac{1}{4}$  of 1 per cent. on the amount of orders issued in Japan and payable in the United Kingdom; and the British Post Office shall make a like payment to the Japanese office for money orders issued in the United Kingdom and payable in Japan.

VII. Money orders shall be drawn only on the authorized money order offices of the respective countries, lists of which shall be furnished by each country to the other.

Alterations which may, from time to time, be made by either country as regards offices authorized to transact money order business, shall be notified to the other as they occur.

VIII. No money order shall be issued unless the applicant furnish in full the surname and at least the initial of one Christian name both of the remitter and the payee (or the corresponding names in the case of natives of Japan), or the name of the firm or company who are the remitters or payees, together with the address of the remitter. If, however, any applicant for a money order shall tender the name of either the remitter or payee at greater length, such particulars shall be received, and the advice shall be made out accordingly.

IX. Every money order and advice shall be drawn on forms conforming to the specimens marked (A) shown in the Appendix.

X. Money orders, on being issued, shall be handed to the remitters and forwarded by them to the payees at their own expense.

XI. In the event of a money order miscarrying, or being lost or destroyed, a duplicate shall be granted, on a written application from the payee (containing the necessary particulars) to the

chief money order office of the country where the original order is payable; and such chief office shall be authorized to demand in every such case an additional commission on the amount of the order, unless the order shall have been lost in transmission through the post.

XII. On receipt of an application, containing the necessary particulars, from the payee, instructions shall be given to stop payment of a money order.

XIII. When it is desired that any error in the name of the payee or remitter shall be corrected, or that the amount of a money order shall be repaid to the remitter, application must be made by the remitter to the chief office of the country in which the order was issued; and such office shall be authorized to require in either case an additional commission, unless the application shall have been occasioned by a mistake on the part of the officer by whom the order was issued.

XIV. Repayment, whether of an original or by means of a duplicate order, shall not be made to the remitter until it has been ascertained, through the chief office of the country where such order is payable, that the order has not been paid, and that the advice has been cancelled in the office of payment.

XV. If an order be not paid before the end of the twelfth calendar month after that in which it was drawn; for instance, if drawn in January and not paid before the end of the following January, all claim to the money will be forfeited, unless, under peculiar circumstances, the Post Office of the country in which the order was payable think proper to allow the claim.

Money received for orders not ultimately paid shall belong to the country in which such orders were payable.

XVI. The advices of all money orders drawn in the United Kingdom upon Japan shall be entered, at the Chief Money Order Office, London, in a list similar to the Form marked (B) in the Appendix, and, after receiving an impression of the London date-stamp, shall be forwarded, with the list, by weekly mail *viâ* Brindisi to the Post Office at Yokohama, where they shall each be impressed with a stamp showing the amount to be paid in Japanese money, and where the requisite arrangements for effecting payment of the orders shall be carried out.

In like manner, the advices of money orders drawn in Japan upon the United Kingdom shall be entered at the Post Office, Yokohama, in a list similar to the Form marked (B), in which shall be shown the amount of each order in the currency of both countries, and, after receiving an impression of the date-stamp of that office, shall be forwarded, with the list, by the weekly mail *viâ* Brindisi to the Chief Money Order Office, London, where they shall receive an impression of the date-stamp in use, and where the necessary arrangements for effecting payment of the orders shall be carried out.

Each list despatched shall be numbered consecutively 1, 2, 3, 4, &c., in the order of despatch, the numbers recommencing at the beginning of each year at No. 1, and the receipt of each list shall be acknowledged on either side by means of the first subsequent list forwarded in the opposite direction.

In order to prevent inconvenience, in case the original advices and lists should be lost, each office shall forward by the following mail a duplicate of the list of advices sent by the preceding mail.

XVII. As soon as all the lists relating to any month have been despatched from Japan, the Japanese Office shall prepare a general monthly account, in accordance with the Forms marked (C) and (D) in the Appendix, entering on the one side, in Form (D), to the credit of the United Kingdom the total amount of the several lists despatched from Japan in the month, together with the commission on the aggregate total at the rate of  $\frac{1}{4}$  of 1 per cent., as fixed by Article VI, and the amount of orders authorized to be repaid in the United Kingdom during the month. On the other side shall be entered, to the credit of Japan, the total amount of the several lists received from the United Kingdom during the month, with commission on the aggregate total at the rate of  $\frac{1}{4}$  of 1 per cent., as fixed by Article VI, and the amount of orders authorized to be repaid in Japan during the month.

The resulting balance shall then be shown, under the proper heading, in the account.

This course shall be pursued during the first 11 months of the year, but the general account for the month of December in each year shall include in it the whole of the issues of Japan on the United Kingdom, and the whole of the issues of the United Kingdom on Japan, to the last day of the month.

The general monthly account shall be transmitted, in duplicate, by the Japanese Office to the British Office, which shall return one copy of the account duly accepted.

XVIII. When the Japanese Post Office has to pay the British Post Office the balance of the general account, it shall pay such balance at the same time that it transmits the general account; and a similar course shall be followed by the British Office when returning the accepted copy of the general account.

The payment of the balance shall be made at Yokohama when it is to the credit of Japan, and at London when it is to the credit of the United Kingdom, and always in the money of the country to which the payment is made.

XIX. It is agreed that all money orders paid in either country shall be retained in the country in which they are paid.

XX. No order shall be paid in either country unless the relative advice has been previously received, and unless that

advice has been stamped at the chief offices of the countries of issue and payment.

XXI. The Postmaster-General in either country shall be authorized to adopt any additional rules, if not repugnant to the foregoing, for the greater security against fraud, or for the better working of the system generally. All such additional rules, however, must be communicated to the Postmaster-General of the other country.

XXII. Should it appear that money orders are used by mercantile men, either in the United Kingdom or in Japan, for the transmission of large sums of money, the British or Japanese Post Office, as the case may be, shall have the power of increasing the commission, and even of wholly suspending, for a time, the issue of money orders.

XXIII. This Convention shall come into operation on the 1st day of October, 1881, and shall continue in force until 12 months after either of the Contracting Parties shall have notified to the other its intention to terminate it.

Done in duplicate, and signed in London on the 10th day of May, 1881, and in Tokio on the 25th day of 7th month, 14th year of Meiji [25th day of July, 1881].

(L.S.) HENRY FAWCETT, *Her Majesty's  
Postmaster-General.*

(L.S.) H. MAYESIMA, *His Imperial  
Majesty's Postmaster-General.*

(A.)

Stamp of  
Issuing  
Office.

£	s.	d.

**MONEY ORDER.**

Pay the person named in my letter of advice the sum of

£ \_\_\_\_\_ s. \_\_\_\_\_ d. \_\_\_\_\_

To the Post Office at \_\_\_\_\_, Postmaster.

The person to whom this Order is made payable must sign here his or her Christian and surname. In the case of firms, the usual signature will suffice if so advised to the Paying Office.

Received the above,

\_\_\_\_\_ { Signature of Payee.

If this Order be payable at any office in the United Kingdom, and the payee or remitter should require payment at any other office in the United Kingdom, the following request must be signed, and the Order must be receipted and forwarded, in a printed form, which may be obtained at any Money Order office, to the postmaster of the office on which it was originally drawn, who will send a new Order for the amount, less the commission.

B { I request that this may be exchanged for a new Order payable at \_\_\_\_\_ }  
 • Here state the name of office.

Signature.

If the remitter of an Order issued and payable in the United Kingdom is desirous of delaying payment for ten days, he must at the time of the issue of the Order, affix a penny receipt stamp in the space, after the Request C, allotted for his signature (which signature must be written across the stamp), and he must then hand the Order to the Issuing Office so that the necessary instructions may be given to the Paying Office.

Stamp of  
Paying Office.

C { I request that this Order may not be paid until ten days after date of issue. }

{ Signature of Remitter.

**INSTRUCTIONS.**

- I. In applying for a Money Order the remitter must furnish the full particulars upon one of the printed forms supplied gratuitously for the purpose. He must be careful to give the information correctly, and should also make sure that the name of the remitter is known to the payee; but, unless the Order be made payable 10 days after date, the remitter's name should be given in initials only, in the letter containing the Order. On presentation of the Order for payment, unless presented through a bank, the payee will be required to give the Christian and surname of the remitter, or, if sent by a firm, the name of the firm.
- II. Payment of this Order will not be made on the day of issue.
- III. If this Order is not paid within 12 months after the month of issue, it becomes void. If good reason for its non-presentation can be given, an application for a new Order, subject to a certain deduction of amount, may be made.
- IV. When this Order has been paid, by whomsoever presented, the Department is not liable to any further claim.
- V. If stoppage of payment of an Order payable in the United Kingdom is required, a notice, accompanied by a second commission in postage stamps, must be sent to the office at which it is payable.
- VI. If an alteration in the name of the payee is required, an application giving full particulars, and accompanied by a second commission in postage stamps, must be sent to the office at which it was issued.
- VII. If a duplicate Order is required, application must be made to the Chief Money Order Office of the county in which the original Order was issued; a commission of 1s. if the amount does not exceed £5; and 2s., if above that amount, being enclosed in postage stamps.

(A.)

Stamp of  
Issuing  
Office.

£	s.	d.

ADVICE

Of Money Order drawn by the above-named office for

£ \_\_\_\_\_ s. \_\_\_\_\_ d. \_\_\_\_\_

upon the office at \_\_\_\_\_

\_\_\_\_\_, Postmaster.

The payee : viz., the person to whom the Order is payable

Christian name.	Surname.

The remitter : viz., the person who paid in the money, and obtained the Order.

Christian name.	Surname.

This advice must be signed and stamped by the postmaster who draws the Order, and must be stamped on the outside with the date of receipt by the postmaster on whose office it is drawn.

When payment is made, the stamp of the day of payment must be affixed in the space provided at the foot of the advice in the inside.

It must be retained at the paying office until the corresponding Order has been presented and paid, or the particulars have been entered on the list of advices of unpaid Orders.

The advices relating to the Orders paid daily must be forwarded to the metropolitan office of the country of payment.

N.B.—A separate advice must invariably be sent for each Order.

Stamp of  
Paying Office.

(Indorsement.)

Seal here.

On Her Majesty's Service.

MONEY ORDER OFFICE.

The Postmaster of

Stamp  
of  
Office.

(B.)

List No.

WEEKLY LIST of MONEY ORDERS issued in the UNITED KINGDOM of GREAT BRITAIN and IRELAND and payable in JAPAN.

Date.	No.	Office of issue.	Name and address of remitter.	Full name of payee.	Amount in			Office of Payment.	Remarks.
					British money.	£	s. d.		
				Totals .. ..					

Money Order Office, London,  
18

To the General Post Office,  
Yokohama.

I have received your list No. relative to Orders issued in Japan and payable in the United Kingdom of Great Britain and Ireland.  
In return I transmit to you a detailed account of the amounts received for Orders in the United Kingdom, the particulars of which have reached this office since the despatch of my last list No. , and payable in Japan.

Awaiting an acknowledgment of the present list,

I have, &c.,

\_\_\_\_\_, Controller.





(D.) Month of 18 .  
**GENERAL STATEMENT of the Result of the Exchange of MONEY ORDERS between the UNITED KINGDOM of GREAT BRITAIN and IRELAND and the EMPIRE of JAPAN.**

To credit of Japan.	Amount.			To credit of United Kingdom.	Amount.		
	£	s.	d.		£	s.	d.
Orders issued in the United Kingdom and payable in Japan, &c.:				Orders issued in Japan and payable in the United Kingdom, viz.:			
As per List No. . . . .	£	s.	d.	As per List No. . . . .	£	s.	d.
" " " " " "				" " " " " "			
" " " " " "				" " " " " "			
" " " " " "				" " " " " "			
" " " " " "				" " " " " "			
" " " " " "				" " " " " "			
Commission, at 3-4ths of 1 per cent. on above . . .				Commission, at 3-4ths of 1 per cent. on above . . .			
Repaid Orders . . . . .				Repaid Orders . . . . .			
Total credit to Japan . . . . .				Total credit to United Kingdom . . . . .			
Balance due to United Kingdom . . . . .				Balance due to Japan . . . . .			

Postmaster-General.

## LUXEMBURG.

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*AGREEMENT between the Governments of Great Britain and Luxemburg for increasing the Limits of Weight and the Dimensions of Packets of Patterns of Merchandize exchanged through the Post between the two Countries. Signed at Luxemburg on the 21st, and at The Hague on the 24th April, 1880.\**

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THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of the Grand Duchy of Luxemburg, being desirous of facilitating the postal relations between the two countries, and in exercise of the power given to them under Article XV of the Convention of the Universal Postal Union concluded in Paris on the 1st June, 1878;†

Have agreed as follows:—

The limits of weight and the dimensions of packets of patterns of merchandize exchanged through the post between the United Kingdom of Great Britain and Ireland on the one part, and the Grand Duchy of Luxemburg on the other part, may be increased by the Postal Administration of the country of origin beyond those which have been fixed by Article V of the International Convention of the 1st June, 1878, under the express reservation that such limits shall not exceed the following:—

In weight .. ..	350 grammes.
In dimensions .. ..	{ 30 centim., length.
	{ 20 centim., breadth.
	{ 10 centim., depth.

The present Agreement shall take effect on the 1st May, 1880.

In witness whereof the Undersigned, duly authorized for that purpose, have signed the present Agreement, and have affixed thereto the seal of their arms.

Done in duplicate at The Hague on the 24th day, and in Luxemburg on the 21st day of April, 1880.

(L.S.) W. STUART.

(L.S.) F. DE BLOCHAUSEN.

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\* Signed also in the French language.

† See Vol. 14. Page 1013.

TREATY *between Her Majesty and the King of the Netherlands, Grand Duke of Luxemburg, for the Mutual Surrender of Fugitive Criminals.\* Signed at Luxemburg, November 24, 1880.†*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, Grand Duke of Luxemburg, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within the territories of Her Britannic Majesty and the Grand Duchy of Luxemburg, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, their said Majesties have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable William Stuart, a Companion of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Netherlands, as Grand Duke of Luxemburg; and

His Majesty the King of the Netherlands, Grand Duke of Luxemburg, Baron Felix de Blochausen, Grand Cross of the Order of the Crown of Oak, Chevalier of the second class of the Order of the Golden Lion of the House of Nassau, &c., his Minister of State, President of the Government of the Grand Duchy of Luxemburg;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ART. I. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland engages to deliver up, under the circumstances and on the conditions stipulated in the present Treaty, all persons, and His Majesty the King of the Netherlands, Grand Duke of Luxemburg, so far as concerns the Grand Duchy of Luxemburg, engages to deliver up under the like circumstances and conditions all persons, excepting subjects of the Grand Duchy, who, having been charged with or convicted by the Tribunals of one of the two High Contracting Parties of any of the crimes enumerated in Article II committed in the territory of the one party, shall be found within the territory of the other.

II. The crimes for which the extradition is to be granted are the following:—

\* Signed also in the French language.

† Ratifications exchanged at Brussels, January 5, 1881.

1. Murder (including assassination, parricide, infanticide, poisoning, or attempt to murder).

2. Manslaughter.

3. Administering drugs or using instruments with intent to procure the miscarriage of women.

4. Rape.

5. Aggravated or indecent assault. Carnal knowledge of a girl under the age of 10 years; carnal knowledge of a girl above the age of 10 years and under the age of 12 years; indecent assault upon any female, or any attempt to have carnal knowledge of a girl under 12 years of age.

6. Kidnapping and false imprisonment, childstealing, abandoning, exposing, or unlawfully detaining children.

7. Abduction of minors.

8. Bigamy.

9. Wounding, or inflicting grievous bodily harm.

10. Assaulting a magistrate or peace or public officer.

11. Threats by letter or otherwise with intent to extort money or other things of value.

12. Perjury, or subornation of perjury.

13. Arson.

14. Burglary or housebreaking, robbery with violence, larceny or embezzlement.

15. Fraud by a bailee, banker, agent, factor, trustee, director, member, or public officer of any company, made criminal by any law for the time being in force.

16. Obtaining money, valuable security, or goods by false pretences; receiving any money, valuable security, or other property, knowing the same to have been unlawfully obtained.

17. (a.) Counterfeiting or altering money, or bringing into circulation counterfeited or altered money;

(b.) Forgery, or counterfeiting or altering or uttering what is forged, counterfeited, or altered;

(c.) Knowingly making without lawful authority any instrument, tool, or engine adapted and intended for the counterfeiting of coin of the realm.

18. Crimes against bankruptcy law.

19. Any malicious act done with intent to endanger persons in a railway train.

20. Malicious injury to property, if such offence be indictable.

The extradition is also to take place for participation in any of the aforesaid crimes, as an accessory before or after the fact, provided such participation be punishable by the laws of both Contracting Parties.

III. The extradition shall not take place if the person claimed on the part of the Government of the United Kingdom, or the person claimed on the part of the Government of the Grand

Duchy of Luxemburg, has already been tried and discharged or punished, or is still under trial, in the Grand Duchy or in the United Kingdom, respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of the Government of the United Kingdom, or if the person claimed on the part of the Government of the Grand Duchy of Luxemburg, should be under examination for any other crime in the Grand Duchy or in the United Kingdom, respectively, his extradition shall be deferred until the conclusion of the trial, and the full execution of any punishment awarded to him.

IV. The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

V. A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has in fact been made with a view to try or to punish him for an offence of a political character.

VI. A person surrendered can in no case be kept in prison, or be brought to trial in the State to which the surrender has been made, for any other crime or on account of any other matters than those for which the extradition shall have taken place, until he has been restored or has had the opportunity of returning to the country from whence he was surrendered.

The period of one month shall be considered as the limit of the period during which the prisoner may, with the view of securing the benefits of this Article, return to the country from whence he was surrendered.

This stipulation does not apply to crimes committed after the extradition.

VII. The requisition for extradition must always be made by the way of diplomacy, and to wit, in the Grand Duchy of Luxemburg by the British Minister in Luxemburg, and in the United Kingdom to the Secretary of State for Foreign Affairs by the Foreign Minister in Great Britain, who, for the purposes of this Treaty, is recognized by Her Majesty as a Diplomatic Representative of the Grand Duchy of Luxemburg.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed

against the convicted person by the competent Court of the State that makes the requisition for extradition.

A requisition for extradition cannot be founded on sentences passed in *contumaciam*.

VIII. If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

The prisoner is then to be brought before a competent Magistrate, who is to examine him and to conduct the preliminary investigation of the case, according to the laws of the country in which he is found.

IX. The extradition shall not take place before the expiration of 15 days from the date of the fugitive criminal's committal to prison to await his surrender, and then only if the evidence produced in due time be found sufficient according to the laws of the State applied to.

X. A fugitive criminal may, however, be apprehended under a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority in either country, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the person issuing the warrant, justify the issue of a warrant if the crime had been committed or the prisoner convicted in that part of the dominions of the two Contracting Parties in which he exercises jurisdiction: Provided however that, in the United Kingdom, the accused shall, in such case, be sent as speedily as possible before a Police Magistrate in London. He shall be discharged, as well in the United Kingdom as in the Grand Duchy of Luxemburg, if, within 14 days, a requisition shall not have been made for his surrender by the Diplomatic Agent of his country.

XI. If, in any criminal matter, pending in any Court or Tribunal of one of the two countries, it is thought desirable to take the evidence of any witness in the other, such evidence may be taken by the judicial authorities in accordance with the laws in force on this subject in the country where the witness may be.

XII. All articles seized, which were in the possession of the person to be surrendered at the time of his apprehension, shall, if the competent authority, of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place; and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

XIII. The High Contracting Parties renounce any claim for the reimbursement of the expenses incurred by them in the arrest and maintenance of the person to be surrendered, and his conveyance till placed on board ship, as well as for the reimbursement of the expenses incurred in taking the evidence of

any witness in consequence of Article XI, and in giving up and returning seized articles. They reciprocally agree to bear such expenses themselves.

XIV. The stipulations of the present Treaty shall be applicable to the Colonies and foreign possessions of Her Britannic Majesty.

The requisition for the surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign possessions shall be made to the Governor or to the supreme authority of such Colony or possession through the Luxemburg Consul, or, in case there should be no Luxemburg Consul, through the Consular Agent of another State charged for the occasion with Luxemburg interests in the Colony or possession in question, and recognized by such Governor or supreme authority as such.

The Governor or supreme authority above mentioned shall decide with regard to such requisitions as nearly as possible in accordance with the provisions of the present Treaty. He will, however, be at liberty either to consent to the extradition or report the case to his Government.

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign possessions for the surrender of such individuals as shall have committed in the Grand Duchy of Luxemburg any of the crimes hereinbefore mentioned, who may take refuge within such Colonies and foreign possessions, on the basis, as nearly as may be, of the provisions of the present Treaty.

The requisition for the surrender of a fugitive criminal from any Colony or foreign possession of Her Britannic Majesty shall be governed by the rules laid down in the preceding Articles of the present Treaty.

XV. The present Treaty shall come into force 10 days after its publication in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties, but shall remain in force for six months after notice has been given for its termination.

The Treaty shall be ratified, and the ratifications shall be exchanged at Brussels as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Luxemburg, the 24th day of November, in the year of our Lord 1880.

(L.S.) W. STUART.

(L.S.) F. DE BLOCHAUSEN.



BRITISH ORDER IN COUNCIL *for carrying into effect the Extradition Treaty with Luxemburg of 24th November, 1880. Windsor, March 2, 1881.*

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*At the Court at Windsor, the 2nd day of March, 1881.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Steward.

Marquess of Huntly.

Mr. Bright.

Sir Arthur Hobhouse.

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WHEREAS by the Extradition Acts of 1870\* and 1873,† it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the 24th day of November, 1880, between Her Majesty and the King of the Netherlands, Grand Duke of Luxemburg, for the mutual extradition of fugitive criminals, which Treaty is in the terms following:—

[Here follows the Treaty of 24th November, 1880. Page 234.]

And whereas the ratifications of the said Treaty were exchanged at Brussels on the 5th day of January, 1881:

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and in virtue of the authority committed to her by the said recited Acts, doth order, and it is hereby ordered, that from and after the 15th day of March, 1881, the said Acts shall apply in the case of the said Treaty with the King of the Netherlands, Grand Duke of Luxemburg.

C. L. PEEL.

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\* Act 33 & 34 Vict. c. 52. Vol. 13. Page 1194.

† Act 36 & 37 Vict. c. 60. Vol. 14. Page 709.

## MEXICO.

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MEXICAN CONSTITUTION; so far as relates to the Ratification of Treaties; Foreign Navies in Mexican Ports; and the Settlement of Political Questions. Mexico, November 6, 1874.

(Translation.)

THE exclusive powers of the Senate are—

1. To ratify the Treaties and Diplomatic Conventions which the Executive may make with foreign Powers.

3. To authorize the Executive to permit the passage of the national troops beyond the limits of the Republic, the passage of foreign troops through the national territory, and the station of squadrons of other Powers for more than one month in the waters of the Republic.

6. To determine the political questions which may arise between the powers of a State, when any of them may apply with this end to the Senate, or when, by reason of said questions, the Constitutional order may be interrupted, a conflict of arms intervening. In this case the Senate shall dictate its resolution, being subject to the general Constitution of the Republic and to that of the State.

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## MONTENEGRO.

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TREATY of Friendship, Commerce, and Navigation between Great Britain and Montenegro.\* Signed at Cetinje, January 21, 1882.†

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Highness the Prince of Montenegro, being desirous of placing on a satisfactory footing the commercial relations between the two States, have with this object determined to conclude a Treaty of Friendship, Commerce, and Navigation, and they have accordingly appointed their respective Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, William Kirby Green, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Her Majesty's Chargé d'Affaires at the Court of Montenegro; and

His Highness the Prince of Montenegro, the Voivode

\* Signed also in the French language.

† Ratifications exchanged at Cetinje, May 14, 1882.

Stanko Radonich, Knight Grand Cross of the Most Distinguished Order of Danilo the First, his Minister for Foreign Affairs ;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :—

ART. I. British subjects who reside temporarily or permanently in Montenegro, and Montenegrin subjects who reside temporarily or permanently in the United Kingdom of Great Britain and Ireland, shall enjoy therein with respect to residence, and the exercise of commerce and trade, the same rights as, and shall not be subject to any higher or other imposts or taxes, whether general, municipal, or local, than natives, or the subjects of any other country, the most favoured in this respect, by either of the Contracting Parties.

British subjects in Montenegro, and Montenegrin subjects in the United Kingdom of Great Britain and Ireland, shall enjoy the same treatment as natives, or as is now granted, or may hereafter be granted to the subjects of any other country the most favoured in this respect, with regard to the acquisition, the holding, and the disposal of real property, and all charges on it ; with regard to access to Courts of Law, and in the prosecution and defence of their rights ; and in regard to domiciliary visits to their dwellings, manufactories, warehouses, or shops.

They shall be exempted from billeting, and from all compulsory military service, whether in the army, navy, national guards, or militia. They shall be likewise exempted from all contributions, whether pecuniary or in kind, imposed as a compensation for billeting and personal service ; and finally, from forced loans, and military exactions, or requisitions, as well as from all judicial or municipal functions whatever, other than those imposed by the laws relating to juries.

II. The produce and manufactures of, as well as all goods coming from, the United Kingdom of Great Britain and Ireland, which are imported into Montenegro, and the produce or manufactures of, as well as all goods coming from, Montenegro, which are imported into the United Kingdom of Great Britain and Ireland, whether intended for consumption, warehousing, re-exportation, or transit, shall be treated in the same manner as, and in particular shall be subject to no higher or other duties or surcharges, whether general, municipal, or local, than the produce, manufactures, and other goods of any third country the most favoured in this respect, except as regards such special facilities as have been, or may hereafter be, conceded on the part of Montenegro to the neighbouring States, with respect to the traffic in local produce and manufactures between their conterminous frontier districts. No other or higher duties shall be levied in Montenegro on the exportation of any goods to the United Kingdom of Great Britain and

Ireland, or in the United Kingdom of Great Britain and Ireland on the exportation of any goods to Montenegro, than may be levied on the exportation of any like goods to any third country the most favoured in this respect.

Neither of the Contracting Parties shall establish a prohibition of importation, exportation, or transit against the other, which shall not, under like circumstances, be applicable to any third country the most favoured in this respect. In like manner, all that relates to local dues, Customs formalities, brokerage, patterns or samples, introduced by commercial travellers, and all other matters connected with trade, British subjects in Montenegro, and Montenegrin subjects in the United Kingdom of Great Britain and Ireland, shall enjoy the most-favoured-nation treatment.

III.\* All British produce and manufactured goods shall be imported into Montenegro free of all duties or charges, with the exception only of such dues as shall be levied for Custom-house portorage, public weighing, and for the maintenance and improvement of quays and Custom-house buildings.

And any reduction in these dues granted to the goods or manufactures of any third Power shall be at once and unconditionally extended to British produce or manufactured goods.

The Montenegrin Government reserves, however, the right of levying an import duty on British manufactures and produce when it shall deem it expedient. Nevertheless, the Montenegrin Government binds itself to give the British Government previous notice of such decision six months before the measure is put in force, and engages further that such rate of duty shall not exceed 8 per cent. *ad valorem*.

The Montenegrin Government engages, moreover, not to levy any such duties except when they are also applicable to the like manufactures and products of all other foreign countries.

The following articles are excepted from the right of free importation into Montenegro, viz. :—

- Arms of all kinds ;
- Gunpowder and other explosives ;
- Munitions of war ;
- Salt ;
- Saltpetre ;
- Sulphur ;
- Spirits ;
- Tobacco ;
- Wines.

The above products shall be subject in Montenegro to the same conditions as the like products of any third Power, the most favoured in this respect.

IV. The duties *ad valorem* which may hereafter be levied in

\* See also Protocol. Page 246.

Montenegro on British produce or manufactured goods shall be calculated on the value at the place of production or fabrication of the article imported, with the addition of the cost of transport, insurance, or commission, necessary for its importation into Montenegro, as far as the port of discharge or place of entry.

For the levying of these dues, the importer shall make a written declaration at the Custom-house, stating the value and description of the goods imported. If the Custom-house authorities are of opinion that the declared value is insufficient, they shall be at liberty to take the goods on paying to the importer the price declared, namely, the value at the place of production or fabrication of the articles imported, with the addition of the cost of transport, insurance, and commission necessary for importation into Montenegro, as far as the port of discharge or place of entry, with an addition of 5 per cent.

This payment, together with the restitution of any duty which may have been levied upon such goods, shall be made within 15 days following the declaration.

Goods unaccompanied by the above-mentioned declaration will not be entitled to the benefit of paying the *ad valorem* duties stipulated in the present Treaty, but shall be subject to the specific or other duties imposed by the Montenegrin Government.

V. The Montenegrin Government reserves to itself the right, after an understanding with Her Majesty's Legation, to limit to certain places the Custom-houses through which goods charged *ad valorem* may enter Montenegro.

The Montenegrin Government likewise reserves to itself the right to require that the importer shall produce, together with his declaration of value on the entry of the goods into Montenegro, one or other, at his option, of the following documents, namely:—

1. A declaration of value made before the magistrate at the place of manufacture or production ;
2. A certificate of value from the Chamber of Commerce at the place of production ; or,
3. A declaration of value made before the nearest Montenegrin Consul. The fee of such Consul on certifying this declaration shall not exceed 5s.

VI. The Montenegrin Government opens to the produce and manufactures of the United Kingdom of Great Britain and Ireland, and to the produce and manufactures of British Colonies and foreign possessions, all its ports, harbours, and all landing places or quays on its rivers or other waters, where merchandize is permitted to be landed, and all Custom-houses, free of all Custom-house duties and charges, but without prejudice to the stipulations of Articles III, VIII, and XII of this present Treaty.

VII. If one of the Contracting Parties shall impose an excise

tax, that is to say, an inland duty, upon any article of home production or manufacture, an equivalent compensatory duty may be imposed on articles of the same description on their importation from the territories of the other Power, provided that the said equivalent duty is levied on like articles on their importation from all foreign countries.

In the event of the reduction or suppression of excise taxes—that is to say, inland duties—a corresponding reduction or suppression shall at the same time be made in the equivalent compensatory duty on manufactures of British or Montenegrin origin, as the case may be.

VIII. Every favour or immunity which has been, or may hereafter be, granted by one of the Contracting Parties to the subjects or commerce of a third Power, shall be granted simultaneously and unconditionally to the other, except as regards special facilities as have been, or may hereafter be, conceded on the part of Montenegro to the neighbouring States with respect to the local traffic between their conterminous frontier districts.

IX. British subjects in Montenegro, and Montenegrin subjects in the United Kingdom of Great Britain and Ireland, shall enjoy the same rights as natives, or as are now granted, or may hereafter be granted, to the subjects of any third Power the most favoured in this respect, in everything relating to the property in trade marks, or trade labels or tickets, as well as in patterns or designs for manufactures.

It is understood that any person who desires to obtain the aforesaid protection must fulfil the formalities required by the laws of the respective countries.

X. Each of the Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents to reside respectively in the towns and ports of the Contracting Parties where the Consular officers of these different classes of the most favoured nation have received or may receive authorization to reside. Such Consular officers, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent. They shall exercise whatever functions, and enjoy whatever privileges, exemptions, and immunities, are, or may hereafter be, granted there to Consular officers of the most favoured nation.

XI. It is agreed that, as regards freights and all other facilities, British goods conveyed over Montenegrin railways or publicly constructed high roads, and Montenegrin goods conveyed over British railways, shall be treated in exactly the same manner as the goods of any other nation the most favoured in that respect.

XII. British ships and their cargoes in Montenegro, and

Montenegrin ships and their cargoes in the United Kingdom of Great Britain and Ireland, from whatever place arriving, and whatever may be the place of origin or destination of their cargoes, shall be treated in every respect as national ships and their cargoes.

The preceding stipulation applies to local treatment, dues, and charges in the ports, basins, docks, roadsteads, harbours, and rivers of the two countries, pilotage, and generally to all matters connected with navigation, without prejudice to the Rules and Regulations of the Maritime and Sanitary Police and of the Maritime Code in force in Montenegro.

Every favour or exemption in these respects, or any other privilege in matters of navigation, which either of the Contracting Parties shall grant to a third Power, shall be extended immediately and unconditionally to the other party.

All vessels which, according to British law, are to be deemed British vessels, and all vessels which, according to the laws in force in Montenegro, are to be deemed Montenegrin vessels, shall, for the purposes of this Treaty, be respectively deemed British or Montenegrin vessels.

XIII. The Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents of each of the Contracting Parties residing in the dominions and possessions of the other shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters; not being slaves, from the merchant-vessels of their respective countries.

XIV. The stipulations of the present Treaty shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, so far as the laws permit, excepting to those hereinafter named, that is to say, except to—

- The Dominion of Canada ;
- Newfoundland ;
- The Cape ;
- Natal ;
- New South Wales ;
- Victoria ;
- Queensland ;
- Tasmania ;
- South Australia ;
- Western Australia ;
- New Zealand.

Provided always, that the stipulations of the present Treaty shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative at the Court of Montenegro to the Montenegrin Minister for Foreign Affairs, within one year from the date of the exchange of the ratifications of the present Treaty

XV. The present Treaty shall be ratified, and the ratifications exchanged at Cetinje, as soon as possible after its signature. It shall come into force immediately after the exchange of ratifications, and shall remain in force for 10 years from that date. In case neither of the two Contracting Parties shall have given notice, 12 months before the expiration of the said period of 10 years, of their intention of terminating the present Treaty, it shall remain in force until the expiration of one year from the day on which either of the Contracting Parties shall have given such notice.

In witness whereof the respective Plenipotentiaries have signed it, and affixed to it the seal of their office.

Done at Cetinje, the 21st day of January, 1882.

(L.S.) W. KIRBY GREEN.

(L.S.) V. S. RADONICH.

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*Protocol. January 21, 1882.*

*Interior Tax on Sales of Foreign Goods.*

The Undersigned, Plenipotentiaries of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Highness the Prince of Montenegro, having met in conference, have taken into consideration the following subject:—

They have directed their attention to the fact that, although by Article III of the Treaty signed this day between Her Britannic Majesty and the Prince of Montenegro all British produce or manufactured goods shall be imported into Montenegro free of all duties or charge, with the exception only of such dues as shall be levied for Custom-house portorage, public weighing, and for the maintenance and improvement of quays and Custom-house buildings, yet that British goods and manufactures are actually subjected to a tax of 4 per cent., through the levying of the existing interior duty to this amount on all sales of foreign goods. They have consequently resolved to declare that, whenever the Montenegrin Government puts in force its reserved right, contained in paragraph 3 of Article III of the Treaty, of levying an import duty not exceeding 8 per cent. *ad valorem* on British produce and manufactures, the above-mentioned interior tax of 4 per cent. on sales effected in the Principality shall at once cease to be leviable.

They further declare that the said existing interior tax on sales of foreign goods and manufactures shall not be raised above 4 per cent., and that any reduction in this tax granted to the goods and manufactures of any third Power shall at once and unconditionally be extended to British produce or manufactures.

The other provisions of Article III remain in force, as they have been agreed upon in the Treaty.



This Protocol shall be regarded and acted upon as forming part of the Treaty in question, and shall be ratified with it at one and the same time.

In witness whereof the Undersigned have drawn up the present Protocol, to which they have affixed the seals of their office.

Done at Cettinje, the 21st day of the month of January, 1882.

(L.S.) W. KIRBY GREEN.

(L.S.) V. S. RADONICH.

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## MOROCCO.

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CONVENTION *between Great Britain, Germany, Austria-Hungary, Belgium, Denmark, Spain, the United States, the French Republic, Italy, Morocco, the Netherlands, Portugal, and Sweden and Norway, for the Settlement of the Right of Protection in Morocco.\* Signed at Madrid, July 3, 1880.†*

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande; Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; Sa Majesté l'Empereur d'Autriche, Roi de Hongrie; Sa Majesté le Roi des Belges; Sa Majesté le Roi de Danemark; Sa Majesté le Roi d'Espagne; Son Excellence le Président des États-Unis d'Amérique; Son Excellence le Président de la République Française; Sa Majesté le Roi d'Italie; Sa Majesté le Sultan du Maroc; Sa Majesté le Roi des Pays-Bas; Sa Majesté le Roi de Portugal et des Algarves; Sa Majesté le Roi de Suède et de Norvège;

Ayant reconnu la nécessité d'établir sur des bases fixes et uniformes l'exercice du droit de protection au Maroc, et de régler certaines questions qui s'y rattachent, ont nommé pour leurs Plénipotentiaires à la Conférence qui s'est réunie à cet effet à Madrid, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, l'Honorable Lionel Sackville West, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Catholique; lequel est également autorisé à représenter Sa Majesté le Roi de Danemark;

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, M. le Comte Eberhardt de Solms-Sonnenwalde, Commandeur de pre-

\* The Russian Government, by a letter addressed to the Minister for Foreign Affairs of Morocco, dated April 4, 1881, signified the adherence of Russia to this Convention.

† Ratifications exchanged at Tangier, May 1, 1881.

mière classe de son Ordre de l'Aigle Rouge avec Feuilles de Chêne, Chevalier de la Croix de Fer, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Catholique ;

Sa Majesté l'Empereur d'Autriche, Roi de Hongrie, M. le Comte Emanuel Ludolf, son Conseiller Intime et Actuel, Grand-Croix de l'Ordre Impérial de Léopold, Chevalier de première classe de l'Ordre de la Couronne de Fer, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Catholique ;

Sa Majesté le Roi des Belges, M. Edouard Anspach, Officier de son Ordre de Léopold, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Catholique ;

Sa Majesté le Roi d'Espagne, Don Antonio Cánovas del Castillo, Chevalier de l'Ordre Insigne de la Toison d'Or, &c., Président de son Conseil des Ministres ;

Son Excellence le Président des États-Unis d'Amérique, M. le Général Lucius Fairchild, Envoyé Extraordinaire et Ministre Plénipotentiaire des États-Unis près Sa Majesté Catholique ;

Son Excellence le Président de la République Française, M. le Vice-Amiral Jaurès, Sénateur, Commandeur de la Légion d'Honneur, &c., Ambassadeur de la République Française près Sa Majesté Catholique ;

Sa Majesté le Roi d'Italie, M. le Comte Joseph Greppi, Grand Officier de l'Ordre de SS. Maurice et Lazare, de celui de la Couronne d'Italie, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Catholique ;

Sa Majesté le Sultan du Maroc, le Taleb Sid Mohammed Vargas, son Ministre des Affaires Étrangères et Ambassadeur Extraordinaire ;

Sa Majesté le Roi des Pays-Bas, M. le Jonkheer Maurice de Heldewier, Commandeur de l'Ordre Royal du Lion Néerlandais, Chevalier de l'Ordre de la Couronne de Chêne de Luxembourg, &c., son Ministre Résident près Sa Majesté Catholique ;

Sa Majesté le Roi de Portugal et des Algarves, M. le Comte de Casal Ribeiro, Pair du Royaume, Grand-Croix de l'Ordre du Christ, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Catholique ;

Sa Majesté le Roi de Suède et de Norvège, M. Henri Akerman, Commandeur de première classe de l'Ordre de Wasa, &c., son Ministre Résident près Sa Majesté Catholique ;

Lesquels, en vertu de leurs pleins pouvoirs, reconnus en bonne et due forme, ont arrêté les dispositions suivantes :—

ART. I. Les conditions dans lesquelles la protection peut être accordée sont celles qui sont stipulées dans les Traités Britannique et Espagnol avec le Gouvernement Marocain et dans la

Convention survenue entre ce Gouvernement, la France, et d'autres Puissances en 1863,\* sauf les modifications qui y sont apportées par la présente Convention.

II. Les Représentants étrangers, Chefs de Missions, pourront choisir leurs interprètes et employés parmi les sujets Marocains ou autres.

Ces protégés ne seront soumis à aucun droit, impôt, ou taxe quelconque, en dehors de ce qui est stipulé aux Articles XII et XIII.

III. Les Consuls, Vice-Consuls, ou Agents Consulaires, Chefs de poste, qui résident dans les États du Sultan du Maroc, ne pourront choisir qu'un interprète, un soldat, et deux domestiques parmi les sujets du Sultan, à moins qu'ils n'aient besoin d'un Secrétaire indigène.

Ces protégés ne seront soumis non plus à aucun droit, impôt, ou taxe quelconque, en dehors de ce qui est stipulé aux Articles XII et XIII.

IV. Si un Représentant nomme un sujet du Sultan à un poste d'Agent Consulaire dans une ville de la côte, cet Agent sera respecté et honoré, ainsi que sa famille habitant sous le même toit, laquelle, comme lui-même, ne sera soumise à aucun droit, impôt, ou taxe quelconque en dehors de ce qui est stipulé aux Articles XII and XIII ; mais il n'aura pas le droit de protéger d'autres sujets du Sultan en dehors de sa famille.

Il pourra, toutefois, pour l'exercice de ces fonctions, avoir un soldat protégé.

Les Gérants des Vice-Consulats, sujets du Sultan, jouiront, pendant l'exercice de leurs fonctions, des mêmes droits que les Agents Consulaires sujets du Sultan.

V. Le Gouvernement Marocain reconnaît aux Ministres, Chargés d'Affaires, et autres Représentants le droit (qui leur est accordé par les Traités) de choisir les personnes qu'ils emploient, soit à leur service personnel, soit à celui de leurs Gouvernements, à moins toutefois que ce ne soient des Cheiks ou autres employés du Gouvernement Marocain, tels que les soldats de ligne ou de cavalerie, en dehors des Maghaznias préposés à leur garde. De même ils ne pourront employer aucun sujet Marocain sous le coup de poursuites.

Il reste entendu que les procès civils engagés avant la protection se termineront devant les tribunaux qui en auront entamé la procédure. L'exécution de la sentence ne rencontrera pas d'empêchement. Toutefois, l'autorité locale Marocaine aura soin de communiquer immédiatement la sentence rendue à la Légation, Consulat, ou Agence Consulaire dont relève le protégé.

Quant aux ex-protégés qui auraient un procès commencé

\* For Agreement between France and Morocco of August 19, 1863, see State Papers. Vol. 66. Page 734.

avant que la protection eût cessée pour eux, leur affaire sera jugée par le tribunal qui en était saisi.

Le droit de protection ne pourra être exercé à l'égard des personnes poursuivies pour un délit ou un crime avant qu'elles n'aient été jugées par les autorités du pays, et qu'elles n'aient, s'il y a lieu, accompli leur peine.

VI. La protection s'étend sur la famille du protégé. Sa demeure est respectée.

Il est entendu que la famille ne se compose que de la femme, des enfants, et des parents mineurs qui habitent sous le même toit.

La protection n'est pas héréditaire. Une seule exception, déjà établie par la Convention de 1863, et qui ne saurait créer un précédent, est maintenue en faveur de la famille Benchimol.

Cependant, si le Sultan du Maroc accordait une autre exception, chacune des Puissances Contractantes aurait le droit de réclamer une concession semblable.

VII. Les Représentants étrangers informeront par écrit le Ministre des Affaires Étrangères du Sultan du choix qu'ils auront fait d'un employé.

Ils communiqueront chaque année au dit Ministre une liste nominative des personnes qu'ils protègent ou qui sont protégés par leurs Agents dans les États du Sultan du Maroc.

Cette liste sera transmise aux autorités locales, qui ne considéreront comme protégés que ceux qui y sont inscrits.

VIII. Les Agents Consulaires remettront chaque année à l'autorité du pays qu'ils habitent une liste, revêtue de leur sceau, des personnes qu'ils protègent. Cette autorité la transmettra au Ministre des Affaires Étrangères, afin que, si elle n'est pas conforme aux règlements, les Représentants à Tanger en soient informés.

L'officier Consulaire sera tenu d'annoncer immédiatement les changements survenus dans le personnel protégé de son Consulat.

IX. Les domestiques, fermiers, et autres employés indigènes des secrétaires et interprètes indigènes ne jouissent pas de la protection. Il en est de même pour les employés ou domestiques Marocains des sujets étrangers.

Toutefois, les autorités locales ne pourront arrêter un employé ou domestique d'un fonctionnaire indigène au service d'une Légation ou d'un Consulat, ou d'un sujet ou protégé étranger, sans en avoir prévenu l'autorité dont il dépend.

Si un sujet Marocain au service d'un sujet étranger venait à tuer quelqu'un, à le blesser, ou à violer son domicile, il serait immédiatement arrêté, mais l'autorité Diplomatique ou Consulaire sous laquelle il est placé serait avertie sans retard.

X. Il n'est rien changé à la situation des censeux telle qu'elle a été établie par les Traités et par la Convention de 1863, sauf

ce qui est stipulé, relativement aux impôts, dans les Articles suivants.

XI. Le droit de propriété au Maroc est reconnu pour tous les étrangers.

L'achat de propriétés devra être effectué avec le consentement préalable du Gouvernement, et les titres de ces propriétés seront soumis aux formes prescrites par les lois du pays.

Toute question qui pourrait surgir sur ce droit sera décidée d'après ces mêmes lois, avec l'appel au Ministre des Affaires Étrangères stipulé dans les Traités.

XII.\* Les étrangers et les protégés propriétaires ou locataires de terrains cultivés, ainsi que les censaux adonnés à l'agriculture, paieront l'impôt agricole. Ils remettront chaque année à leur Consul la note exacte de ce qu'ils possèdent, en acquittant entre ses mains le montant de l'impôt.

Celui qui fera une fausse déclaration paiera, à titre d'amende, le double de l'impôt qu'il aurait dû régulièrement verser pour les biens non déclarés. En cas de récidive cette amende sera doublée.

La nature, le mode, la date, et la quotité de cet impôt seront l'objet d'un règlement spécial entre les Représentants des Puissances et le Ministre des Affaires Étrangères de Sa Majesté Shériffienne.

XIII.\* Les étrangers, les protégés, et les censaux propriétaires de bêtes de somme paieront la taxe dites des portes. La quotité et le mode de perception de cette taxe, commune aux étrangers et aux indigènes, seront également l'objet d'un règlement spécial entre les Représentants des Puissances et le Ministre des Affaires Étrangères de Sa Majesté Shériffienne.

La dite taxe ne pourra être augmentée sans un nouvel accord avec les Représentants des Puissances.

XIV. La médiation des Interprètes, Secrétaires indigènes, ou soldats des différentes Légations or Consuls, lorsqu'il s'agira de personnes non placées sous la protection de la Légation ou du Consulat, ne sera admise qu'autant qu'ils seront porteurs d'un document signé par le Chef de Mission ou par l'autorité Consulaire.

XV. Tout sujet Marocain naturalisé à l'étranger, qui reviendra au Maroc, devra, après un temps de séjour égal à celui qui lui aura été régulièrement nécessaire pour obtenir la naturalisation, opter entre sa soumission entière aux lois de l'Empire et l'obligation de quitter le Maroc, à moins qu'il ne soit constaté que la naturalisation étrangère a été obtenue avec l'assentiment du Gouvernement Marocain.

La naturalisation étrangère acquise jusqu'à ce jour par des sujets Marocains suivant les règles établies par les lois de chaque

\* See Regulations, March 30, 1881. Page 253.

pays, leur est maintenue pour tous ses effets, sans restriction aucune.

XVI. Aucune protection irrégulière ni officieuse ne pourra être accordée à l'avenir. Les autorités Marocaines ne reconnaîtront jamais d'autres protections, quelle que soit leur nature, que celles qui sont expressément arrêtées dans cette Convention.

Cependant, l'exercice du droit consuetudinaire de protection sera réservé aux seuls cas où il s'agirait de récompenser des services signalés rendus par un Marocain à une Puissance étrangère, ou pour d'autres motifs tout-à-fait exceptionnels. La nature des services et l'intention de les récompenser par la protection seront préalablement notifiées au Ministre des Affaires Étrangères à Tanger, afin qu'il puisse au besoin présenter ses observations; la résolution définitive restera néanmoins réservée au Gouvernement auquel le service aura été rendu. Le nombre de ses protégés ne pourra dépasser celui de 12 par Puissance, qui reste fixé comme maximum, à moins d'obtenir l'assentiment du Sultan.

La situation des protégés qui ont obtenu la protection en vertu de la coutume désormais réglée par la présente disposition sera, sans limitation du nombre pour les protégés actuels de cette catégorie, identique pour eux et pour leurs familles à celle qui est établie pour les autres protégés.

XVII. Le droit au traitement de la nation la plus favorisée est reconnu par le Maroc à toutes les Puissances représentées à la Conférence de Madrid.

XVIII. La présente Convention sera ratifiée. Les ratifications seront échangées à Tanger dans le plus bref délai possible.

Par consentement exceptionnel des Hautes Parties Contractantes les dispositions de la présente Convention entreront en vigueur à partir du jour de la signature à Madrid.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé le sceau de leurs armes.

Fait à Madrid, en 13 exemplaires, le 3<sup>e</sup> Juillet, 1880.

(L.S.)	L. S. SACKVILLE WEST.
(L.S.)	G. E. SOLMS.
(L.S.)	E. LUDOLF.
(L.S.)	ANSPACH.
(L.S.)	A. CÁNOVAS DEL CASTILLO.
(L.S.)	LUCIUS FAIRCHILD.
(L.S.)	JAURÈS.
(L.S.)	J. GREPPL.
(L.S.)	SID MOHAMMED VARGAS.
(L.S.)	HELDEWIER.
(L.S.)	CASAL RIBEIRO.
(L.S.)	AKERMAN.

REGULATIONS respecting the Mode of Payment, &c., of the Agrarian Tax and the Gate Tax ("l'Impôt Agricole" et "la Taxe dite des Portes") in Morocco. Tangiers, March 30, 1881.

*Règlement concernant les Impôts à percevoir des Étrangers et des Protégés sur l'Agriculture, les Animaux destinés à l'Agriculture et les Bêtes de Somme, concerté, en exécution des Articles XII et XIII de la Convention de Madrid, entre Sid Mohammed Bargache, Ministre des Affaires Étrangères de Sa Majesté Chérifienne et les Représentants des autres Puissances Signataires de la dite Convention.\**

§ 1. LES étrangers et les protégés propriétaires ou locataires de terrains cultivés, ainsi que les censaux adonnés à l'agriculture, payeront l'impôt agricole, l'impôt sur les animaux destinés à l'agriculture et le droit, dit des portes, perçu sur les bêtes de somme employées au transport de marchandises et de produits.

§ 2. Ces impôts seront les mêmes que ceux payés par les sujets du Sultan.

#### I.—Agriculture.

§ 3. Le blé, l'orge et les autres céréales payeront la dîme en nature ou en argent. Si c'est en nature, la perception aura lieu sur le lieu même. Si c'est en argent, on percevra ce 10 pour cent sur la valeur des dites céréales au prix du jour du marché le plus voisin ou d'après un commun accord. En cas de contestation entre l'Amil et le contribuable le paiement aura lieu en nature. Cet impôt se payera au mois d'Âôut avec le concours des Consuls (§ 18).

§ 4. Les fruits secs, les dattes, les figues, raisins, noix, amandes, le henné et les olives payeront également le 10 pour cent, et cela au moment où on les pèsera pour les vendre sur le marché.

Si l'acheteur de ces produits veut les transporter dans une autre ville, il recevra un récépissé constatant que la marchandise a payé les droits, et ce récépissé sera remis au lieu de la vente au moment où l'on pèsera le produit.

Au cas où les produits seront vendus au détail dans les marchés des villes on ne donnera point de récépissé.

§ 5. L'huile payera également un droit de 10 pour cent; elle sera estimée soit sur l'arbre, soit au moment où les olives seront dans le pressoir.

#### II.—Animaux Domestiques.

§ 6. Les chameaux, le gros bétail, les moutons et les chèvres payeront  $2\frac{1}{2}$  pour cent par an, et cela au mois de Juin à l'Ansara.

Pour les chameaux l'impôt est fixé sur une évaluation de 40 piastres d'Espagne par tête, à  $2\frac{1}{2}$  pour cent; ce qui fait une piastre par an et par tête.

La valeur du gros bétail, l'un dans l'autre, a été fixée à 15 piastres, c'est-à-dire, par an et par tête un impôt de 7 réaux de vellon et demi; en calculant à raison de  $2\frac{1}{2}$  pour cent.

Les moutons et les chèvres sont estimés, les uns dans les autres, à 2 piastres par tête; ce qui fait par an et par tête un impôt d'un réal de vellon.

Les animaux au pied (qui tettent) sont exempts d'impôt.

§ 7. Sa Majesté le Sultan n'a fait évaluer les animaux à un taux aussi bas qu'en raison de la gêne actuelle; mais si leur valeur augmentait, ainsi qu'il est facile dès à présent de le prévoir, Sa Majesté provoquerait une nouvelle réunion des Représentants étrangers pour faire au Règlement les changements nécessaires, d'après les prix du temps.

§ 8. Les chameaux, le gros bétail, les moutons, et les chèvres payeront en plus un autre droit, quand on les vendra, soit pour l'abattoir, soit pour l'élevage.

On payera à la vente par tête: pour les chameaux 5 pour cent;  $2\frac{1}{2}$  pour cent seront payés par le vendeur et autant par l'acheteur; pour le gros bétail, 4 réaux de vellon, et pour le petit bétail, un  $\frac{1}{4}$  de réal de vellon.

Ceux qui auront acheté ces animaux pour l'élevage payeront en sus chaque année l'impôt déjà fixé.

Ceux qui les abattront payeront pour la peau, lors de la vente, le même droit qu'on paye aujourd'hui dans chaque localité.

§ 9. Pour les chevaux, mules, et ânes on payera, lors de la vente, 5 pour cent sur leur valeur— $2\frac{1}{2}$  le vendeur et  $2\frac{1}{2}$  l'acheteur.

### III.—*Droit des Portes.*

§ 10. Pour les marchandises expédiées d'une ville à une autre il ne sera fait qu'un seul paiement, à la sortie de la ville de départ.

§ 11. Celui qui aura payé le droit recevra un récépissé, qu'il aura à remettre à la porte de la ville de destination; à son passage par les villes de la route, il n'aura plus rien à payer, mais il sera tenu d'exhiber le récépissé à toute réquisition de l'autorité compétente. Le récépissé indiquera le nombre des animaux chargés et la somme versée; il servira de preuve que le droit a été acquitté.

§ 12. On payera—

				Réaux de vellon.
Par charge de chameau	..	..	..	6
„ de cheval ou de mule	..	..	..	4
„ d'âne	..	..	..	2

§ 13. Les marchandises ou produits de la campagne payeront, en entrant en ville—



				Réaux de vellon.
Par charge de chameau	..	..	..	4
„ de cheval ou de mule	..	..	..	2
„ d'âne	..	..	..	1

§ 14. Pour les céréales, quelles qu'elles soient, pour le jonc, le bois et le carbon, on payera—

				Réaux de vellon.
Par charge de chameau	..	..	..	2
„ de cheval ou de mule	..	..	..	1
„ d'âne	..	..	..	$\frac{1}{2}$

§ 15. L'alfa, la feuille de palmier nain, les fruits frais ou les légumes, quels qu'ils soient, payeront—

				Réaux de vellon.
Par charge de chameau	..	..	..	$\frac{2}{3}$
„ de cheval ou de mule	..	..	..	$\frac{1}{3}$
„ d'âne	..	..	..	$\frac{1}{3}$

§ 16. La paille, l'herbe, et les racines de palmier pour les fours des villes ne payeront aucun droit.

§ 17. La taxe des portes ne pourra être augmentée sans un nouvel accord entre le Ministre des Affaires Étrangères du Sultan et les Représentants des autres Puissances Signataires de la Convention de Madrid (Article XIII de la Convention).

#### IV.—Coopération des Consuls.

§ 18. Les étrangers et les protégés propriétaires ou locataires de terrains cultivés, ainsi que les censeux adonnés à l'agriculture, recevront chaque année de l'Amil chargé par le Sultan de l'évaluation des dîmes sur les céréales, et au moment même de cette évaluation, une note spécifiant le montant de ce qu'ils auront à payer en nature ou en argent, conformément à l'Article III.

Le contribuable remettra cette note sans délai à son Consul. Si la dîme est à remettre en nature la perception aura lieu sur l'aire même; si c'est en argent le contribuable payera la somme par l'intermédiaire de son Consul. Dans l'un ou l'autre cas, si le contribuable croit qu'il y a surcharge il fera sa réclamation, en remettant la note de l'Amil au Consul, lequel de son côté en préviendra, sans retard, l'Amil de l'endroit chargé de la perception, pour qu'il puisse faire surveiller l'aire où les céréales se trouvent.

Le salaire du surveillant sera de 4 réaux vellon par jour, jusqu'à la fin du dégrainage. Le dégrainage terminé on mesurera en présence de témoins la quantité du produit.

Si le résultat est conforme à l'évaluation de l'Amil, le contribuable payera la dîme et le salaire du surveillant; mais si le résultat est inférieur à l'évaluation, le contribuable payera la dîme d'après le résultat de l'opération, et le salaire du surveillant sera à la charge du Gouvernement.

Il est pourtant admis que dans l'évaluation il puisse avoir une erreur de 5 pour cent, en plus ou en moins, de sorte que, si la quantité, trouvée lors du mesurage, reste de 5 pour cent en

dessous de l'évaluation ou bien la surpasse de 5 pour cent, le contribuable n'en payera pas moins la somme ou la quantité fixée par l'Amil ; mais si la différence est plus grande que le 5 pour cent il payera la dîme selon le résultat du mesurage.

§ 19. Les étrangers et les protégés propriétaires ou locataires de terrains cultivés et les censaux adonnés à l'agriculture, ainsi que les propriétaires de bêtes de somme employées au transport de marchandises et de produits, remettront chaque année, au mois de Juin, avant la fête de l'Ansarah, à leur Consul, la note exacte des animaux domestiques qu'ils possèdent, en acquittant par son entremise le montant de l'impôt ; celui qui fera une fausse déclaration payera, à titre d'amende, le double de l'impôt qu'il aurait dû régulièrement verser pour les animaux non déclarés. En cas de récidive cette amende sera doublée (Article XII de la Convention de Madrid).

§ 20. Lors du versement des impôts dus par les étrangers, protégés, &c., par l'entremise de leurs Consuls entre les mains de l'Amil de l'endroit, aux époques désignées ci-dessus (Articles 18 et 19), les Consuls et les Amils emploieront des registres à souche, conformes aux modèles ci-annexés.

§ 21. Si les étrangers, protégés, &c., ne remettaient point à leurs Consuls la dîme sur les produits du sol et sur les animaux domestiques, sujets à l'impôt, aux époques fixées par les §§ 3 et 6, et que des mesures de contrainte devinssent nécessaires, ces dernières auront lieu avec le concours d'un Délégué du Consulat.

Les Consuls sont tenus de nommer ces Délégués sans retard et de les mettre à la disposition de l'Amil.

§ 22. Si deux ou plusieurs sujets ou protégés étrangers de différentes nationalités, associés pour une entreprise agricole ou pour l'élevé du bétail, refusent de payer les impôts ou les amendes fixés par la Convention de Madrid, chacun des Consuls respectifs aura le droit de nommer un Délégué qui sera présent à la contrainte.

§ 23. Si pour payer l'impôt, les amendes et les frais de procédure, on était obligé de faire vendre d'office, soit les propriétés, soit tout ou partie du bétail du dit sujet protégé étranger, cette opération aurait lieu aux enchères publiques par l'intermédiaire de l'autorité locale avec le concours des Délégués Consulaires respectifs.

Le bétail sera vendu par le crieur public au marché le plus proche. On prélèvera sur la vente la somme nécessaire pour frais de déplacement et de nourriture des Délégués du Gouvernement et des Consuls. Ces frais seront fixés par le Consul, d'accord avec l'Amil, mais ils ne dépasseront pas la somme de 25 réaux vellon par jour.

§ 24. Dans le cas où des cultivateurs, sujets ou protégés étrangers, par suite de disettes ou d'épizooties ou de malheurs extraordinaires, se verraient dans l'impossibilité de payer leurs

impôts, Sa Majesté Chérifienne leur accorderait les mêmes facilités qu'à ses propres sujets.

§ 25. La coopération des Consuls est sans frais; ils ne percevront pas non plus le droit de dépôt établi par les Tarifs Consulaires.

§ 26. Tout officier Consulaire engagé dans l'agriculture sera tenu de faire parvenir au Chef de Mission à Tanger une note des animaux qu'il possède et des taxes qu'il aura payées, aussitôt après avoir acquitté ces taxes. En cas de contestation, il en sera référé à l'autorité compétente à Tanger.

§ 27. En cas de contestation entre le Gouvernement Marocain et un Représentant étranger au sujet du payement des taxes ou de l'application du Règlement qui précède, la question sera résolue de commun accord entre le Ministre des Affaires Étrangères du Sultan et les Représentants des Puissances Signataires de la Convention de Madrid.

MOHAMED BARGACHE.

TH. WEBER.

ERNEST DALUIN, *représentant la Belgique, et la Suède et la Norvège.*

JOSÉ DIOSDADO Y CASTILLO.

F. A. MATHEWS.

M. DE VERNOUILLET.

J. H. DRUMMOND HAY, *représentant l'Autriche-Hongrie, Danemark, Grande Bretagne, et les Pays-Bas.*

ET. SCOVIASSO.

JOSÉ DANIEL COLAÇO, *représentant le Portugal et le Brésil.*

*Article Additionnel.*

En ce qui concerne le maïs, l'aldourah, et autres grains qui ne se récoltent, dans le nord, qu'après la fin d'Août, le Gouvernement Marocain accordera un délai, pouvant s'étendre jusqu'au 15 Octobre, pour en payer la dîme.

MOHAMED BARGACHE.

29 Rabea 2, 1298.

TH. WEBER.

ERNEST DALUIN.

JOSÉ DIOSDADO Y CASTILLO.

F. A. MATHEWS.

M. DE VERNOUILLET.

J. H. DRUMMOND HAY.

ETIEN. SCOVIASSO.

JOSÉ DANIEL COLAÇO.

Tanger, le 30 Mars, 1881.

Modèle (A).—*Livre à Souche des Consuls.*

<i>Observations.</i>	<i>Souche No. 2.</i>	<i>Souche No. 3.</i>
<p><i>Tulou.</i></p> <p>No. d'ordre Le nommé ou protégé présenté aujourd'hui à ma chancellerie, et m'ayant déclaré avoir à payer l'impôt pour (nombre des animaux et désigna- tion des espèces), impôt s'élevant à la somme totale de Je fais accompagner par le Gouverneur de (nom de la ville) par le soldat (nom du soldat), pour qu'il verse entre les mains du Gouverneur la somme ci-dessus énoncée.</p> <p>Après réception du reçu du Gouverneur, j'ai remis au dit sieur quit- tance de la somme versée par mon Bata</p>	<p>No. d'ordre Je soussigné, Consul ou Vice- Consul de le Sieur protégé aujourd'hui (la date) entre les mains du Gouverneur de même totale (nombre de bétail déclaré). Le présent certificat lui a été dé- livré pour faire foi devant les auto- rités compétentes.</p> <p>Le Consul, (L.S.)</p> <p><i>Nota.</i>—La présente souche devrait être imprimée en Arabe avec la traduction en langue Européenne au verso.</p>	<p>No. d'ordre Le nommé ou protégé présenté aujourd'hui à ma chancellerie et m'a déclaré avoir l'impôt sur (nombre des animaux) s'élevant à la somme totale de Je fais accompagner par le soldat (nom du soldat) afin qu'il verse entre vos mains la somme ci-dessus énoncée, pour laquelle je vous prie de remettre à mon soldat le reçu d'usage</p> <p>Le Consul, (L.S.)</p> <p><i>Nota.</i>—Bien entendu cette souche devrait être imprimée en Arabe.</p>

Modèle (B).—*Livre à Souche des Consuls.*

<i>Observations.</i>	<i>Tulou.</i>	<i>Observations.</i>
<p>No. d'ordre Je soussigné, Gouverneur de (le nom de la ville), dé- clare avoir reçu par l'entremise du Consul de (la na- tionalité du Consul) la somme de entre mes mains par le sujet ou protégé représentant l'impôt sur (le nombre d'animaux taxés). La date Arabe et Européenne. Cachet et signature du Gouverneur.</p>	<p>No. d'ordre Le nommé ou protégé (la na- tionalité) s'est présenté aujourd'hui devant moi, accom- pagné par le soldat (nom du soldat), et m'ayant déclaré avoir à payer l'impôt sur (nombre et espèce du bétail ou des animaux), j'ai perçu de lui la somme de dont j'ai r. mis aussitôt quittance au Consul de</p>	<p>No. d'ordre Le nommé ou protégé présenté aujourd'hui à ma chancellerie et m'a déclaré avoir l'impôt sur (nombre des animaux) s'élevant à la somme totale de Je fais accompagner par le soldat (nom du soldat) afin qu'il verse entre vos mains la somme ci-dessus énoncée, pour laquelle je vous prie de remettre à mon soldat le reçu d'usage</p> <p>Le Consul, (L.S.)</p> <p><i>Nota.</i>—Bien entendu cette souche devrait être imprimée en Arabe.</p>

## NETHERLANDS.

LAW of the Netherlands, for the Abolition of Slavery in the Colony of Surinam. Wiesbaden, August 8, 1862.

(Translation.)

WE, William III, by the grace of God King of the Netherlands, Prince of Orange-Nassau, Grand Duke of Luxemburg, &c., to all who shall see these presents or hear them read, greeting; notice is hereby given that:

Whereas we have taken into consideration that the well-understood interest of the Colony of Surinam requires the abolition of slavery;

And we wish also to provide the means for maintaining and extending agriculture and industry in that Colony;

So we, with the advice of the Council of State and joint concurrence of the States-General, have thought fit to enact, as we hereby do enact:

CHAPTER I.—*General Provisions.*

ART. 1. Slavery shall be abolished in the Colony of Surinam on the 1st of July, 1863.

2. Compensation shall be allowed to the owners of slaves on account of the abolition of slavery.

3. Those who are made free in virtue of Article 1 shall remain under the special care of the State for the term of 10 years at most from the 1st of July, 1863.

4. The free colonization of Surinam shall be encouraged by the State.

Premiums will be offered by the State for the introduction of free labourers into Surinam during five years at most after the promulgation of this Law.

The total amount of those premiums shall not be more than 1,000,000 florins.

The conditions necessary to be observed for claiming payment of those premiums will be fixed by us, and the supervision of the Government in conducting the immigration will be arranged by us.

CHAPTER II.—*The Compensation.*

5. Within 30 days after the promulgation of this Law in the Colony of Surinam, all owners of slaves or their agents shall deliver to the Government Secretary a schedule in duplicate, stating: The names of the plantations to which the slaves belong; the names and residences of the owners or their agents; the name, sex, age, occupation or calling, and religion

of the slaves belonging to them, mentioning those who have acquired the right to manumission, as well as those who have been ranged by the competent Commission among such as are suspected to be infectious from leprosy and elephantiasis. A voucher for the delivery of the said schedule will be given to the person who delivers it.

6. If the owners or their agents neglect to deliver the schedule mentioned in Article 5, within the term specified, it will be made out on behalf of the Government, and the cost thereof will be charged to the defaulters.

7. The schedules mentioned in the two foregoing Articles will within a short term, to be fixed by the Governor of Surinam, be compared on behalf of the Government of the slaves who are present, as far as necessary, with the registers.

8. The compensation for slaves, whether they belong to plantations and estates, or are acknowledged as private slaves, and without distinction as to age or sex, will be fixed at 300 florins per head; for such as have acquired the right to manumission at 60 florins per head.

9. For the compensation no account is taken of slaves who by reason of infection are or may be expelled from the community. With regard to those who, according to the rules of the publication of the 7th September, 1830, are, or on occasion of the verification mentioned in Article 7 may be afterwards, declared to be liable to suspicion as infected with a disease thereby indicated, the decision respecting the grant of indemnity will be suspended. The compensation will not be granted if the sufferer be not declared healthy within a year after the promulgation of this Law in the Colony of Surinam, by the Commission mentioned in Article 9 of the aforesaid publication;

(b.) Slaves who have run away or are missing for more than a month before the day of verification mentioned in Article 7;

(c.) Slaves sentenced to forced labour, whose period of punishment has not ended within four years from the 1st of July, 1863;

(d.) Children who have been born of female slaves after the promulgation of this Law in Surinam.

10. The compensation includes not only the person of the slave, but also his clothes, small animals and birds, and all movable goods, which according to colonial custom are considered as belonging to him separately.

These goods will be his property.

11. In concurrence with the declaratory schedules, verified according to Article 7, a statement of the compensation to be granted is to be made out, which during 30 days after the expiration of the period mentioned in the aforesaid Article is to

be deposited with the Government Secretary for the inspection of those concerned.

12. If the owners or their agents should not be able to agree to the statement, they will be at liberty, within 14 days from the term fixed in the preceding Article, to send in an answer to the Government Secretary through his attendant, mentioning the grounds of complaint.

13. Within 14 days of sending in the answer it is to be brought by summons, or it will be disregarded, before the next sitting of the Court of the Colony of Surinam.

On the day of the hearing, the matter is to be discussed verbally on both sides without the assistance of lawyers, and without written decisions.

The Court will pass sentence very soon after, unless a further inquiry be ordered, for which the time must be fixed.

The sentence is not subject to appeal to a higher authority.

14. The compensation mentioned in Article 8 will be paid to the owner or his agent within three months after the abolition of slavery.

The payment will be made in florins by bills of exchange drawn by the Governor on the Colonial Minister, and payable one month after sight at the Netherlands Bank, Amsterdam, or if required, and the Governor is of opinion that the Colonial Treasury has sufficient funds at Paramaribo, in lawful money.

15. In case of disputes about the ownership of slaves, or if third persons claim the amount of the indemnity or a part thereof, the payment of the whole will be deferred until the parties agree, or the dispute is settled by final award.

16. The right to the compensation fixed in virtue of this Law will be forfeited in regard to the sums which are not demanded within four years after the abolition of slavery.

17. The statements, declarations, receipts, and other administrative documents which are required in consequence of the provisions in this Law are not liable to stamp duty.

### CHAPTER III.—*Of the Special Supervision by the State.*

18. The special supervision of the freedmen by the State will be entrusted to paid officers, whose sphere of operation and authority will be regulated by general ordinance.

The officers must have nothing to do with the management of plantations, nor any pecuniary interests in undertakings in Surinam.

19. The State supervision is intended for the protection of those who are made free by this Law and to promote their domestic and social life:—

By the prevention of idleness, and regulating the liability to labour;

By the encouragement of scholastic and religious instruction ;

By prescribing the means for the relief of the indigent and the tendance of the sick ;

And, in general, by adopting measures that are necessary for the interests of the freedmen and of public order.

20. The Governor of Surinam is authorized to release from State supervision those who distinguish themselves by good behaviour and industry.

#### CHAPTER IV.—*Of the Freedmen.*

21. The slaves who are to be made free are to adopt a family name, under which they will be inscribed as far as possible, in families, in the registers prepared for the purpose.

A voucher of the inscription will be delivered, stating the number of the inscription, the name and surname, and the date of birth or presumed age.

The Governor of the Colony will take care that the inscription be made at the abolition of slavery.

22. The ordinary civil and criminal law is applicable to the freedmen, with such exceptions as the State supervision necessarily makes while they are under it.

23. The freedmen will be considered as inhabitants of the Colony.

They will not come into full enjoyment of civil rights until the abolition of the State supervision, and on fulfilment of the provisions on that behalf.

24. All who are under the special State supervision are liable to fixed labour in accordance with the following provisions :—

(A.) For those who are settled on plantations or estates, or have usually worked thereon :—

§ 1. That all who are of the age of from 15 years inclusive to 60 years inclusive are bound to enter into engagements with planters or agricultural contractors, at their choice, for plantation work ;

§ 2. That such engagements shall be entered into in presence of the officer mentioned in Article 18, and according to the regulations to be established on that behalf, for not less than one nor more than three years ;

§ 3. That the Governor shall be authorized, in so far as he may consider it necessary during the first two years of the operation of this Law, to limit the choice of the freedmen in entering into engagements to the district in which they are settled on the 1st of July, 1863 ;

§ 4. That those who shall not have entered into engagements within three months from the abolition of slavery will be



set to work by the Administration on Government plantations, or in operations of general utility ;

§ 5. That those who are more than 60 years of age will remain with the families to which they belong, the same as children under 15, who in any case will follow their mothers ;

§ 6. That the old people and children mentioned in the foregoing paragraph will be bound, according to their strength and ability, to give their services, at settled wages, to the tenant or planter with whom the head of the family or the mother of the children shall have made the engagement.

(B). For those who are not settled on plantations or estates, or who have not usually worked thereon :—

§ 1. That they, the same as those who have been plantation slaves, who are of the age of from 15 years inclusive to 60 years inclusive, are bound to enter into engagements for work or service with persons of their choice ;

§ 2. That such engagements shall be entered into in presence of the officer mentioned in Article 18, and according to the regulations to be established in that behalf, for not less than three months and not more than a year for work or service in the town ; if they engage themselves for plantation work, the provisions of §§ 2, 5, and 6 of the sub-section (A) will be applicable to them ;

§ 3. That to those who are able to show to the satisfaction of the said officer that they can follow any handicraft, trade, or calling, to provide for their own wants and those of their family, a licence shall be granted on payment of the licence-duty levied by the general colonial regulations on the pursuit of any handicraft, trade, or calling, and this licence shall be renewed in writing every year ;

§ 4. That those who have not entered into any engagements within three months from the abolition of slavery, and those who, in virtue of their licence to provide for themselves, do not follow some handicraft, trade, or calling, shall be set to work by the Administration on the Government plantations, according to their strength and habits, or be employed in operations of general utility ;

§ 5. That those who are more than 60 years of age and children of from 12 to 15 years, shall do light work in proportion to their strength and ability ;

§ 6. That children up to and including 12 years of age shall not be separated from their mothers, whilst children of from 12 to 15 years of age may work apart from their mothers.

#### CHAPTER V.—*General Provisions.*

25. Religious service and education will be encouraged by the State and supported as far as possible.

26. The possession and wearing of arms by the field and

plantation labourers under Government supervision, and those who are to be introduced under this Law, can only be allowed in special circumstances.

27. With the exception of penal servitude all work on the Government plantations and in operations of general utility will be paid for; the wages as well as the work itself will be regulated by Government tariff.

The rates of the said tariff will also apply to plantation work for other persons, in case no different conditions have been made by agreement.

A working day is reckoned at eight hours' labour in the field and 10 hours' labour in buildings; and the working year at 300 working days.

28. If volunteers cannot be obtained for military and other transports for the public service or for works of general utility, at reasonable wages, the Administration is authorized to call for all those under Government supervision who are from 15 to 60 years of age, as well as all other field and plantation labourers.

29. Idleness and vagrancy will be liable to punishment under the existing regulations, and those that may be enacted.

30. The owners will be bound, for at most three months from the abolition of slavery, to afford lodging for those who were their slaves, and have not been able to provide it for themselves. They may, however, escape this liability by paying the costs of lodging elsewhere to the satisfaction of the officer who is entrusted with the supervision.

On the other hand the freedmen will be bound to do at least four days' work a week for those with whom they live.

31. Setting to work or lodging those who are under Government supervision, without a lawful engagement, will be liable to fine, recoverable by imprisonment, according to the regulations which are to be made.

32. Care will be taken by the Administration that those who are sick while under Government superintendence shall have medical help and care; on the plantations, by issuing ordinances for regulating the liability of the tenants to provide proper places for the sick and the necessary medical treatment; and elsewhere, by establishing hospitals where necessary.

Those who are excluded from the community in virtue of existing regulations, on account of infectious diseases, will be permanently attended in establishments appointed for the purpose, at the cost of the colonies.

33. Those who employ people under State supervision are bound to provide proper dwellings for them and their families, and also to grant them the necessary ground to raise food for their own use; all in accordance with regulations to be made.

34. The freedmen who are not set to work on plantations provide themselves with lodging and medical attendance on

their own account, both for themselves and their family, unless otherwise settled in the agreement for work or service.

35. The Administration undertakes, as far as necessary, to look after the lodging and maintenance of unprovided and other indigent persons.

To meet the outlay required for this, the freedmen who enter into engagements within the term, all field and plantation labourers, and those who have licences according to Article 24 (B), § 3, will be liable to a tax of 3 florins for men and 1.50 florin for women.

This taxation is to be paid into the Treasury of the country by the farmers at the beginning of the year, and in the course of the year will be stopped by them from the wages of the labourers; by those who have licences and other independent persons, it is to be paid on delivery of the voucher mentioned in the aforesaid § 3.

36. The penalties for not fulfilling the engagements are:—

For the farmers, fines to be enforced by imprisonment, with or without cancelling the engagement; in the first case with compensation if there be grounds;

For the labourers,—

(a.) Fines, and if not paid reduction of wages;

(b.) Penal servitude on the public works.

All in conformity with the regulations to be made, which will point out the competent Magistrates and the manner of proceeding.

37. The Governor of Surinam retains the faculty of conducting the government of the Colony of Surinam in extraordinary circumstances, as conferred upon him by Royal Decree of 9th August, 1832, No. 89.

38. Expenses occasioned by this Law are not to be incurred unless the sums required are granted by law.

39. Every year, beginning from 1863, our Minister for the Colonies is to send in a report to the States-General respecting the execution of this Law.

We direct and command that these presents be inserted in the State Journal, and that all Ministerial Departments, authorities, boards, and officers concerned therein shall attend to the exact fulfilment thereof.

Wiesbaden, August 8, 1862.

WILLIAM.

G. H. UHLENBECK, *Minister of the Colonies.*

*LAW of the Netherlands, for the Abolition of Slavery in the Island of Curaçao and Dependencies. Wiesbaden, August 8, 1862.*

(Translation.)

WE, William III, by the grace of God King of the Netherlands, Prince of Orange-Nassau, Grand Duke of Luxemburg, &c., to all who shall read this or hear it read, greeting, take notice :

Whereas we have taken into consideration that the well-understood interest of the Colony of Curaçao and Dependencies requires the abolition of slavery, so we, with the advice of the Council of State, and with joint concurrence of the States-General, have thought fit to enact, and hereby do enact, as follows:—

#### CHAPTER I.—*General Principles.*

ART. 1. Slavery in the Colony of Curaçao and Dependencies, Bonaire, Aruba, St. Eustace, Saba, and St. Martin (Dutch part), shall be abolished on the 1st of July, 1863.

2. Compensation shall be allowed to the owners of slaves on account of the abolition of slavery.

#### CHAPTER II.—*The Compensation.*

3. Within 30 days from the promulgation of this Law in each of the islands, the owners of slaves or their agents shall deliver to the Colonial Secretary in Curaçao, and in the other islands to the Administrator, a schedule in duplicate, stating:—

The names of the plantations to which the slaves belong;

The names of the residences of the owners or their agents;

The names, sex, age, occupation or calling, and religion of the slaves belonging to them, with a statement of those who have acquired the right to manumission.

A voucher for the delivery of this schedule will be given to him who delivers it.

4. If the owners or their agents neglect to send in the schedule mentioned in Article 3, it will be made out on behalf of the Government, and the costs thereby incurred will be charged to the account of the defaulters.

5. The schedules mentioned in the two preceding Articles will within a short term, to be fixed by the Governor in Curaçao, and by the Administrators in the other islands, be compared on behalf of the Government with the slaves who are present, and, so far as is necessary, with the registers.

6. The compensation for the slaves, without distinction of age or sex, will be fixed as follows:—

(a.) For those in Curaçao, Bonaire, Aruba, St. Eustace, and Saba, 200 florins each;

(b.) For those in St. Martin, 30 florins ;

(c.) For those who have acquired right to manumission :—

For those under (a), 50 florins ;

For those under (b), nothing.

7. Compensation will not be given for—

(a.) Slaves who are excluded from the community on account of infection. With regard to those who, by decision of a Commission of three physicians to be nominated by the Governor, have been declared as suspected of the diseases of leprosy and elephantiasis, the award of a compensation will be suspended, and will not be granted unless the sufferers be declared healthy by the Commission within the year from the promulgation of this Law in the various islands ;

(b.) Slaves who have run away, or been missing for more than a month before the day of the verification mentioned in Article 5.

(c.) Slaves condemned to penal servitude, whose term of punishment has not expired within four years after the 1st July, 1863.

(d.) Children born of female slaves after the promulgation of this Law in the various islands.

8. The compensation extends, not only to the person of the slave, but also to his clothes, small animals and birds, which, according to colonial custom, are considered to belong to him separately. These goods will be his property.

9. In conformity with the schedules verified according to Article 5, a statement of the compensation to be granted will be made out, and, during 30 days from the expiration of the term mentioned in the aforesaid Article, will be deposited at the Colonial Secretary's office in Curaçao, and in the other islands at the Administrator's office, for the inspection of those concerned.

10. If the owners or their agents cannot agree with the statement, they will be at liberty, within 14 days from the term fixed in the foregoing Article, to send in an answer through the Assistant at the Colonial Secretary's office in Curaçao, and at the Administrator's office in the other islands, stating the ground of complaint.

11. Within 14 days from sending the answer, or it will not be attended to, the sender must bring it by summons before the respective Court at its next sitting—for Curaçao, Bonaire, and Aruba, before the Court in the first-mentioned island; for St. Eustace and Saba, before the Court in St. Eustace; and for St. Martin before the Court there.

At the time of hearing, the case is to be discussed verbally on both sides without the assistance of lawyers and without written decision.

The Court will pass sentence as soon as possible, unless a

further examination be ordered, for which the time must be fixed. The sentence of the Court will not be liable to appeal.

12. The compensation mentioned in Article 6 will be paid to the owner or his agent in each of the respective islands within three months from the abolition of slavery.

The payment will be made in bills of exchange for florins, drawn by the Governor of Curaçao and dependencies for Curaçao, Bonaire, and Aruba, by the Administrator of St. Eustace for that Island, and for Saba and for St. Martin by the Administrator there, on the Colonial Minister, and payable a month after sight at the Netherlands Bank, Amsterdam, or, if so required and in the opinion of the aforesaid Governor and Administrators the Treasury is competent, in each of the islands in lawful currency.

13. In the case of disputes concerning the ownership of slaves, or if third persons claim the amount of the compensation or a part thereof, the payment of the whole will be withheld until the parties agree or the dispute is settled by final award.

14. The right to the compensation granted in virtue of this Law will be forfeited in regard to the sums not demanded within four years from the abolition of slavery.

15. The statements, declarations, and other administrative documents required in consequence of the provisions of this Law are not liable to stamp duty.

#### CHAPTER III.—*Of the Freedmen.*

16. The slaves who are to be made free will take a family name under which they will be entered by families, as far as possible, in the registers for the purpose.

A voucher of the registration will be given, stating the number of the entry, the name and surname, and the date of birth or presumed age. The Governor in Curaçao and the Administrators in the other islands will take care that the registration be effected at the time of the abolition of slavery.

17. The ordinary civil and criminal law is applicable to the freedmen.

18. The freedmen will be considered as inhabitants of the Colony. They will enjoy the special protection of the Administration.

#### CHAPTER IV.—*General Provisions.*

19. Religious service and school instruction will be encouraged, and, as far as possible, supported by the State.

20. Freedmen will not be allowed to possess and wear arms except under special circumstances.

21. Idleness and vagrancy will be liable to punishment according to general regulations to be established.

22. The owners will still have to afford lodgings for those who have been their slaves and have been unable to provide them for themselves for three months after the abolition of slavery; but the farmers can escape this liability by paying the cost of lodging elsewhere, to the satisfaction of the Administration.

On the other hand the freedmen are bound to do at least four days' work a week for those with whom they live.

23. The Administration undertakes, as far as necessary, the lodging and maintenance of unprovided and other indigent persons.

24. The Governor of Curaçao retains in pressing circumstances the right conferred upon him in Article 63 of the Regulations for conducting the government of the Colony of Curaçao and Dependencies, confirmed by Royal Decree of 27th January, 1848, No. 51.

25. Expenditure required by this Law is not to be incurred unless the money for it has been granted by law.

26. Within a year, reckoned from the 31st of July, 1863, our Minister for the Colonies will send in a report to the States-General on the execution of the present Law.

We direct and command that this be inserted in the State Journal, and that all Ministerial Departments, authorities, boards, and officers whom it concerns shall look to the exact fulfilment thereof.

Wiesbaden, August 8, 1862.

WILLIAM.

G. H. UHLENBECK, *Minister of the Colonies.*

AGREEMENT *between the Governors of the British and Dutch Settlements on the Gold Coast, for the Surrender of Criminals, Deserters, Debtors, and Runaway Slaves.* Cape Coast Castle  
St. George's & Elmina, August 28, 1862.

(English Agreement.)

LEAGUE *between the English and Dutch Governments.*

WHEREAS the league and friendship existing between the Dutch and English Governments on the Gold Coast in Western Africa should be promoted as much as possible :

Whereas every obstacle to the continuance of that league and friendship would be detrimental to public and private interests, and ought by all means to be removed: And whereas the harbouring or keeping of malefactors wittingly in the territory under the protection of either flag causes unnecessary

trouble and perplexity to the administration of the law, opens the door to crime, and places in peril the good feeling and amity which should distinguish both Governments: Now, therefore, I, having maturely and diligently considered these matters, have agreed on the following Articles:—

ART. I. That thieves, murderers, deserters, and all criminals shall be given up to the authorities within whose limits the offence has been committed.

II. That debtors should be given up to the authorities within whose jurisdiction the Decree has been granted, even if they are English or Dutch subjects.

III. That criminal slaves or pawns who have run away shall be given up; that slaves or pawns who have run away and who are not the persons who contracted the debt, but who have been pawned by the actual debtors, shall not be given up, but that slaves or pawns who should have actually contracted the debt shall be given up.

IV. That the above Articles shall only be applied to the natives.

V. That either of the Contracting Parties, after having given one month's notice of his intentions, shall be allowed to break this Agreement.

In witness whereof, I, the Undersigned, Acting Governor of Her Britannic Majesty's Forts and Settlements on the Gold Coast, have, in my own name, signed the present Agreement, and set thereto the seal of my coat-of-arms; and his Excellency the Governor of His Netherlands Majesty's Possessions has subscribed another instrument of the same tenor as this.

Done at Cape Coast Castle, the 28th day of August, 1862.

(L.S.) W. A. ROSS, *Acting Governor.*

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(Dutch Agreement.)

*LEAGUE between the Dutch and English Governments.*

WHEREAS the league and friendship existing between the English and Dutch Governments on the Gold Coast in Western Africa should be promoted as much as possible:

Whereas every obstacle to the continuance of that league and friendship would be detrimental to public and private interests, and ought by all proper means to be removed:

And whereas the harbouring or keeping of malefactors wittingly in the territory under the protection of either flag causes unnecessary trouble and perplexity to the administration of the law, opens the door to crime, and places in peril the good feeling and amity which should distinguish both Governments:

Now, therefore, I, having maturely and diligently considered these matters, have agreed on the following Articles:—



ART. I. That thieves, murderers, deserters, and all criminals shall be given up to the authorities within whose limits the offence has been committed.

II. That debtors shall be given up to the authorities within whose jurisdiction the Decree has been granted, even if they are English or Dutch subjects.

III. That criminal slaves or pawns who have run away shall be given up; that slaves or pawns who have run away, and who are not the persons who contracted the debt, but have been pawned by the actual debtors, shall not be given up, but that slaves or pawns who should have actually contracted the debt shall be given up.

IV. That the above Articles shall only be applied to the natives.

V. That either of the Contracting Parties, after having given one month's notice of his intention, shall be allowed to break his agreement.

In witness whereof, I, the Undersigned, Lieutenant-Colonel, Governor, and Commander-in-chief of His Netherlands Majesty's Possessions on the Gold Coast, have, in my own name, signed the present Agreement, and set thereto the seal of my coat-of-arms; and his Excellency the Acting Governor of Her Britannic Majesty's Forts and Settlements on the Gold Coast has subscribed another instrument of the same tenor as this.

Done at St. George d'Elmina, the 28th day of August, 1862.

(L.S.) C. J. M. NAGTGLAS, *Governor.*

**ARRANGEMENT** *between the Money Order Department of India and the Post Office of the Netherlands for the Exchange of Money Orders. Signed at The Hague, June 3, 1875; and at London, June 17, 1875.\**

In order to establish an exchange of money orders between India and the Netherlands, the Undersigned, duly authorized for that purpose, have, subject to ratification, agreed upon the following Articles:—

[The wording of this Arrangement is similar to that between India and Germany of the <sup>1st</sup> ~~2nd~~ January, 1875 (Page 195), with the following exceptions.]

ART. 1. There shall be a regular exchange of money orders between India and the Netherlands by means of the weekly mail service *viâ* Brindisi.

2. The money order business between the two countries shall be performed exclusively through offices of exchange

\* Signed also in the Dutch language.

communicating with each other by means of lists, as explained more particularly below, the money orders being made out and forwarded to the payees by the office of exchange of the country in which the orders are payable.

The offices of exchange shall be, on the side of India, Bombay, and on the side of the Netherlands, the General Money Order Office at The Hague.

13. The two offices of exchange shall communicate to each other by each mail the particulars of money orders issued by means of lists of the annexed Forms marked (A) and (AA), giving all particulars for which provision is made in the forms.

The lists sent from India shall not, however, contain any money orders issued in India under dates relating to two different calendar years. Orders issued in India towards the end of one calendar year, and not reaching the Indian office of exchange until the first month of the following year, shall be entered and communicated to the Netherland office of exchange on separate lists supplementary to the last list of the preceding December. Such supplementary lists shall bear the same date as that of the last list of the preceding December and also the same number; the number, however, being distinguished by the addition of the letter (A) in the case of a first supplement, and (B) in the case of a second supplement. Any orders issued in India reaching Bombay after the dispatch of the second mail of the year following that of issue shall be treated as if belonging to the year of arrival at Bombay, but shall be entered in the list in red ink.

The particulars as to names shall include the surname, and at least the initial of one Christian name, both of the remitter and of the payee, or, in the case of natives of India, the name, tribe or caste, and father's name, or the name of the firm or company who are the remitters or payees.

The address of the payee must be given fully and precisely, as on it depends the determination by the receiving office of exchange of the office where the order shall be made payable.

22. As soon as the Netherland office of exchange shall have received from India acknowledgments of the receipt of all the lists bearing dates in any quarter, these lists, as well as the Indian lists bearing dates in the same quarter shall be made the subject of a quarterly account in the annexed Form (B).

The results of the supplementary lists mentioned in Article 13 shall always be included in the accounts of the quarter in which the amounts were paid in.

25. The account shall be prepared in duplicate, one copy being forwarded to the Indian office of exchange, and the other through the General Post Office, The Hague, to the Financial Secretary, India Office, London, for payment by bill of exchange on The Hague, if the balance be in favour of the Netherlands,

and with payment by bill of exchange on London if the balance be in favour of India.

In the case of payment to the Netherlands, the bill of exchange on The Hague shall be for an amount in Netherland currency equivalent, at the current rate of exchange, to the balance in sterling money stated in the account.

27. For ordinary correspondence effecting the preparation, transmission, or correction of lists, accounts, &c., the offices of exchange shall be the medium; but in matters involving questions other than detail the offices of correspondence shall be the General Post Office, The Hague, on the one hand, and the office of the Controller-General of Accounts, Money Order Department, Calcutta, on the other hand.

29. The present Arrangement shall take effect on the 1st day of September, 1875. It shall then continue in force until one year after the date at which one of the Contracting Parties shall have notified the other of its intention to terminate it.

Executed in duplicate and signed: at The Hague, the 3rd of June, 1875; at London, the 17th of June, 1875,

(L.S.) HOFSTEDE.

(L.S.) A. M. MONTEATH.

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[For Specimens of the following Forms, see Page 198.]

*(Transmitting Letter.)*

To the Controller, Money Order Exchange Office, The Hague;  
or to the Controller, Money Order Office, Bombay.

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(A.) From Bombay to The Hague.

No. , dated , 187 .

List of Money Orders drawn in India upon the Netherlands.

List of Void Money Orders, as well as of Money Orders for Repayment of which to Remitters in the Netherlands authority is hereby given.

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(AA.) From The Hague to Bombay.

No. , dated , 187 .

List of Money Orders drawn in the Netherlands upon India.

List of Void Money Orders, as well as of Money Orders for the Repayment of which to Remitters in India authority is hereby given.

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(B.)

Quarterly Account of Money Order Exchanges between the Netherlands and India,  
prepared by the Netherland Office of Exchange, for the Quarter  
187 .

*AGREEMENT between the British and Netherlands Governments respecting Telegraphic Communication and Correspondence between the two Countries. Signed at The Hague, March 15, 1880.\**

THE Undersigned, Henry Philip Fenton, Esquire, Her Britannic Majesty's Chargé d'Affaires at The Hague, Constant Theodore Baron van Lynden van Sandenburg, His Netherlands Majesty's Minister for Foreign Affairs, and Jonkheer Guillaume Jean Gérard Klerck, His Netherlands Majesty's Minister for Public Works, Commerce, and Industry, duly authorized by their respective Governments, have agreed upon the following Regulations for the conduct of telegraphic correspondence between the two countries in substitution for the Regulations contained in the Agreements of the 19th December, 1870,† and 7th March, 1879:—‡

ART. I. The Agreements of the 19th December, 1870, and 7th March, 1879, shall be and are hereby cancelled, and the following provisions shall take effect as from the 1st April, 1880.

II. The submarine cables between Great Britain and the Netherlands shall continue to be used for international correspondence between or transiting through Great Britain and the Netherlands; and the British Government engages to maintain those cables in good order.

III. The Netherlands Government undertakes to maintain, renew, and pay all expenses necessary for the proper working of the land line which starts from the point where the cables end on the Dutch coast to the telegraph office at Amsterdam, which line, and all materials and instruments belonging to it, shall belong to the Netherlands Government, who shall be empowered to make what further use they may think fit of the line, provided such further use shall in no way affect the working of the wires connected with the cables.

IV. To facilitate the examination and repair of the cables, when necessary, the Netherlands Government shall place at the disposal of the British Government the hut, provided with all necessary instruments and apparatus, situated on the spot where the cables end and the land line commences on the Netherlands coast. The officers charged with the examination and repair of the cables shall arrange with the telegraph officials of the Netherlands Government for the use of the hut in question.

V. The Rules and Regulations of the International Convention of St. Petersburg of the 11<sup>th</sup>/<sub>21<sup>st</sup></sub> July, 1875,§ and of the

\* Signed also in the Dutch language.

† See Vol. 14. Page 1108.

‡ See Vol. 14. Page 1104.

§ See Vol. 14. Page 95.

annexed "Règlement de Service International," as already revised, or as they may be revised by future International Conferences, shall be followed, except so far as they are altered by these provisions.

VI. The Contracting Governments engage to introduce for the submarine telegraph service between the two Kingdoms all recognized improvements in apparatus and instruments.

VII. The charge for ordinary telegrams exchanged either directly or *viâ* Belgium or *viâ* Germany between Great Britain and Ireland and the Netherlands shall be uniformly for each single word:—

3*d.* when the telegram originates in Great Britain or Ireland, and 15 centimes when the telegram originates in the Netherlands.

VIII. The amounts collected shall be divided thus:—

The English Administration shall pay to the Netherlands Administration for each word of an ordinary telegram originating in Great Britain or Ireland 5 centimes, whether the telegram be sent by direct cables or *viâ* Belgium or *viâ* Germany;

The Netherlands Administration shall pay to the English Administration for each word of an ordinary telegram originating in the Netherlands 25 centimes when the telegram is sent by direct cable, and 20 centimes when sent *viâ* Belgium or *viâ* Germany.

The Administration of the office of origin shall account to the Belgian and German Administrations for the transit rate of 5 centimes per word in respect of telegrams sent *viâ* Belgium or *viâ* Germany during any interruption of the direct cables.

The settlement of accounts shall be in francs, and accessory charges, such as those for "Réponse payée," &c., shall be accounted for at 30 centimes per word.

IX. The telegraphic correspondence between Great Britain and Ireland and the Netherlands shall be transmitted through the direct cables whilst in working order, unless specially directed by the sender by any other route.

X. Telegrams exchanged upon the request of the sender by any other than the direct route or *viâ* Belgium or *viâ* Germany shall be charged for in accordance with the International Convention.

No additional charge shall be levied on telegrams which in consequence of interruptions of the direct means of communication are exchanged between Great Britain and Ireland and the Netherlands by the lines of other Administrations than those of Belgium or Germany. The expense of transit by the lines of such other Administration shall be borne by the Administration of the office of origin.

XI. The British Government reserves the right to continue

to lease the cables to the Submarine Telegraph Company, or to any other company or person.

XII. In the case referred to in the preceding Article, the service of the international lines shall be regulated by arrangement between the party or the managing official of the company to whom the lines are leased and the chief of the Netherlands Telegraphic Administration.

The regulation of the accounts shall also take place between the same parties.

XIII. The British Government undertakes to give three months' notice in the event of its intending to lease the cables to any other party or parties.

XIV. The British and Netherlands Governments respectively agree not to accord a concession for the establishment and working of a new line of submarine cable between the two countries, except by mutual consent.

XV. The present Agreement shall remain in force until the 31st December, 1896, and may be cancelled at any time after that period, upon the expiration of 12 months' notice from either Government.

In witness whereof the Undersigned have signed this Agreement, and have affixed thereto the seal of their arms.

Done at The Hague, the 15th day of March, in the year of Our Lord 1880.

(L.S.) H. P. FENTON.

(L.S.) VAN LYNDEN VAN SANDENBURG.

(L.S.) G. J. G. KLERCK.

## NICARAGUA.

*AWARD of the Emperor of Austria, as to the Interpretation to be put on certain Articles of the Treaty between Great Britain and Nicaragua of January 28, 1860 (Mosquito Indians, and Free Port of San Juan del Norte, or Greytown). Vienna, July 2, 1881.*

(Translation.)

WE, Francis Joseph the First, by the grace of God Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary:

Whereas the Government of Her Britannic Majesty and the Government of Nicaragua have consented to submit to our arbitration the question in dispute between them of the inter-

pretation of certain Articles of the Treaty of Managua, signed on the 28th January, 1860,\* and whereas We declared ourselves willing to accept the office of arbitrator in this matter, We have come to the following decision, based on one of the three legal opinions which were drawn up and submitted to us at our request :—

ART. I. The sovereignty of the Republic of Nicaragua, which was recognized by Articles I and II of the Treaty of Managua of the 28th January, 1860, is not full and unlimited with regard to the territory assigned to the Mosquito Indians, but is limited by the self-government conceded to the Mosquito Indians in Article III of this Treaty.

II. The Republic of Nicaragua, as a mark of its sovereignty, is entitled to hoist the flag of the Republic throughout the territory assigned to the Mosquito Indians.

III. The Republic of Nicaragua is entitled to appoint a Commissioner for the protection of its sovereign rights throughout the territory assigned to the Mosquito Indians.

IV. The Mosquito Indians are also to be allowed to hoist their flag henceforward, but they must at the same time attach to it some emblem of the sovereignty of the Republic of Nicaragua.

V. The Republic of Nicaragua is not entitled to grant concessions for the acquisition of natural products in the territory assigned to the Mosquito Indians. That right belongs to the Mosquito Government.

VI. The Republic of Nicaragua is not entitled to regulate the trade of the Mosquito Indians, or to levy duties on goods imported into or exported from the territory reserved to the Mosquito Indians. That right belongs to the Mosquito Indians.

VII. The Republic of Nicaragua is bound to pay over to the Mosquito Indians the arrears of the yearly sums assured to them by Article V of the Treaty of Managua, which arrears now amount to 30,859 dollars 3 cents. For this purpose the sum of 30,859 dollars 3 cents, deposited in the Bank of England, together with the interest accruing thereto in the meantime, is to be handed over to the British Government. The Republic of Nicaragua is not bound to pay back-interest ("Verzugszinsen") on the sums in arrear.

VIII. The Republic of Nicaragua is not entitled to impose either import or export duties on goods which are either imported into or exported from the territory of the free port of San Juan del Norte (Greytown).

The Republic of Nicaragua is, however, entitled to impose import duties on goods on their conveyance from the territory of the free port of Greytown to the territory of the Republic, and export duties on their conveyance from the

\* See Vol. 11. Page 446.

territory of the Republic to the free port of San Juan del Norte (Greytown).

Given under our hand and seal at Vienna.

FRANCIS JOSEPH.

July 2, 1881.

## PERSIA.

CONVENTION *between Her Majesty and His Majesty the Shah of Persia, for the Suppression of the Traffic in Slaves. Signed in the English and Persian languages at Tehran, March 2, 1882.\**

In the name of God, the Almighty, All Merciful.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the Shah of Persia, being mutually animated by a sincere desire to co-operate for the extinction of the barbarous Traffic in Slaves, have resolved to conclude a Convention for the purpose of attaining this object, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Ronald Ferguson Thomson, Esquire, Her Envoy Extraordinary and Minister Plenipotentiary at the Court of Persia; and

His Majesty the Shah of Persia, his Excellency Mirza Saeed Khan, his Minister for Foreign Affairs;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ART. I. In order to prevent the chance of negro slaves, male and female, being imported into Persia, British cruisers shall be permitted to visit and detain merchant-vessels under the Persian flag, or belonging to Persian subjects, which may be engaged, or which there may be reasonable grounds for suspecting to be or to have been engaged during the voyage on which they are met, in carrying slaves; and if any such slaves are found on board such merchant-vessels, the vessel, with all on board, shall be taken before the nearest Persian authorities for trial. But no person whatsoever who, being furnished with a Government passport, countersigned by a British Resident or Consul, may have gone from Persia to visit the places of pilgrimage, shall, when returning, be interfered with, provided such person be not accompanied by more negroes, either male or female, than the number mentioned in

\* Ratifications exchanged at Tehran, June 14, 1882.



his original pass. The presence of any such additional negro or negroes shall be *prima facie* evidence of an attempted Traffic in Slaves.

II. If any merchant-vessel under the Persian flag be captured by a British cruizer and taken into a Persian port for adjudication, it shall be the officer of the British cruizer making the capture, or some duly authorized officer of the British Government, who shall be present at such adjudication.

In the event of the captured merchant-vessel being condemned and sold, the proceeds of such sale shall go to the Persian Government, and all slaves found on board such vessel shall be handed over to the British authorities.

III. His Majesty the Shah of Persia agrees to punish severely all Persian subjects or foreigners amenable to Persian jurisdiction who may be found engaging in Slave Traffic by sea, and to manumit and guarantee the safety and proper treatment of all slaves illegally imported, that is to say, imported by sea into His Majesty's dominions after the signature of the present Convention.

IV. The present Convention shall come into operation on the 1st of May, 1882. After the Convention shall so have been brought into operation Article XIII of the Treaty between Great Britain and Persia, signed at Paris on the 4th of March, 1857,\* by which the Agreement entered into by Great Britain and Persia in August, 1851,† was renewed, shall be considered as cancelled except as to any proceeding that may have already been taken or commenced in virtue thereof.

V. The ratifications of the present Convention shall be exchanged at Tehran within five months, or sooner if practicable.

Done at Tehran in quadruplicate, this 2nd day of the month of March, in the year of Our Lord 1882.

(L.S.) RONALD F. THOMSON.

(L.S.) MIRZA SAEED KHAN.

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BRITISH ORDER IN COUNCIL, for the execution of the Slave Trade Convention with Persia of March 2, 1882. Osborne, August 18, 1882.

At the Court at Osborne House, Isle of Wight, the 18th day of August, 1882.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the 37th year of Her Majesty's reign, chapter 88, intituled "The Slave Trade Act, 1873,"‡ it

\* See Vol. 10. Page 947. † See Vol. 9. Page 617 ‡ See Vol. 14. Page 717.

was, amongst other things, provided that "where any Treaty in relation to the Slave Trade is made after the passing of that Act, by or on behalf of Her Majesty with any foreign State, Her Majesty may, by Order in Council, direct that as from such date, not being earlier than the date of the Treaty, as may be specified in the Order, such Treaty shall be deemed" to be an existing Slave Trade Treaty within the meaning of the Act, and it was further provided that "thereupon (as from the said date, or if no date is specified as from the date of such Order)" all the provisions of the Act shall apply and be construed accordingly:

And whereas, on the 2nd day of March, in the year 1882, a Treaty or Convention was concluded between Her Majesty and His Majesty the Shah of Persia for the suppression of the Slave Trade in the following terms, that is to say:—

[Here follows the Convention of March 2, 1882. See Page 278.]

And whereas it is expedient that the said Treaty or Convention should be brought within the operation of "The Slave Trade Act, 1873:"

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf as aforesaid, is pleased by and with the advice of her Privy Council to order, and it is hereby ordered as follows:—

The said Treaty or Convention hereinbefore recited shall, from the 1st day of May, 1882, being the day on which the said Treaty or Convention came into operation, be deemed to have been and to be an existing Slave Trade Treaty within the meaning of "The Slave Trade Act, 1873."

And the Lords Commissioners of Her Majesty's Treasury, the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

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## PORTUGAL.

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PORTUGUESE PORTARIA, *respecting Libertos in the Provinces of Africa.* Lisbon, October 25, 1870.\*

(Translation.)

THE individuals in our Colonies passing by the Decree, with the force of law, of 25th February, 1869,† from the condition of slaves to libertos, enter on the 29th day of April, 1878, into

\* "Boletim Official," Mozambique, January 9, 1875. † See Vol. 13. Page 690.

the enjoyment of full civil rights guaranteed by the "Carta Constitucional" of the Kingdom. His Majesty the King orders his Secretary of State for the Marine and Colonies to announce to the Governors of Colonies that the power of introducing libertos into the Provinces of Africa, conceded by Article 2 of the Decree, with force of law, of the 10th December, 1836,\* and Article 4 of the Decree, with force of law, of the 14th December, 1854,† is constricted to the condition of service of the same libertos. Nothing further can be exacted from them from the said 29th day of April, 1878, on which the servile condition in all the Provinces of the Monarchy shall cease.

SÁ DA BANDEIRA.

The Palace, October 25, 1870.

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PORTUGUESE DECREE, *declaring the Freedom of Libertos in the Province of Cape de Verde. Lisbon, October 31, 1874.*

(Translation.)

WHEREAS a memorial has been laid before me on the part of the Board for the protection of the freedmen (libertos) in the Province of Cape de Verde, petitioning that the complete emancipation of the freedmen (libertos) existing in that Province should be decreed at once; and

Whereas the measure petitioned for, which anticipates what the law ordains should take place in 1878, is worthy of special attention, not only because it does away altogether, and immediately, with the last vestiges of slavery, but also because it bears witness to the state of civilization and to the humane tendencies of the inhabitants of that Province, who are fully disposed to accept the consequences of the immediate abolition of the state of freedmen (libertos);

And whereas no disturbance is to be apprehended in the present condition of the public life of that Province from their immediate emancipation, as shown by the reports and data furnished by the aforesaid Board, by the respective Governor-General, and by the Committee appointed by him for the purpose of drawing up a draft of the Regulations to which the freedmen (libertos) were to be subject after their emancipation—a task which the Committee unanimously pronounced to be unnecessary;

Availing myself of the authority accorded to my Government in virtue of Article 15, Section 1, of the Additional Act to the Constitutional Charter of the Kingdom:

\* See Vol. 5. Page 415.

† See Vol. 10. Page 487.

After having heard the opinion of the Consultative Board for the Colonies and the Council of Ministers ;

I am pleased to decree as follows :—

ART. 1. All the freedmen (libertos) existing in the Province of Cape de Verde are declared free.

2. All legislation to the contrary is hereby revoked.

The Minister and Secretary of State for Foreign Affairs, and, *ad interim*, for the Navy and Colonies, shall accordingly cause this Decree to be carried into effect.

At the Palace, October 31, 1874.

THE KING.

JOÃO DE ANDRADE CORVO.

PORTUGUESE PORTARIA, *sanctioning the Voluntary Emigration of African Labourers from Lorenzo Marques to Natal. Mozambique, August 2, 1875.*

(Translation.)

THE Governor-General of Mozambique orders as follows :—

The Governor of the Colony of Natal having sent this Government an official note requesting to be permitted to establish in this city of Mozambique a temporary depôt of negroes that might be captured in the seas of this Province by the British cruizers, and at the same time the Governor of the above-mentioned Colony having asked for permission to embark free Africans to Natal, it is convenient to announce that all the documents and correspondence which passed on the subject being presented to His Majesty the King, that august Senhor authorizes in the capital of this Province the depôt of negroes found in vessels taken by the English cruizers on the following terms :—

1. The Africans who enter the depôt shall be entirely free in every way.

2. Those shall proceed to Natal who expressly wish to, as contracting emigrants.

3. Those shall remain at Mozambique who wish to remain there and contract themselves.

4. The contracts at Mozambique shall be made for three years at the most, and made according to the established clauses of a regulation which shall be drawn up for the purpose.

5. Contracts shall not be allowed except with people holding property or persons worthy of the Governor-General's confidence, and under the effective superintendence of this Government.

6. The Africans so contracted shall in every way be considered free, and, as free, obliged to fulfil their contracts.

With respect to the second concession, His Majesty equally thinks fit to authorize free emigration, which shall be done on the following terms :—

1. Emigrants shall be received in depôts where the right of inspection may be exercised by Portuguese authority, appointed for such purpose.

2. In Lorenzo Marques there shall be an Agent of the Government of Natal, who shall not exercise other functions in his relations with the Portuguese authorities, except being responsible towards them for the fulfilment of emigrant laws in the English territory, for the execution of the contracts, and especially for the clause of return passage.

3. Before the embarkation of the emigrants shall be signed in quadruplicate by the Agent of the Government of Natal, a declaration (Form A), which is annexed to this Portaria; one copy to be retained by the British Agent in Lorenzo Marques, another sent by him to the (Government) Inspecting Protector of Emigrants in Natal by the hand of the captain of the vessel by which they are conveyed; two given by the same Agent to the Portuguese (Government) Inspector of Emigration in Lorenzo Marques, who will send one to the Portuguese Consul in Port Natal, and keep the other copy.

4. The Consul of His Most Faithful Majesty in Durban shall receive from the Government of Natal within the term of 14 days from the disembarkation of the emigrants a copy of the contract made with each of them according to the laws of that Colony.

5. The transport of emigrants will only be permitted on board the mail steamer.

6. On the passports of emigrants there is levied an import of 2 dollars 500 reis, exclusively for the purpose of expenses of inspection by the Portuguese authority appointed for that purpose.

7. The emigrants shall pay nothing on their return.

8. The depôt shall be maintained by the Agent of Emigration appointed by the Government of Natal, and shall always be subject to the inspection of the Portuguese authority.

Palace of the Governor-General of the Province of  
Mozambique, August 2, 1875.

JOSÉ GUEDES DE CARVALHO E MENEZES,  
*Governor-General.*

*To the authorities and other persons to whom the knowledge of this present concerns, that they may understand and perform the same.*

*Form (A) to which the Portaria of August 2, 1875, refers.*

No.

187 .

Voluntary Emigration of African Labourers from Lorenzo Marques to Natal.

No.	Name.	Sex.	Age.	Tribe or District.	Remarks.

Total number of emigrants { Male } embarked  
 on board the mail steamer on of , 187 , for  
 Natal.

I, \_\_\_\_\_ Emigration Agent on the part of the Government of Natal, declare I hold myself responsible in the name of the same Government for what is set forth as follows :—

The above-mentioned people, in number \_\_\_\_\_ males females, are guaranteed by the Government of Natal a paid passage to Natal by the mail steamer, and employment for three years under a contract fulfilled, under the care of the Government, in conformity with the Labour Law, which, in the Colony of Natal, regulates the rights and duties of masters and servants (No. 2 of 1850), and also a paid return passage (also by mail steamer), when they shall have completed the term of service, and in both paid passages are included water, food, and shelter.

A copy of each contract shall be sent within 14 days after arrival at Natal to the Consul of His Most Faithful Majesty the King of Portugal, in Port Natal, by the Protector of Immigrants of that Colony, for any reference which in the future may be necessary.

Signed on the part of the Government of Natal by  
*Emigration Agent accredited to the Governor of  
 Lorenzo Marques.*

In presence of  
*Governor of Lorenzo Marques (or the Superintending  
 Officer of the Portuguese Government).*

*DECLARATION between Great Britain and Portugal, for the Protection of Trade Marks. Signed at London, January 6, 1880.\**

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the King of Portugal and the Algarves, with a view to the reciprocal protection of trade marks and trade labels, as well as industrial designs and patterns in the two countries, have agreed as follows:—

The subjects of each of the Contracting Parties shall have, in the dominions and possessions of the other, the same rights as belong to native subjects, or as are now granted, or may hereafter be granted, to the subjects of the most favoured nation, in everything relating to property in trade marks and trade labels, as well as in industrial designs and patterns.

It is understood that any person who desires to obtain the aforesaid protection must fulfil the formalities required by the laws of the respective countries.

In witness whereof the Undersigned, duly authorized to that effect, have signed the present Declaration, and have affixed thereto the seal of their arms.

Done at London, in duplicate, the 6th day of January, 1880.

(L.S.) SALISBURY.

(L.S.) MIGUEL MARTINS D'ANTAS.

*CONVENTION between the Governor-General of British India and the Governor-General of Portuguese India, for the Surrender of Fugitive Criminals. Signed at <sup>Panjim, Java, ry 20</sup> Calcutta, January 30<sup>o</sup>, 1880.†*

WHEREAS by Article XIX of a Treaty dated the 26th December, 1878, and ratified on the 6th day of August, 1879,‡ between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Most Faithful Majesty the King of Portugal and the Algarves, it is provided that the High Contracting Parties engage to deliver up to each other those persons who, being accused or convicted of crimes committed in the Indian dominions or jurisdiction of the one party, shall be found in the Indian dominions or jurisdiction of the other party; and whereas by the same Article it is further provided that the circumstances and conditions under which and the crimes for which such persons are to be delivered

\* Signed also in the Portuguese language.

† Signed also in the Portuguese language (with the exception of the Preamble).

‡ See Vol. 14. Page 1119.

up shall form the subject of a separate Convention between the Governors-General of British India and Portuguese India, to be executed at the earliest date possible after the ratification of the said Treaty :

In pursuance of the said Article, the undersigned Governors-General of British India and Portuguese India, acting respectively on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Most Faithful Majesty the King of Portugal and the Algarves (hereinafter called the High Contracting Parties), have agreed that the said persons shall be so delivered up under the circumstances, and subject to the exceptions, hereinafter stated, namely—

(a.) When the crime for which extradition is claimed has been committed beyond the dominions of the party claiming, the requisition shall also be complied with, if the laws of the party applied to authorize a prosecution for such crime when committed beyond his dominions, and if the person claimed is a subject of the party claiming his extradition.

(b.) The crimes for which the extradition shall be granted are the following :—

BRITISH INDIAN PENAL CODE.		PORTUGUESE PENAL CODE.	
Crime.	Section.	Crime.	Article.
Murder, culpable homicide, not amounting to murder, and causing death by rash or negligent act	299-304 A	Voluntary homicide, including— Parricide .. .. . Poisoning .. .. . Infanticide .. .. . And involuntary homicide caused by negligence	349 355 353 356 368
Attempt to commit murder or culpable homicide	307, 308, 511	Attempt at homicide .. ..	350, 6-11
Voluntarily causing hurt or grievous hurt	319-333, 335, 338	Wounding, causing contusions or hurts Ordinary hurts under Articles 359 and 360, being excepted in the circumstances described in Articles 370, 377, and 378	359-367, 369
Rape .. .. .	375, 376	Rape .. .. .	394, 395-397
Kidnapping, abduction, concealing kidnapped person, slave-dealing, or selling minors for immoral purposes	360-373	Kidnapping and hiding of minors	342-344
Immodest assault on a woman.	354	Immodest assault on a woman	391
Causing miscarriage and abortion	312-316	Abortion .. .. .	358
Exposure or abandonment of a child	317	Exposure and abandonment of a child	345-348



BRITISH INDIAN PENAL CODE.		PORTUGUESE PENAL CODE.	
Crimes.	Section.	Crimes.	Article.
Thefts .. .. .	378-382	Thefts .. .. .	421, 424-431
Extortions, robberies, "dacoities," attempts to commit robbery, and belonging to a gang of thieves	383-402	Robbery .. .. .	432-444
Criminal misappropriations and criminal breaches of trust	403-409	Theft .. .. .	313, 422-425, 453
Receiving stolen property ..	410-414	Receiving stolen property ..	463
Cheating .. .. .	415-420	Cheating: false pretences ..	450-452, 456
Lurking, house-trespass, house-breaking	443-446	House-breaking .. ..	390, Cl. 1
Fraudulent bankruptcy and fraudulent disposition of property	206, 208, 421-424	Fraudulent bankruptcy and fraudulent disposition of property	447-449, 455
Dishonest opening of closed receptacle containing property	461, 462	Dishonest opening or breaking of seals by public servants and others	310-312
Being a "thug" .. .. .	310, 311	Association of malefactors ..	263
Belonging to a band of "dacoits" or robbers	400, 401		
Aggravated cases of wrongful confinement	344-348	Aggravated cases of wrongful confinement	331-333
Mischief by fire or explosive substance	435, 436, 438	Arson .. .. .	466-474
Mischief to a vessel, or after preparation to cause death, hurt, or wrongful restraint	437, 439, 440	Aggravated cases of mischief .	475, 481
Counterfeiting or altering money, or uttering counterfeit or altered money, making or possessing instruments for above purposes	230-254	Counterfeiting or altering money, or uttering counterfeit or altered money, making or possessing instrument for above purposes	206-214
Counterfeiting or fraudulent using of Government stamps issued for purposes of revenue	255-263	Counterfeit or fraudulent using of Government stamps or stamped paper	228, 229
Forgery and using of forged documents, and making of seals for fraudulent purposes	463-468, 470-477	Forgery and using of forged documents, and making of seals for fraudulent purposes	215-217, 219-223, 230, 231
Use of false trade-mark or property mark, and frauds connected with such marks	478, 489	Use of false trade-mark or property mark, and frauds connected with such marks	230, 231
Giving or fabricating false evidence to cause a person to be convicted of an offence, and subornation of the same	194, 195	Giving or fabricating false evidence to cause a person to be convicted of an offence, and subornation of the same	238-240
Illegal gratification taken by a public servant, or to influence a public servant	161-165	Illegal gratification taken by a public servant, or to influence a public servant	314-323, 452
Causing the evidence of the commission of any offence to disappear	201	Causing the evidence of commission of an offence mentioned in this Article to disappear	464

BRITISH INDIAN PENAL CODE.		PORTUGUESE PENAL CODE.	
Crimes.	Section.	Crimes.	Article.
False certificate or declaration made by public servant, or used by any person as evidence	197-200	False certificate or declaration made by public servants, or used by any person as evidence	216-218, 221, 222
Escape from lawful custody on accusation or conviction of any crime specified in this Article	224	Escape from lawful custody on accusation or conviction of any crime specified in this Article	190-196
<i>Crimes against other Laws.</i>			
Piracy by law of nations .. .. .	..	Piracy .. .. .	162
Assaults on board a ship on the high seas, with intent to destroy life, or to do grievous bodily harm	..	Voluntary homicide, as above	349, 353, 355, 356
		<i>Portuguese Maritime Code.</i>	
Sinking or destroying a vessel at sea, or attempting or conspiring to do so	..	Loss or destruction of vessel, caused by a person on board	42
Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas, against the authority of the master	..	Act of revolt committed by more than third of crew	46

The extradition shall also take place for complicity or participation in any of the aforesaid crimes, and for any attempt to commit any such crime, provided such complicity, participation, or attempt be punishable by the laws of both the High Contracting Parties.

(c.) No British subject by birth or naturalization shall be delivered up by the Government or authorities of British India to the Government or authorities of Portuguese India; and, in like manner, no Portuguese subject by birth or naturalization shall be delivered up by the Government or authorities of Portuguese India to the Government or authorities of British India. Naturalization after the commission of the crime shall not be an obstacle to the extradition.

(d.) The Governor-General of British India will, from time to time, communicate to the Governor-General of Portuguese India a list of native States which, with the subjects thereof, are entitled to be placed, for the purposes of this Convention, upon the same footing as British India and the subjects of Her Britannic Majesty.

(e.) The extradition shall not take place if the person claimed has already been tried and acquitted, or punished, for the same crime for which extradition is asked. If he should be

under trial for any other crime, his extradition shall be deferred until the conclusion of the trial; and if the execution of the sentence, if any, would interfere with the extradition, it shall be postponed, in order that the extradition may take place. If upon extradition he be sentenced to other further punishment, the two High Contracting Parties shall arrange that the punishments shall be fulfilled according to priority of date of sentence.

(*f.*) The extradition shall not take place if, after the commission of the crime, or the institution of the prosecution, or the conviction thereon, the person claimed shall have acquired exemption from prosecution, or punishment, by lapse of time, according to the laws of the State applied to.

(*g.*) A person surrendered shall not be kept in prison, or brought to trial by the party to whom the surrender is made, for any other crime or on account of any other matters than those for which the surrender has been granted. This stipulation is not applicable to crimes committed after the extradition.

(*h.*) If the person whose extradition is claimed by one of the High Contracting Parties shall be also claimed by one or more other Governments, on account of crimes committed in their respective dominions, the following rule shall be observed:—

If he is a subject of the High Contracting Party who claims him, the surrender shall be made to such party. If he is not so, the other High Contracting Party shall have the power of delivering him up to the reclaiming Government which, in the case in question, may appear to the former best entitled to the preference.

(*i.*) The requisition for extradition may be made, on behalf of Her Britannic Majesty, by the Government of British India or by the Government of the Presidency of Bombay; and, on behalf of His Most Faithful Majesty, by the Government of Portuguese India;

Provided that when the person claimed is accused of any of the above crimes which in British India is not exclusively triable by the High Court or the Court of Session, the requisition may also be made by the Governors of the Portuguese Settlements of Damaun and Diu, for any such crime committed in such Settlements respectively, and may be preferred directly to any District Magistrate or Political Agent within whose local jurisdiction such accused person may be found. Such District Magistrate or Political Agent shall, subject to the exceptions and conditions of this Convention, and unless he deem reference to higher authority to be absolutely necessary, comply with such requisition by delivering up the accused.

In like manner, any District Magistrate or Political Agent may make requisition to the Government of Portuguese India,

or to the Governors of Damaun and Diu respectively, for the extradition of any person found in their jurisdiction who is accused of the commission, within the local jurisdiction of such District Magistrate or Political Agent, of any of the above crimes, the maximum punishment for which, by the Portuguese Penal Code, does not exceed imprisonment for seven years or an equivalent thereto. Subject to the exceptions and conditions of this Convention, such requisition shall be complied with by the delivering up of the accused, unless reference to higher authority shall be deemed absolutely necessary.

The authority receiving a requisition may hold, or cause to be held, such inquiry as he may deem sufficient for the purpose of ascertaining the existence of *prima facie* proof of facts which constitute a crime for which extradition may be granted under clause (b) of this Convention, and, in the absence of such proof, may decline to deliver up the accused person.

(j.) Every requisition shall ordinarily be accompanied by the summons or warrant of arrest, or an authenticated copy thereof, issued by the competent authority of the State applying for it, and by a statement setting forth the facts of the offence, and sufficient particulars to enable the accused to be identified.

In cases of urgency, satisfactory proof of the existence of a warrant of arrest issued by competent authority may be provisionally accepted in support of a requisition.

(k.) If the person claimed has not already been arrested by the authorities of the State to whom the requisition is made, such authorities shall at once proceed to secure his appearance.

(l.) Any person accused of any of the above crimes, and whether a subject of the party in whose dominions or jurisdiction he is found or otherwise, may be arrested by the authorities of such dominions :—

On production of a warrant of arrest issued by the competent authority of the other party ;

Or on advice, from such competent authority, transmitted by post, telegraph, or other means, stating the existence of such warrant of arrest ;

Or on demand made by the Magistrate or police officer of the other party who has pursued the accused across the frontier ;

Or on receipt of advice of the fact of the crime, whether communicated by a private complainant or otherwise, and whether or not the individual offender may be known or specified by name.

(m.) Every such Magistrate or police officer who has pursued the accused across the frontier shall be entitled to the

protection and assistance of the Magistrates and police officers of the State to whose dominions or jurisdiction the accused has fled. They shall forthwith take up the pursuit, and, without waiting for the orders of higher authority, shall make all necessary searches, inquiries, pursuits, arrests, and recoveries of stolen property, in accordance with the local law of criminal procedure.

The Magistrate or police officer who has pursued the accused across the frontier shall not enter houses or buildings or make searches or arrests, except in presence or under the authority of a local Magistrate or police officer, but shall act in subordination to the local Magistrates or police officers, and shall assist them, if so required, in all necessary searches, inquiries, pursuits, arrests, and recoveries of stolen property.

(n.) Whenever any person is arrested in the dominions or jurisdiction of the one party for any of the above crimes committed in the dominions or jurisdiction of the other party, notice shall be given to the authorities of the other party, who may then, if the accused is a subject of the State where he is found, claim that he be tried there; or, if he is not such a subject, claim his extradition as provided in this Article.

(o.) All weapons and articles necessary as evidence shall be seized in order to their production before the proper officer, and, in case of extradition, in order that they may be delivered up with the accused when the extradition shall take place.

Such seizure and delivery shall extend to articles stolen or obtained by other offences and the proceeds of such property, and to everything that may serve as evidence of the crime; and shall be made even when the extradition cannot be made, or the trial cannot be held, on account of the flight or death of the accused.

Nothing in this clause shall affect the rights of third parties to any such weapons and articles.

(p.) The expenses occasioned by the arrest, imprisonment, maintenance, and transport of criminals, and the conveyance of articles, shall, within the dominions and as far as the frontier, be defrayed by the party in whose dominions or jurisdiction such criminals or articles are found; the expenses by sea and beyond the frontier shall be defrayed by the other party.

(q.) A British subject accused of having committed any of the above crimes in the Portuguese Indian dominions or jurisdiction may be dealt with by the British Indian authorities as if the crime had been committed in British India; and a Portuguese subject accused of having committed any of the above crimes in the British Indian dominions or jurisdiction may be dealt with by the Portuguese Indian authorities as if the crime had been committed in Portuguese India:

Provided that the accused is found in the dominions or jurisdiction of the party to whom he is subject, and has not been acquitted or punished in the dominions or jurisdiction in which he committed the crime.

Complaints of any such crimes shall be inquired into by the police and judicial authorities irrespective of the nationality of the complainant, in accordance with the local laws.

(r.) In all such trials and inquiries, the evidence of witnesses whose attendance cannot be procured without an unreasonable amount of delay, expense, or inconvenience, may be recorded by the judicial authorities of the State where the offence occurred, on receipt of an interrogatory commission from the other State, and such depositions or certified copies thereof shall be received by the authorities of the other State as valid evidence: Provided that the authorities of the one State shall in all cases aid those of the other, as far as may be, in securing the personal attendance of witnesses, and reasonable time shall be allowed for the production of evidence before the final discharge or conviction of the accused.

(s.) If within two months after receipt of notice of the arrest, no requisition for extradition or complaint or application for a trial shall have been made, the accused may be set at liberty. He shall be set at liberty if, within one month of the day on which he was brought to the frontier or seaport, and there placed at the disposal of the party claiming, he shall not have been despatched to the dominions of such party:

Provided that until the extradition takes place the accused may be liberated on bail or recognizance where such procedure is allowed by the law of the dominions or jurisdiction where he is found; and that after the extradition, the procedure shall be that provided by the law of the other dominions or jurisdiction.

t.) The High Contracting Parties engage to aid each other in the apprehension and surrender of deserters from their respective naval and military forces, and to apply all the provisions of this Article to the offence of deserting.

It is agreed that this Convention shall have effect from the 1st day of February, 1880.

Done at Calcutta on the 30th day of January, in the year of Our Lord 1880.

LYTTON, *Viceroy and Governor-General of British India.*

Done at Panjim, on the 20th day of January, in the year of Our Lord 1880.

CAETANO ALDRE D'ALMEIDA ALBUQUERQUE,  
*Governor-General of Portuguese India.*

AGREEMENT *between the Governments of Great Britain and Portugal for increasing the Limits of Weight and the Dimensions of Packets of Patterns of Merchandize exchanged through the Post between the two Countries. Signed at London, October 23, 1880.\**

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the King of Portugal and the Algarves, being desirous of facilitating the postal relations between the two countries, and in exercise of the power given to them under Article XV of the Convention of the Universal Postal Union concluded in Paris on the 1st June, 1878,† have agreed as follows:—

The limits of weight and the dimensions of packets of merchandize exchanged through the post between the United Kingdom of Great Britain and Ireland on the one part, and the Kingdom of Portugal on the other part, may be increased by the Postal Administration of the country of origin beyond those which have been fixed by Article V of the International Convention of the 1st June, 1878, under the express reservation that such limits shall not exceed the following:—

In weight	..	..	350 grammes.
In dimensions	..	..	30 centim., length.
			20 centim., breadth.
			10 centim., depth.

The present Agreement shall take effect on the 1st January, 1881.

In witness whereof the Undersigned, duly authorized for that purpose, have signed the present Agreement, and have affixed thereto the seal of their arms.

Done in duplicate at London, on the 23rd day of October, 1880.

(L.S.) GRANVILLE.

(L.S.) MIGUEL MARTINS D'ANTAS.

CONVENTION *between Her Majesty and the King of Portugal, supplementary to the Treaty of Commerce and Navigation signed at Lisbon on the 3rd July, 1842 ("Decima Industrial" and other Taxes. Most-favoured-nation Treatment). Signed at Lisbon, May 22, 1882.‡*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Portugal and

\* Signed also in the Portuguese language. † See Vol. 14. Page 1013.  
‡ Ratifications exchanged at Lisbon, June 22, 1882.

the Algarves, being equally animated with the desire to draw closer the ties of friendship which unite the two countries, and to place on a more satisfactory footing the commercial relations between the two States, have, with these objects, determined to conclude a Convention supplementary to the Treaty signed at Lisbon on the 3rd July, 1842,\* and have accordingly appointed their respective Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Charles Lennox Wyke, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Honourable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of His Most Faithful Majesty, &c. ; and

His Majesty the King of Portugal and the Algarves, Senhor Antonio de Serpa Pimentel, Councillor of State, Peer of the Realm, Minister and Secretary of State for Foreign Affairs, Grand Cross of the Royal and Distinguished Order of Charles III of Spain, and of the Order of Saints Maurice and Lazarus of Italy, &c. ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :—

ART. I. The High Contracting Parties agree to extend immediately and unconditionally to each other in the United Kingdom of Great Britain and Ireland, and in Portugal and its dominions, respectively, the benefit of all advantages, rights, favours, immunities, and exemptions, and all privileges or reductions of Tariff in regard to the importation or exportation of merchandize which have been or may be conceded by one of the High Contracting Parties to any other foreign nation whatsoever.

Nevertheless, Portugal reserves the right of conceding special advantages to Brazil only, which Great Britain will not be entitled to claim on the ground of the most-favoured-nation treatment.

II. With respect to the “decima industrial” tax, or its equivalent the “contribuição industrial,” British subjects in Portugal shall, as regards the assessment and payment of this tax, be placed on the footing of Portuguese subjects, or the subjects of any other country the most favoured in these respects.

III. The present Convention shall be ratified, and the ratifications exchanged at Lisbon as soon as possible.

It shall come into force immediately after the exchange of the ratifications, and shall, together with the Treaty of the 3rd July, 1842, except in so far as the latter is modified hereby,

\* See Vol. 6. Page 598.



remain in force for 10 years. In case neither of the two High Contracting Parties shall have given notice, 12 months before the expiration of the said period of 10 years, of their intention to terminate the Treaty of the 3rd July, 1842, and the present Convention, they shall remain in force until the expiration of one year from the day on which either of the High Contracting Parties shall have given such notice.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done at Lisbon, the 22nd day of May, 1882.

(L.S.) CHARLES LENNOX WYKE.

(L.S.) ANTONIO DE SERPA PIMENTEL.

*PROTOCOL between Great Britain and Portugal. Ratification of Treaty and Protocol between Portugal and South African Republic, or Transvaal State, of the 11th December, 1875. Signed at Lisbon, October 7, 1882.\**

THE Undersigned met together at the Department of Foreign Affairs of Portugal for the purpose of proceeding to the exchange of the ratifications by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, as Suzerain of the Transvaal State, and by His Majesty the King of Portugal and of the Algarves, of the Treaty and Protocol concluded and signed between Portugal and the South African Republic, now the Transvaal State, on the 11th December, 1875.†

The two Plenipotentiaries, after having shown to each other their respective full powers, authorizing them to carry out the act in question, with the declarations contained in the notes dated the 26th and 31st of last May, which they mutually communicated to each other, and which are annexed to this Protocol, read over the original instruments of the said ratifications, and having found them correct and in due and proper form, the exchange of the same was effected.

In witness whereof the Undersigned have drawn up this Protocol, and have affixed thereto their respective seals.

Done in duplicate at Lisbon on the 7th day of October, 1882.

(L.S.) WALTER BARING.

(L.S.) A. DE SERPA PIMENTEL.

\* Signed also in the Portuguese language.

† See Page 301.

*Sir C. Wyke to Senhor Serpa.*

M. LE MINISTRE, *British Legation, Lisbon, May 26, 1882.*

WITH reference to your Excellency's note to Mr. Saurin of the 21st January last, I have now the honour, in compliance with instructions received from Earl Granville, to deliver to you a copy of a despatch addressed to me by his Lordship, dated the 12th instant, embodying the views of Her Majesty's Government with respect to the unratified Treaty between the Portuguese Government and the Transvaal, of the 11th December, 1875.

I beg leave to call your Excellency's attention to the reference made in the above-mentioned despatch to Article III of the said Treaty, exempting from duties the products of the Transvaal and of the Portuguese possessions in Mozambique, and to the provision of Article XXV of the Convention of the 3rd August, 1881,\* as well as to Articles XVI to XX in the Treaty of the 11th December, 1875, respecting the jurisdiction and duties of Portuguese Consuls in the Transvaal.

Another point in this despatch to which I should advert, is the stipulation in the Protocol attached to the last-named Treaty for the continuation of the railway from the Portuguese frontier to the Transvaal, passing through Swaziland, the independence of which was recognized by the Convention of the 3rd August, 1881, as it had already been by Her Majesty's Government during the British occupation of the Transvaal. Your Excellency will observe, by the statement contained in Lord Granville's despatch, that Her Majesty's Government will be willing to use their influence to facilitate such agreement with the Swazis as may be requisite to enable the line of railway to be continued through Swaziland to the frontier of the Transvaal State.

In conclusion, I have the honour to inform your Excellency that I am authorized by Her Majesty's Government, as you will perceive from Lord Granville's despatch, to exchange the ratifications of the Treaty in question (1875) under the conditions set forth in that despatch, which conditions might be recorded by an exchange of notes, to be referred to in a Protocol annexed to the said Treaty.

If your Excellency should concur in the course thus proposed, I would request you to be so good as to favour me with your reply, as well as with a draft copy of the Protocol, embodying the conditions referred to in the notes thus exchanged, for my own consideration of the matter and subsequent transmission to Her Majesty's Government for their approval.

*Senhor Serpa.*

I avail, &c.,

C. L. WYKE.

\* See Page 401.

(*Inclosure.*)—*Earl Granville to Sir C. Wyke.*

SIR,

*Foreign Office, May 12, 1882.*

I HAVE communicated to Her Majesty's Secretary of State for the Colonies Mr. Saurin's despatch of the 21st January last, inclosing a copy and translation of a note addressed to him by M. Serpa on the same day, referring to the unratified Treaty between the Portuguese Government and the Transvaal of the 11th December, 1875, and at the same time expressing the readiness of Portugal to forward the construction of the railway from Lorenzo Marques to the frontier, in conformity with the stipulations of that Treaty. M. Serpa in his note requests that Her Majesty's Government should accordingly communicate the views therein contained to the Government of the Transvaal, through the British Resident in that State, and that Her Majesty's Legation at Lisbon should be furnished with the necessary powers of ratification on the part of the Transvaal Government.

With reference to Article III of the Treaty, the Earl of Kimberley observes that it reciprocally exempts from duties the products of the Transvaal and the Portuguese possessions in Mozambique, and as, under Article XXV of the Convention of the 3rd August, 1881, British produce imported into the Transvaal is entitled to the treatment of the most favoured nation, it would follow that British produce would be entitled to the same privilege of exemption as the produce of Mozambique. Her Majesty's Government, however, have no intention of claiming the benefit of that stipulation, and they consider that it should be retained in the Treaty, looking to the difficulty of collecting duties on the extended land frontiers of the Portuguese possessions and the Transvaal.

Articles XVI to XX, relating to Consuls, appears to contain nothing which conflicts with the Convention of the 3rd August, 1881, so far as concerns Portuguese Consuls in the Transvaal, except that Article XIX assigns certain quasi-diplomatic duties to the Consuls; but as Her Majesty's Consular officers will act on behalf of the Transvaal State abroad, the stipulation relating to the appointment of Consuls by the South African Republic, now the Transvaal State, can no longer have any application.

The exequatur to Portuguese or any other foreign Consuls in the Transvaal will, of course, be granted by Her Majesty's Government.

As regards the stipulation in the Protocol attached to the Treaty, by which the Government of the South African Republic bound itself to continue the line of railway from the Portuguese frontier, I have to observe that a portion of the line of railway, after quitting the Portuguese territory, would pass through Swaziland, the independence of which is re-

cognized by the Convention of the 3rd August, 1881, as it had previously been by Her Majesty's Government during the British occupation of the Transvaal.

It will be proper that you should point this out to the Portuguese Government, giving them at the same time the assurance that, in case of steps being taken to construct the railway, Her Majesty's Government will use their influence to facilitate such agreement with the Swazis as may be requisite to enable the line to be continued through Swaziland to the frontier of the Transvaal State.

I have now to instruct you to deliver a copy of this despatch to the Portuguese Minister for Foreign Affairs, and to inform his Excellency that you are authorized by Her Majesty's Government to exchange the ratifications of the Treaty under the conditions above explained, which might be recorded by an exchange of notes, to be referred to in a Protocol annexed to the Treaty.

If this course should be concurred in by his Excellency, you will transmit to me a copy of the proposed notes and Protocol referring thereto for the approval of Her Majesty's Government.

I am, &c.,

Sir C. Wyke.

GRANVILLE.

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*Senhor Serpa to Sir C. Wyke.*

YOUR EXCELLENCY, (Translation.) *Lisbon, May 31, 1882.*

HIS Majesty's Government have taken into due consideration the note which your Excellency did me the honour to address to me on the 26th instant, as well as the despatch addressed to your Excellency by Earl Granville, with reference to the exchange of the ratifications of the Treaty between Portugal and the Transvaal of the 11th December, 1875, and of which a copy was forwarded to me by your Excellency.

I am informed by your Excellency that you are authorized to proceed to the exchange of the ratifications of that Treaty under the conditions and with the declarations contained in that despatch, namely:—

1. That inasmuch as Article III of the Treaty provides for the mutual exemption from import duties on the products of the Transvaal and of the Portuguese possessions in Mozambique, and inasmuch as British products are entitled, in virtue of Article XXV of the Convention of the 3rd August, 1881, to enjoy the treatment accorded to the products of the most favoured nation, they are also entitled to enjoy the exemption stipulated in favour of the products of Mozambique. That, nevertheless, Her Britannic Majesty's Government do not intend to claim the benefit of the stipulation in question, and they consider that it ought to be retained in the Treaty in view of the difficulty of collecting Customs duties along the extensive

land frontier which separates the Transvaal from the Portuguese possessions.

2. That Articles XVI to XX of the Treaty of the 11th December, 1875, which relate to Consular Agents, do not contain any provisions that are contradictory to the Convention of the 3rd August, 1881, as far as regards the Portuguese Consular Agents, with the exception of Article XIX, which confers almost diplomatic functions upon the Consuls; but as Her Britannic Majesty's Consular Agents will represent the Transvaal in foreign countries, the stipulation concerning the appointment of Consuls on the part of the South African Republic is not applicable, and the exequatur to the Portuguese Consular Agents, or to those of any other foreign nation, will of course be accorded by Her Britannic Majesty's Government.

3. That by the Convention of the 3rd August, 1881, the independence of Swaziland was recognized, through which territory the line of railway must run which the Transvaal bound itself to construct from the Portuguese frontier to some centre in the interior, in accordance with the stipulations set forth in the Protocol annexed to the said Treaty; but that, in the event of steps being taken for carrying into effect the construction of that line of railway, Her Britannic Majesty's Government will use their influence in order to get the Swazis to accede to any agreements which may be rendered necessary for the purpose of said line of railway crossing the territory of Swaziland.

His Majesty's Government, on their part, have no objection that these declarations should be embodied in the notes exchanged between the two Governments, and to which reference is to be made in the Protocol which will remain annexed to the Treaty of the 11th December, 1875.

His Majesty's Government fully agree with the Government of Her Britannic Majesty as to the expediency of retaining the stipulation set forth in Article III of the Treaty, which exempts from the payment of import duties in the territory of the South African Republic the products of the soil or of the industry of the Portuguese possessions in Mozambique, and *vice versa* the products of the soil or of the industry of that Republic in the said possessions.

His Majesty's Government abstain, as in duty bound, from expressing an opinion with respect to the interpretation or application of the clause of the most-favoured-nation treatment stipulated in the Convention of the 3rd August, 1881, between Great Britain and the South African Republic; His Majesty's Government are, however, glad to see that, whatsoever objections might perchance be entertained by the Government of the Transvaal in retaining the stipulation laid down in Article III of the Treaty of 1875, with the obligation of

extending to the products of other nations the benefit accorded to the products of the Portuguese possessions in Mozambique, those objections will be entirely removed by the solemn declaration made by Her Britannic Majesty's Government that they do not intend to claim the benefit of that stipulation. His Majesty's Government, when they consented to exempt from the payment of all import duties on the land frontier of the Province of Mozambique the products of the soil and of the industry of the Transvaal, did so in view of the special circumstances to which Earl Granville alludes, and they do not, on their part, consider themselves bound to accord in the maritime Custom-houses a similar exemption in favour of the products of any nations to which they may have guaranteed a most-favoured-nation treatment.

The South African Republic having accepted the suzerainty of, and control by, Her Britannic Majesty as regards the external relations of that Republic, His Most Faithful Majesty cannot but acknowledge that the Articles of the Treaty of the 11th December, 1875, which relate to Consular Agents, will have to be modified in the sense mentioned in Earl Granville's despatch.

His Majesty's Government are thankful for and accept the offer made to them by Her Britannic Majesty's Government of interposing their influence in order to facilitate the construction of the line of railway from Lorenço Marques across the territory of Swaziland. His Majesty's Government were already reckoning upon the valuable co-operation of Her Britannic Majesty's Government for the carrying out of a work which must effectually tend to the civilization of Southern Africa; and if the new surveys and inquiry, which it is expedient should still be made, were to prove that the best route for the line to follow lies across Swaziland, and that this country, under the influence of Great Britain, is able to give the indispensably requisite facilities and guarantees as regards safety for the construction of the line and for the traffic thereon, His Majesty's Government will not fail to solicit in due time the intercession of Her Britannic Majesty's Government with a view to coming to the requisite agreements with that country.

The conditions under which the exchange of the ratifications of the Treaty of 11th December, 1875, is to be effected having thus been explained, I flatter myself with the belief that Her Britannic Majesty's Government will agree to proceed to the act in question, and to the signature, at the same time, of a Protocol in accordance with the draft which I have the honour to transmit herewith to your Excellency, and which is to be annexed to the Treaty.

I avail, &c.,

*Sir C. Wyke.*

A. DE SERPA.

TREATY of *Friendship and Commerce between the South African Republic, now the Transvaal State, and His Majesty the King of Portugal: with Protocol annexed. Signed at Lisbon, December 11, 1875. Ratified by Her Majesty as Suzerain of the Transvaal State, and Ratifications exchanged at Lisbon, October 7, 1882.*

(Translation.)\*

His Majesty the King of Portugal and of the Algarves, and the Government of the South African Republic, being animated with the desire of drawing closer, improving, and consolidating the relations of amity and friendship subsisting between their respective States, have determined to conclude a new Treaty for this purpose, and have appointed their Plenipotentiaries, namely :

His Majesty the King of Portugal and of the Algarves, Senhor João de Andrade Corvo, his Councillor, a Peer of the Realm, Minister and Secretary of State for Foreign Affairs, Professor of the Polytechnic School of Lisbon, Lieutenant-Colonel of Engineers, Grand Cross of the ancient, most noble, and illustrious Order of St. James, of scientific, literary, and artistic merit, Knight Commander of the Order of Christ, Knight of the Military Order of Aviz, Grand Cross (ordinary) of the Order of the Rose of Brazil, Grand Cross of the Imperial Order of Leopold of Austria, of Saints Mauritius and Lazarus of Italy, of the Royal Order of Charles III of Spain, of the Order of the Polar Star of Sweden, and Officer of Public Instruction in France; and

The Government of the South African Republic, Mr. Thomas Francis Burgers, President of that Republic;

Who, after having communicated to each other their respective full powers, which were found in due and proper form, have agreed upon and concluded the following Articles:—

ART. I. Between His Majesty the King of Portugal and his subjects on one side, and the Government of the South African Republic and its respective citizens on the other, there shall be perpetual friendship, as well as a full and mutual liberty of commerce between their respective territories.

II. The subjects and citizens of either of the High Contracting Parties in the territory of the other shall be at liberty to enter any rivers, ports, or places wherever foreign trade is already or may hereafter be allowed, to settle or to reside there, to hire, purchase, and build any houses or warehouses, to acquire and possess any kind of movable or immovable property, to exercise any trade, to carry on business both by wholesale or by retail, and to effect the conveyance of merchandize and specie,

\* Treaty signed in the Portuguese and Dutch languages.

subject, however, to the laws and regulations in force in either of the respective territories or dominions.

They shall have a free and easy access to the Courts of Justice, in order to claim and defend their rights in all the Courts of the different Instances established by law, for which purpose they shall be at liberty to employ lawyers, solicitors, and agents of any kind, and, in fine, they shall enjoy in regard to this the same rights and advantages which may have been already or may hereafter be accorded to natives.

They shall be at liberty to dispose, according to their wishes, by donation, sale, exchange, will, or in any other manner, of any property they may possess in the respective territories, and withdraw their capital in full from the country. The subjects of either of the two States who may be heirs to property situated within the territory of the other shall likewise be at liberty to inherit the said property without any hindrance, even *ab intestato*, and the said heirs or legatees shall not have to pay any other or higher duties of succession than those paid in similar cases by the natives.

They shall be allowed to exercise their religion freely, to meet together to celebrate publicly their worship according to the proper rites thereof, to establish cemeteries, and to bury their dead with the usual ceremonies; obeying, however, in every case the laws and regulations in force in such country.

They shall be exempt from all forced loans and from any extraordinary taxes that are not general and established by law, as well as from military service either at sea or on land.

They shall enjoy the same protection as the natives as far as regards their persons, families, property, and domicile.

III. The products of the soil and of the industry of the Portuguese possessions at Mozambique shall not be liable to the payment of any import or transit duties in the territory of the South African Republic, and, *vice versa*, the products of the soil and of the industry of the Republic shall be exempt from all import and transit duties in the Portuguese possessions of Mozambique.

IV. His Majesty the King of Portugal and of the Algarves, being desirous of contributing towards the development and prosperity of the South African Republic, and of facilitating as much as possible the exportation of its products, consents that the said Republic should be placed on the same footing as the Province of Mozambique, and should enjoy the same advantages and facilities with respect both to importation and exportation through the ports of this province.

V. The transit of the products of the soil and of the industry of the South African Republic through the Portuguese territory of the Province of Mozambique, as well as the transit through



the same territory of merchandize of any origin or nationality imported through the Bay of Lorenço Marques, and bound to the above-named Republic, shall be entirely exempt from any duties whatsoever.

VI. His Majesty the King of Portugal reserves the right of prohibiting the importation of arms and munitions of war, and of subjecting the transit thereof to special regulations, but he binds himself to allow the free importation and transit of arms and military stores intended for the South African Republic, and applied for by the Government of that Republic, upon the guarantees necessary to remove all doubt as to their destination being given.

VII. The products of the soil and of the industry of South Africa exported through the Bay of Lorenço Marques shall be exempt from all export duty; but they shall be subject, like the products of Portuguese origin, to any quay, lighthouse, or other port dues that may be customary there.

VIII. Merchandize of any origin or nationality imported through the Bay of Lorenço Marques for the South African Republic may be subjected to an import duty of 3 per cent. Should the revenue derived from this duty, however, be insufficient to insure the payment of the interest and redemption of the capital that may be required for subsidizing a line of railway from the Bay of Lorenço Marques to the frontier of the South African Republic, and for effecting other improvements advantageous for the trade of the two countries, His Majesty the King of Portugal shall have the option of raising the duty in question from 3 to 6 per cent.

As soon, however, as the said capital shall have been redeemed, the import duty on merchandize for the South African Republic shall be reduced to 1.5 per cent.

IX. The undermentioned merchandize shall be exempt from all import duties:—

Live animals of any kind.

Hides.

Flour from wheat, maize, barley, rye, and oats.

Seeds.

Fresh fruits.

Pulse of any kind.

Mineral coal and coke.

Ice.

Guano and other kinds of manure.

Bitumen.

Lime.

Stones for building, comprising slates for roofing.

Tiles and bricks of any kind.

Tools, implements, machines, and utensils for tradesmen and for art, agricultural and mining purposes.

Books, stitched and bound, and printed works in any language.

Music and musical instruments.

Printing presses and type.

Geographical charts and maps.

Articles of any kind for museums.

Specimens for scientific collections, and also collections of any works of art not intended for trade.

Foreign gold or silver coins.

Portuguese silver or copper coins from Portuguese ports.

Vessels in any state or for any purpose.

Steam-vessels.

X. It shall be lawful to re-export from the depôts in the Lorenço Marques Custom-house any merchandize imported thereto. The said merchandize shall be exempt from any re-exportation duty, and shall only be liable to the payment of the warehouse charges and fees and of the port dues.

XI. The *ad valorem* duties shall be reckoned with reference to the value of the merchandize in its original market, and shall be regulated as follows:—

The importer or exporter on entering the goods at the Custom-house that are to be cleared shall sign a declaration stating the description and value of the same to whatever amount he may deem expedient. This declaration must specify all the data required for the imposition of the duty.

Should the Custom-house think that the value thus stated is insufficient, it shall have the right to retain the goods on paying the importer or exporter within the term of 15 days from the date of the declaration the said value as stated, with an additional rate of 10 per cent.

Should the Custom-house, however, think it inexpedient to have recourse to pre-emption, a valuation of the merchandize shall be made by experts, one of whom shall be named by the declarer and the other by the Director of the Custom-house; and, in the event of an equality of votes on either side, a third expert shall be named by the Custom-house Director, and he shall have a casting vote, without further appeal on either side.

Should the examination made by the experts prove that the value of the merchandize does not exceed 10 per cent. over and above that declared by the importer or exporter, the duty shall be levied upon the amount stated in the declaration.

Should the value exceed 10 per cent. over and above the declaration, the Custom-house shall have the option of exercising the right of pre-emption, or else of levying the duty upon the value fixed by the experts. This duty shall be increased by 50 per cent. as a fine, in case the valuation made by the experts should exceed 15 per cent. over and above the value declared.

The cost of the examination by experts shall be paid by the

declarer should the value fixed by their award exceed 10 per cent. over and above the value declared; in the contrary case it shall be paid by the Custom-house.

XII. The products of the soil and of the industry of Portugal and of its transmarine possessions shall be admitted into the South African Republic, and, *vice versá*, the products of the soil and of the industry of the South African Republic shall be admitted into Portugal and its transmarine possessions under the same conditions as the same products of the most favoured nation.

XIII. Vessels sailing under the flag of the South African Republic shall enjoy the same treatment in every respect as Portuguese vessels, and shall not be subject to any other or higher duties than the latter, both in the ports of the Province of Mozambique and in those of the other Colonies or of the continent of Portugal and the adjacent islands.

It is, however, understood that this stipulation does not apply to the long and short coasting trade while the same is reserved to the national flag.

XIV. Every reduction of duty, every favour, and every privilege granted by either of the Contracting Parties to the commerce, to the products of the soil, or of the industry, or to the flag of any third Power in any part of its dominions, shall be immediately and unconditionally extended to the other. Neither of the Contracting Parties shall impose upon the subjects, the commerce, or the navigation of the other any prohibitions, restrictions, or duties that are not also imposed upon other nations.

The right is, however, reserved in favour of Portugal of granting to Brazil only special advantages which cannot be claimed by the Government of the South African Republic in virtue of its right to the most-favoured-nation treatment.

The same right is reserved in favour of the South African Government with respect to the Free State of Orange.

XV. Should any Company or undertaking be formed for the conveyance of merchandize along the ordinary roads between the port of Lorenço Marques and that Republic, His Majesty the King of Portugal will make unto it a gratuitous concession of the land belonging to the State that it may require for building places of shelter or warehouses, and will direct the authorities of the Province of Mozambique to make use of their lawful authority and influence over the natives, in order to facilitate as far as possible the success of this undertaking.

XVI. Each of the Contracting Parties shall have the right of appointing Consuls-General, Consuls, Vice-Consuls, and Consular Agents to any ports, cities, and places in the territory of the other, but they respectively reserve the right of excepting any place whenever it may be thought expedient. This reser-

vation shall not, however, be applied to either of the Contracting Parties unless it is equally applied to other nations.

The said functionaries shall be immediately admitted and recognized on presentation of their letters of appointment, in accordance with the rules and formalities prescribed in the respective countries.

The necessary exequatur for the free discharge of their functions shall be accorded to them gratis, and on presentation of the said exequatur the chief authority of their place of residence shall immediately adopt the proper steps in order to enable them to discharge the duties of their office, and to enjoy all the exemptions, prerogatives, immunities, honours, and privileges to which they are entitled.

XVII. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of either of the Contracting Parties shall enjoy in the territory of the other the privileges which are generally accorded to their office, such as exemption from giving lodging to the military forces, and from every kind of direct taxes, both personal as well as those levied upon household goods, or sumptuary, ordinary, or extraordinary; excepting those, however, who may be subjects of the country where they reside, or those carrying on business or trade, inasmuch as in this case they shall be subject to the same taxes, charges, or imposts which are paid by private individuals on account of their nationality or of their business or trade.

It is understood that the taxes to which any of the above Agents may be subject on account of the real property which they may own in the territory where they reside are not included in that exemption.

The respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall, moreover, enjoy personal immunity, such facts excepted as the legislation of either country may qualify and punish as crimes, as well as any other immunities and privileges that may be accorded to the Consular functionaries of the most favoured nation.

XVIII. The Consular archives shall be inviolable, and the local authorities shall not, under any pretext, or in any case, examine or seize any documents appertaining thereto.

Such documents must always be kept quite separate from any books or papers relating to the business or trade which may be carried on by the respective Consuls, Vice-Consuls, or Consular Agents.

XIX. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the two countries may address themselves to the authorities of the place where they reside, and in the absence of a Diplomatic Agent of their nation, if necessary, they may appeal to the Supreme Government of the State

within whose territory they exercise their functions, in order to complain of any infraction that may be committed by the authorities or functionaries of that State of the Treaties or Conventions in force between the two countries, or of any abuse committed against their countrymen, and they shall have the right to make use of any efforts they may deem necessary in order to obtain a prompt redress.

XX. Should a subject of either of the High Contracting Parties die within the territory of the other, in case his heir should be absent, the respective Consular functionaries shall have the right to recover, administer, and liquidate the inheritance, and remit the proceeds to the party lawfully entitled to receive them.

XXI. The stipulations of this Treaty shall be substituted for those of the Treaty concluded on the 29th July, 1869,\* between Portugal and the South African Republic, except as far as regards the definition of the respective boundaries, which shall continue to be regulated in accordance with the stipulations of the said Treaty of the 29th July, 1869.

XXII. This Treaty shall be in force during 20 years, reckoning from the date of the exchange of the ratifications thereof. Should either of the Contracting Parties fail to notify, 12 months before the expiration of that term, its intention of causing the effects of the said Treaty to cease, it shall continue to be binding until the expiration of the term of one year, reckoning from the date when either of the two High Contracting Parties shall have notified its intention of terminating it.

XXIII. The present Treaty shall be ratified in accordance with the formalities adopted in either of the two countries, and after the exchange of ratifications it shall come into force within the period which may be fixed upon by mutual agreement.

In witness whereof the Plenipotentiaries have signed the same and affixed thereto the seals of their arms.

Done in Lisbon, the 11th December, 1875.

(L.S.) JOÃO DE ANDRADE CORVO.

(L.S.) THOMAS BURGERS, *President of the State of the South African Republic.*

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*Protocol.—Lorenço Marques Railway. December 11, 1875.*

THE Undersigned, inspired by the earnest wish which animates their respective Governments of facilitating the commercial relations between the Province of Mozambique and the South African Republic, and of promoting the development of the public wealth of the two countries, have thought it

\* See State Papers. Vol. 63. Page 600.

expedient to declare, on the occasion of the signature of the Treaty of the 11th of this month, what follows:—

The Government of His Majesty the King of Portugal consents to aid the construction of a railway from the Port of Lorenço Marques, or from a point on the right bank of the river of that name where there may be permanent navigation, and which will be definitely fixed with reference to the proper technical and administrative reports, as far as the frontier of the South African Republic, by according to the undertaking or Company which may be formed for this purpose, and which may offer sufficient guarantee that it is capable of effecting the construction in question—

1. A subvention which may be equal to one-half the cost of the works, in accordance with the estimate to be made in view of the plan, and subject to the technical conditions which may be definitively stipulated, which estimate and plan must be approved of beforehand by His Majesty's Government.

2. The land belonging to the State which may be required for the construction and working of the said railway.

3. Free importation during 15 years of any fixed and circulating materials for the construction and working of the said railway.

4. The right of preference, in an equality of circumstances, for the construction of any branch lines of railway.

5. The exclusive right of working of the said railway and of the electric telegraph pertaining to it during 99 years, at the expiration of which they will revert to the State without any compensation. His Majesty's Government, however, reserves unto itself the right of redemption and the option of using it at such period and in such a manner as may be stipulated in the contract.

The Government of His Majesty the King of Portugal also consents to allow the importation, free of duty, of all the fixed and circulating materials for the construction and working of the continuation of the said line of railway in the territory of the South African Republic.

The Government of the South African Republic on its part declares—

1. That it binds itself to continue the line of railway from the Portuguese frontier as far as a centre of production and consumption which will insure the traffic of the line and the development of international trade.

2. That it will place at the disposal of the undertaking and Company which may be formed for the purpose all the surveys and plans that shall have been made on account of the same Government.

3. That in case it should deem it expedient to accord the

construction of the respective line of railway to the same undertaking or Company to which the construction of the Portuguese part may have been accorded, the Government of the South African Republic will grant the said undertaking or Company every facility, and especially—

(1.) The gratuitous concession of the land requisite for the purpose.

(2.) A guarantee of 5 per cent. on the capital employed, or else a subvention analogous to that promised by the Government of His Majesty the King of Portugal.

(3.) It likewise binds itself to use its best endeavours to induce the natives of the Republic to work in the construction of the said railway, and to adopt every means in their power for the speedy termination of the works.

In fine, the Undersigned declare that, in case the same Company should obtain the concession of the two parts of the said line of railway, and whereas the Company must be subject to the laws of each of the countries within their respective territory, the Government of His Majesty the King of Portugal and the Government of the South African Republic shall adopt, by mutual agreement, the means which they may deem most expedient and effectual in order that the Company may carry out its engagements, and in order to insure, from every point of view, the success of a work from which so many advantages must accrue to both countries.

In witness whereof the Undersigned have signed their names herein, and have affixed thereto the seals of their arms.

Done in Lisbon, the 11th December, 1875.

(L.S.) JOÃO DE ANDRADE CORVO.

(L.S.) THOMAS BURGERS, *President of the State of the South African Republic.*

*AGREEMENT between the Governments of Great Britain and Portugal for an Exchange of Post Office Money Orders. Signed at Lisbon, January 17, 1883.\**

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the King of Portugal and the Algarves, being desirous of establishing an exchange of Post Office money orders between the two countries, have agreed to the following Articles:—

ART. I. There shall be a regular exchange of money orders

\* Signed also in the Portuguese language.

between the United Kingdom of Great Britain and Ireland, of the one part, and the Kingdom of Portugal, including the Islands of Madeira and the Azores, of the other part.

The General Post Office of the United Kingdom of Great Britain and Ireland, and the General Direction of Posts, Telegraphs, and Lighthouses of Portugal, shall determine, as regards their respective countries:—

(a.) The offices at which the money orders may be issued; and,

(b.) The offices at which the money orders may be paid.

II. The amount of the orders shall be received from the remitters and paid to the payees in gold coin, or in other legal money of equal value.

Each one of the Postal Administrations may, however, receive and use for payment of the orders any currency of a lesser value (being a legal tender in the country of issue or payment, as the case may be), on the understanding that the difference in value between such currency and the standard gold coin shall be made good to the payees at the time of payment.

III. The maximum amount for which a money order may be drawn in the United Kingdom on Portugal shall be 10*l.* sterling; and the maximum amount for which a money order may be drawn in Portugal on the United Kingdom shall be 50 milreis.

IV. The conversion of the money of the two countries shall be in accordance with the average rate of exchange, which it is agreed shall be taken at 4,570 reis to the pound sterling.

The two Postal Administrations shall, however, be at liberty to fix (by mutual agreement) another rate of conversion, should the variations in the course of exchange between the two countries render such action necessary.

V. Each of the two Postal Administrations shall be at liberty to declare the money orders issued by the other Administration transferable by endorsement within its jurisdiction, but it shall not be incumbent on either Administration to adopt such a course.

VI. Each of the two Postal Administrations shall fix the amount of commission to be charged for the issue of money orders within its jurisdiction, and such commission shall remain the property of the country of issue.

Other than such commission, no tax, fee, or charge shall be made for the issue, transmission, or payment of the money orders forming the subject of this present Agreement; and money orders drawn in the United Kingdom on Portugal shall be exempt from the stamp tax to which money orders are subjected in Portugal.

VII. The Postal Administration of the Kingdom of Portugal



shall pay to the Postal Administration of the United Kingdom  $\frac{1}{4}$  of 1 per cent. on the amount of the money orders issued in Portugal and payable in the United Kingdom; and the British Postal Administration, on its side, shall make a like payment to the Postal Administration of the Kingdom of Portugal on the amount of money orders issued in the United Kingdom and payable in Portugal.

VIII. Money orders issued in Portugal for payment in the United Kingdom shall not be drawn for any fractional part of 10 reis, and money orders issued in the United Kingdom for payment in Portugal shall not be drawn for any fractional part of a penny.

IX. The exchange of money orders between the two countries shall be effected exclusively by means of offices of exchange.

The office of exchange on the part of the Kingdom of Portugal shall be Lisbon, and on the part of the United Kingdom, London.

X. Any person desirous of transmitting from either of the two countries to the other a sum of money within the limits prescribed by Article III of this present Agreement may pay it into one of the Post Offices authorized to receive it, giving the full name and address of the person to whom the money is to be paid, and also his own name and address.

XI. The two offices of exchange shall communicate to each other, daily, the sums received in each of the two countries for payment in the other.

They shall use for this purpose the form of List (A) annexed.

Nevertheless there shall never be entered on the lists above mentioned sums received relating to two different months.

Sums received towards the end of a month, and not reaching the office of exchange until the first days of the following month, shall be entered and communicated to the office of exchange of the country where they are payable in separate lists, supplementary to the ordinary lists, dated the last day of the month in which the sums were received.

A blank form of list shall be transmitted on any day on which there may be no transactions to announce.

XII. Every money order entered upon the lists shall bear a number (to be designated the international number), commencing each month with No. 1.

XIII. The receipt of each list shall be acknowledged, on either side, by means of the first subsequent list forwarded in the opposite direction. And the lists which shall fail to be received shall be immediately applied for by the office of exchange to which they should have been sent.

The despatching office of exchange shall, in such case,

transmit without delay to the receiving office of exchange a duplicate list, duly certified as such.

XIV. The lists shall be carefully verified by the office of exchange to which they are sent; and, when they contain simple errors, shall be corrected.

The corrections shall be communicated to the despatching office of exchange in the acknowledgment of the receipt of the list on which the corrections were made.

When the lists shall disclose other irregularities, the receiving office of exchange shall require an explanation from the despatching office of exchange, which shall give such explanation with as little delay as possible.

In the meantime, the issue of internal money orders relating to the entries on the lists found to be irregular shall be suspended.

XV. As soon as the lists shall have reached the receiving office of exchange, that office shall prepare internal money orders in favour of the payees, and for the amounts specified in the lists, and shall forward them to the payees, or to the paying offices, in conformity with the arrangements existing in each country for regulating the payment of money orders.

XVI. In the event of a money order miscarrying or being lost, a duplicate order shall be granted by the chief office of the country of payment on written application being made by the payee; and such chief office shall be authorized to demand a new commission, except when the order shall have been lost in transmission through the post.

On receipt of a similar application from the payee, instructions shall be given to stop payment of a money order.

XVII. Corrections of errors in the names of payees shall be effected by the chief office of the country of issue, at the request of the remitter.

Such chief office shall be authorized to charge an additional commission when the error has been caused by erroneous information having been given by the remitter.

XVIII. Repayment of an order shall not, in any case, be made until it has been ascertained, through the chief office of the country where such order is payable, that the order has not been paid.

XIX. Orders shall be payable, in either country, for 12 months after the month of issue.

The amounts of all money orders not paid before the expiration of that term shall revert to and remain the property of the Administration of the country of issue.

XX. At the end of every month each office of exchange shall prepare—

(a.) A detailed account showing the total of each list received from the other office dated in that month.

(b.) A list showing the particulars of all orders which it has been authorized to repay to the original remitters (see Article XVIII).

(c.) A list showing the particulars of all orders issued by the other office of exchange which have ceased to be payable under the conditions laid down in Article XIX.

These detailed accounts, which shall be in accordance with the Forms (B), (C), and (D), annexed, shall be sent to the other office of exchange, which shall verify them, and acknowledge its acceptance of them, communicating to the despatching office of exchange any alterations or corrections which it may be necessary to make therein.

XXI. The detailed accounts mentioned in the preceding Article shall be incorporated every month by the Portuguese office of exchange in a general account intended to show the result of the exchange of money orders between the Post Offices of Portugal and of the United Kingdom.

This general account, which shall be in conformity with the Form (E), annexed, shall be transmitted, in duplicate, by the Lisbon Office to the London Office, which shall return one copy of the account, duly accepted.

XXII. When the Portuguese Office has to pay to the British Office the balance of the general account, it shall pay such balance at the same time that it sends the general account; and a similar course shall be followed by the British Office when it returns the duplicate of the general account accepted.

The payment of the balance shall be made at Lisbon when it is to the credit of Portugal, and at London when it is to the credit of the United Kingdom; and always in the money of the country to which the payment is made.

XXIII. The Postal Administration in each country shall be authorized to adopt any additional rules, if not repugnant to the foregoing, for the greater security against fraud, or for the better working of the system generally.

All such additional rules, however, must be communicated to the Postal Administration of the other country.

XXIV. Should it appear, at any time, that money orders are used by mercantile men, or other persons, in Portugal or in the United Kingdom, for the transmission of large sums of money, the Portuguese or British Post Office, as the case may be, shall consider the propriety of increasing the commission, and shall have power even wholly to suspend the issue of money orders.

XXV. This Agreement shall come into operation on the 1st day of May, 1883, and shall be terminable on a notice, by either party, of six calendar months.

In witness whereof the Undersigned, duly authorized for

that purpose, have signed the present Agreement, and have affixed thereto their seals.

Done in duplicate at Lisbon, the 17th day of January, 1883.

(L.S.) CHARLES LENNOX WYKE.

(L.S.) ANTONIO DE SERPA PIMENTEL.

## ROUMANIA.

TREATY of Commerce and Navigation between Her Majesty and the Prince of Roumania.\* Signed at Bucharest, <sup>March 24,</sup> 1880.†  
<sub>April 6,</sub>

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Royal Highness the Prince of Roumania, being desirous of placing on a satisfactory footing the commercial and maritime relations between the two States, have, with this object, determined to conclude a Treaty of Commerce and Navigation, and have therefore named as their respective Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, William Arthur White, Esquire, a Companion of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to His Royal Highness the Prince of Roumania; and

His Royal Highness the Prince of Roumania, M. Basile Boeresco, his Minister Secretary of State for Foreign Affairs, Grand Cross of his Order of the Star of Roumania, Grand Cross of the Order of the Iron Crown, of the Order of the Crown of Italy, &c.;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ART. I. There shall be reciprocally full and entire liberty of commerce and navigation between the subjects of the two High Contracting Parties, who shall be free to establish themselves in each other's territory.

British subjects in Roumania and Roumanian subjects in the territories (including the Colonies and foreign Possessions†) of Her Britannic Majesty shall, in conforming to the laws of the country, be at liberty reciprocally to enter, travel, or reside in any part of the respective territories, to carry on their business;

\* Ratifications exchanged at Bucharest, <sup>June 20,</sup> 1880.  
<sub>July 14,</sub>

† Signed also in the Roumanian language.

‡ See Protocol of <sup>March 24</sup> <sub>April 6</sub>, 1880, and Notes of <sup>December 21, 1880</sup> <sub>January 7, 1881</sub>. Page 322.

and shall enjoy, in this respect, the same protection of their persons and property as that enjoyed by native subjects, or by the subjects of any third country the most favoured in these respects.

They shall be at liberty to exercise their commerce, and to trade, both by wholesale and by retail, in the whole extent of both territories, without being subjected, as to their persons or property, or with regard to the exercise of their trade or business, to any taxes, whether general or local, or to any imposts or conditions of any kind other or more onerous than those which are or may be imposed upon native subjects, or the subjects of any third country the most favoured in these respects.

The rights, privileges, exemptions, and immunities of any kind enjoyed with respect to trade and commerce by the subjects of the High Contracting Parties, or which are or may be hereafter conceded to the subjects of any third Power, shall be extended to the subjects of the other.

British subjects in Roumania and Roumanian subjects in the territories (including the Colonies and foreign Possessions) of Her Britannic Majesty shall enjoy full liberty to acquire, possess, and dispose of, in the whole extent of the respective territories, every description of property which the laws of the country permit or may permit the subjects of any foreign nation to acquire or to hold.

They shall be at liberty to acquire and dispose of such property, whether by sale, donation, marriage, testament, or in any other manner whatever, under the same conditions which are or may be established with respect to the subjects of any other foreign nation, without being subject to any imposts, duties, or charges of any description whatever other or higher than those which are or may be levied on such foreign subjects, or on subjects of the country. They shall likewise be at liberty to export the proceeds of the sale of their property and goods in general, without being subjected, on such exportation, to pay as foreigners, any other or higher duties than those payable under similar circumstances by subjects of the country, or the subjects of any third Power the most favoured in these respects.

They shall be equally exempted from all official, obligatory, judicial, administrative, or municipal functions whatsoever. They shall likewise enjoy most-favoured-nation treatment with respect to access to Courts of Law, and in the prosecution and defence of their rights, and in regard to domiciliary visits to their dwellings, manufactories, warehouses, or shops.

British subjects in Roumania and Roumanian subjects in the territories (including the Colonies and foreign Possessions) of Her Britannic Majesty shall be reciprocally exempted from all

personal service, whether in the army, navy, or national guard, or militia, from billeting, from all contributions, whether pecuniary or in kind, destined as a compensation for personal service, from all forced loans and military exactions or requisitions.

The liabilities, however, arising out of the possession of real property, and for military loans and requisitions to which all the subjects of the State might be called upon to contribute as proprietors of real property, shall be excepted.

II. The produce and manufactures of, as well as all goods coming from, the territories (including the Colonies and foreign Possessions) of Her Britannic Majesty, which are imported into Roumania, and the produce and manufactures of, as well as all goods coming from Roumania, which are imported into the territories (including the Colonies and foreign Possessions) of Her Britannic Majesty, whether intended for consumption, warehousing, re-exportation, or transit, shall be treated in the same manner as, and, in particular, shall be subjected to no higher or other duties, whether general or municipal or local, than the produce, manufactures, and goods of any third country the most favoured in this respect. No other or higher duties shall be levied in Roumania on the exportation of any goods to the territories (including the Colonies and foreign Possessions) of Her Britannic Majesty, or in the territories (including the Colonies and foreign Possessions) of Her Britannic Majesty, on the exportation of any goods to Roumania, than may be levied on the exportation of the like goods to any third country the most favoured in this respect.

Neither of the Contracting Parties shall establish a prohibition of importation, exportation, or transit against the other, which shall not, under like circumstances, be applicable to any third country the most favoured in this respect.

In like manner in all that relates to local dues, Customs formalities, brokerage, patterns or samples introduced by commercial travellers, and all other matters connected with trade, British subjects in Roumania and Roumanian subjects in the territories (including the Colonies and foreign Possessions) of Her Britannic Majesty shall enjoy most-favoured-nation treatment.

III. The Roumanian Government engage to modify and reduce, with respect to the following goods, the duties specified in the Tariff drawn up by the Mixed Commission which met at Vienna, in conformity with Article IX of the Convention of June 22, 1875,\* between Roumania and Austria-Hungary, that is to say:—

Art. 267. *Paints*, unprepared, common, unenumerated, prepared with oil, ground for painting houses, ships, &c., to which shall be added: and such as are imported in larger recipients than mentioned in Article 266.

\* See State Papers. Vol. 66. Page 158.

Conventional tariff	..	..	24 lei per 100 kilog.
Reduction to	..	..	16     ,,

Art. 345. *Felts*, of all sorts, as well as the following articles of felt: Soles, list-shoes, with or without soles (even of leather), as well as common felt hats for the use of peasants and soldiers.

Conventional tariff	..	..	25 lei per 100 kilog.
Reduction to	..	..	20     ,,

Art. 376. *Cotton Twist*, single, grey or bleached, called in Roumanian *cretz*, *cretzsizor* or *extra-cretz*.

Conventional tariff	..	..	21 lei per 100 kilog.
Reduction to	..	..	15     ,,

Art. 377. *Doubled Yarns*, in two or more threads, grey or bleached.

Conventional tariff	..	..	31 per lei 100 kilog.
Reduction to	..	..	20     ,,

Art. 395. (a).\* *Jute* tissues, very common, grey or bleached.

5 lei per 100 kilog.

(b.) Textures, grey, very common.

10 lei per 100 kilog.

Art. 465. *Petroleum* crude and refined—to which shall be added —“and schist oils.”

Art. 494. *Cements*, natural and prepared.

Conventional tariff	..	..	70 c. per 100 kilog.
Reduction to	..	..	60     ,,

Art. 499. *Earthenware*, common—to which shall be added —“and common printed plates of two colours imported in baskets,” and omitting them in Article 500, where they appear as “semi-fine Earthenware.”

Art. 505. *Glass*, moulded, unpolished, figured, cut, ornamented, massive—with the following specifications—hollow glass, uncut, unground.

Art. 538. *Copper*, Brass, and Bronze in sheets.

Conventional tariff	..	..	20 lei per 100 kilog.
Reduction to	..	..	15     ,,

Art. 543. To omit from Note 1 of this Article “trunnions and pillions belonging to machinery.”

Art. 548. *Tin*, raw, in plates, &c.

Conventional tariff	..	..	16 lei per 100 kilog.
Reduction to	..	..	15     ,,

\* Sacks and carpets of pure jute come under jute tissues, and are taxed—5 lei per 100 kilog.

Art. 572. *Rails of Iron and Steel.*

Conventional tariff	..	..	1 lei 75 c. per 100 kilog.
Reduction	..	..	Free.

Art. 573. *Hoops, of Iron, for wheels.*

Conventional tariff	..	..	1 lei 90 c. per 100 kilog.
Reduction	..	..	Free.

Art. 575. *Tin and Iron, in plates.*

Conventional tariff	..	..	5 lei per 100 kilog.
Reduction to	..	..	3 lei 50 c. per 100 kilog.

Art. 581. Various articles, fittings, and detached *parts of machinery*, of cast Iron.

Conventional tariff	..	..	8 lei per 100 kilog.
Reduction	..	..	Free.

Art. 586. Large *Nails* and wrought *Nails* (Conventional Tariff 4 lei per 100 kilog.), and

Art. 587. *Wire Nails* from No. 42 upwards (Conventional Tariff 8 lei per 100 kilog.) *to be united under one Article and classified as* "Wrought nails and wire-nails."

Reduction to	..	..	4 lei per 100 kilog.
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Art. 592. *Iron Chains*, with links more than 1 centim. thick (Conventional Tariff 7 lei per 100 kilog.), and

Art. 593. *Iron Chains*, with links less than 1 centim. thick (Conventional Tariff 12 lei per 100 kilog.) *to be united under one Article and classified as* "Iron Chains, except Ships' Chains."

Reduction to	..	..	7 lei per 100 kilog.
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Art. 598. *Iron Bedsteads*, with ornaments—to add—"metal bedsteads, such as iron, brass and bronze," &c.

Art. 600. Unenumerated *articles of Iron and Steel*, enamelled, plated, &c. (Conventional Tariff 15 lei per 100 kilog.), and

Art. 601. *Articles of Iron and Steel*, semi-fine (Conventional Tariff 25 lei per 100 kilog.)—*To be united under one Article comprising both classifications.*

Reduction to	..	..	15 lei per 100 kilog.
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Art. 604. *Articles of Tin and Sheet Iron*, painted or enamelled—to which is added "or galvanized."

Art. 610. *Cultery*, common, of Iron or Steel, common Scissors, with settings of wood, bone, horn, or other common materials.

Conventional tariff	..	..	40 lei per 100 kilog.
Reduction to	..	..	20 "

IV. The duties *ad valorem* provided for in the present Treaty shall be calculated on the value at the place of export, with the addition of the cost of transport, insurance, and com-



mission necessary for the importation into the territories of the Power as far as the port of discharge or place of entry.

The importer shall annex to his written declaration stating the value and description of the goods imported an invoice indicating the actual price emanating from the maker or seller. If the Custom-house authorities, within 24 hours after the declaration is presented, shall be of opinion that the declared value is insufficient, they shall be at liberty to take the goods on paying to the importer the price declared, with an addition of 10 per cent.

This payment shall be made within the 15 days following the declaration, and any duty which may have been levied upon such goods shall be at the same time repaid.

V. British subjects in Roumania and Roumanian subjects in the territories (including the Colonies and foreign Possessions) of Her Britannic Majesty shall enjoy the same rights as natives, or as are now granted, or may hereafter be granted, to the subjects of any third country the most favoured in this respect, in everything relating to property in trade marks and trade labels or tickets, as well as in patterns and designs for manufacturers.

It is understood that any person who desires to obtain the aforesaid protection must fulfil the formalities required by the laws of the respective countries.

VI. Every reduction in the tariff of import and export duties, as well as every favour or immunity which may be granted hereafter by one of the Contracting Parties to the subjects, commerce, or navigation of a third Power, shall be granted simultaneously and unconditionally to the other.

VII. British ships and their cargoes shall, in Roumania, and Roumanian vessels and their cargoes shall, in the territories (including the Colonies and foreign Possessions) of Her Britannic Majesty, from whatever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as national ships and their cargoes.

The preceding stipulation applies to local treatment, dues, and charges in the ports, basins, docks, roadsteads, harbours, and rivers of the two countries, pilotage, and generally to all matters connected with navigation.

Every favour or exemption in these respects, or any other privilege in matters of navigation which either of the Contracting Parties shall grant to a third Power, shall be extended immediately and unconditionally to the other party.

All vessels which, according to British law, are to be deemed British vessels, and all vessels which, according to Roumanian law, are to be deemed Roumanian vessels, shall, for the purposes of this Treaty, be respectively deemed British or Roumanian vessels.

The coasting trade, however, is excepted from the preceding stipulations, and remains subject to the respective laws of the two countries.

VIII. Each of the Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents to reside respectively in towns and ports in the territories of the other Power. Such Consular officers, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent. They shall exercise whatever functions, and enjoy whatever privileges, exemptions, and immunities are or may hereafter be granted there to Consular officers of the most favoured nation.

IX. Any ship of war or merchant-vessel of either of the Contracting Parties, which may be compelled by stress of weather, or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to put to sea again without paying any dues other than such as would be payable in a similar case by a national vessel.

In case the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandize in order to defray the expenses he may have incurred, no impediment shall be opposed by the local authorities, the master being, however, bound to conform to the regulations and tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the Contracting Parties should be stranded or wrecked upon the coasts of the territories of the other, such ship or vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including any which may have been cast into the sea, or the proceeds thereof if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents when claimed by them from the officers or functionaries, British or Roumanian, who may be, by the laws and orders of the Governments of their respective countries, entrusted with the protection, preservation, and custody of shipwrecked property. If there are no such owners or agents on the spot, then the said ship, and the above-named things and appurtenances shall be delivered by the above-named officers or functionaries to the British or Roumanian Consul-General, Consul, Vice-Consul, or Consular Agent in whose district the stranding or wreck may have taken place, upon being claimed by him within the period fixed by the laws of the country; and such Consular functionaries, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other

expenses which would have been payable in the like case of the stranding or wreck of a national vessel.

It is, however, agreed that when the owner of the goods or merchandize, or his agent, not being present on the spot, shall be a native of the country in which the stranding or wreck may take place, and resident therein, the goods or merchandize which may belong to him, or the produce thereof if sold, shall not remain in the power of the Consular functionaries, but shall be deposited according to the laws of the said country, in order to be handed over to whomsoever they may belong by right.

The goods and merchandize saved from the wreck shall be exempt from all duties of Customs, unless cleared for consumption, in which case they shall pay the same duties that they would have to pay if they had been imported in a national vessel.

In the case of a vessel being driven in by stress of weather, stranded, or wrecked, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall, if the owner or master, or other agent of the owner is not present, or is present and requires it, be authorized to interpose in order to afford the necessary assistance to their fellow-countrymen.

The intervention of the local authorities, when the owners, their agents, the captain, or the Consular functionaries are present, shall only take place for the purpose of maintaining order, of furthering the actions of those persons, and of ensuring the execution of the rules to be observed for the entry and exit of the goods and merchandize saved, and for the realization of the duties when payable.

In case, however, of the absence, not only of the owner, captain, or other agents, but also of the Consuls-General, Consuls, Vice-Consuls, and Consular Agents, and until their arrival, the local authorities shall make it their duty to take the necessary measures for the protection of the individuals, and the preservation of the effects wrecked.

X. British Consular officers in Roumania, and Roumanian Consular officers in the territories (including the Colonies and foreign Possessions) of Her Britannic Majesty, shall receive from the local authorities such assistance as can by law, or the provisions of Treaties with any third Power, be given to them for the recovery of deserters from the vessels of their respective countries.

XI. The ratifications of the present Treaty shall be exchanged at Bucharest as soon as possible. It shall come into force immediately, and shall remain in force for ten years from the date of the exchange of ratifications. And in case neither of the two Contracting Parties shall have notified 12 months before the expiration of the said period of ten years its inten-

tion of putting an end to the present Treaty, it shall remain binding until the expiration of one year from the day on which either of the Contracting Parties shall have given such notice.

In witness whereof the respective Plenipotentiaries have signed the present Treaty, and have affixed thereto their seals.

Done in duplicate, at Bucharest, the <sup>24th March,</sup> 1880.

<sup>6th April,</sup>

(L.S.) W. A. WHITE.

(L.S.) B. BOERESCO.

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PROTOCOL.

*Exclusion of the South African Colonies.* <sup>24th March,</sup> 1880.

<sup>6th April,</sup>

UPON proceeding to the signature of the Treaty of Commerce and Navigation concluded this day between Great Britain and Roumania, the Plenipotentiaries of the two Powers have agreed as follows:—

The South African Colonies, having signified their wish not to be included in the stipulations of the said Treaty, they remain excluded from the operation of the same.

In a similar manner any British Colony or foreign Possession of Her Britannic Majesty shall have the option not to be included in the stipulations of this Treaty, provided notice to that effect is given within a period not later than six months after the ratifications of the Treaty, and the provisions of this Treaty shall not apply to any British Colony or foreign Possession of Her Britannic Majesty which shall have given such notice.

In witness whereof the undersigned Plenipotentiaries have drawn up the present Protocol in duplicate form, to which, after it had been duly read, they affixed their signatures.

Bucharest, this <sup>24th March,</sup> 1880.

<sup>6th April,</sup>

(L.S.) W. A. WHITE.

(L.S.) B. BOERESCO.

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EXCHANGE of Notes. *Exclusion of Canada.* Bucharest, <sup>December, 1880,</sup> <sub>January 1881.</sub>

No. 1.—*Mr. White to M. Boeresco.*

M. LE MINISTRE,

*Bucharest,* <sup>December 26, 1880,</sup> <sub>January 7, 1881.</sub>

I AM instructed by Her Majesty's Government to inform your Excellency that the Dominion of Canada desires to be exempted, so far as relates to the conditions affecting commerce and trade, from the provisions of the Treaty signed at Bucharest between Great Britain and Roumania on the <sup>24th March,</sup> 1880, and

<sup>6th April,</sup>

I have the honour to request that my present communication shall be considered as the notice given in that respect to Roumania on behalf of the Dominion of Canada in accordance with the Protocol annexed to the above-mentioned Treaty.

I have, &c.,

M. Boeresco.

W. A. WHITE.

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No. 2.—M. Boeresco to Mr. White.

M. L'ENVOYÉ,

Bucarest, le <sup>31 Décembre, 1880.</sup>  
<sub>13 Janvier, 1881.</sub>

EN accusant réception de la note que vous avez bien voulu m'adresser le <sup>30 Décembre, 1880.</sup>  
<sub>7<sup>th</sup> Janvier, 1881.</sub>, j'ai l'honneur de vous informer que le Gouvernement Roumain a pris acte du désir exprimé par le Domaine du Canada d'être exempté, en vertu du Protocole annexé au Traité de Commerce entre la Grande Bretagne et la Roumanie, des stipulations ayant trait au commerce.

Veillez, &c.,

W. A. White, Esq., C.B.

B. BOERESCO.

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## RUSSIA.

DECLARATION *between Great Britain and Russia, relative to the disposal of the Estates of Deceased Seamen of the two Nations.*  
*Signed at London, August 9, 1880.\**

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the Emperor of All the Russias, having judged it expedient to make arrangements for the disposal of the estates of seamen, being subjects of the one State, who shall die on board a ship or in the territory of the other State, have agreed as follows:—

ART. I. The estate of any Russian or Finnish seaman who shall die, either on board a British ship or at any place within British territory, shall, if not exceeding fifty pounds sterling (50*l.*) in value, be delivered to the Russian Consul-General in London without being subject to any of the formalities usually required by English law on succession to property.

On the other hand, the estate of any British seaman who shall die, either on board a Russian or Finnish ship, or within Russian territory, if not exceeding three hundred and fifty silver roubles (350 roubles) shall be delivered to the nearest

\* Signed also in the French language.

British Consul without undergoing any of the forms usually required by Russian or Finnish law on succession to property.

II. If the deceased, a Russian subject, shall have served in the Royal Navy of Great Britain, any assets which may be payable by the British Admiralty shall be dealt with according to the law of Great Britain.

On the other hand, if the deceased, a British subject, shall have served in the Imperial Navy of Russia, any assets which may be payable by the Russian authorities shall be dealt with according to Russian law.

III. The term "seaman" in this Declaration includes every person (except masters and pilots) employed or engaged in any capacity on board any merchant-ship, or who has been so employed or engaged within six months before his death, and every person, not being a commissioned, warrant, or subordinate officer, or assistant engineer, borne on the books of, or forming part of the complement of, any public ship of war.

The term "estate" includes all "property, wages due, money, and other effects" left by a deceased seaman on board a ship.

The term "Consul" includes Consul-General, Consul, Vice-Consul, and every person for the time being discharging the duties of Consul-General, Consul, or Vice-Consul.

IV. The present Declaration shall be concluded for a term of three years, to date from the day of its signature. At the expiration of this term and of each successive term of three years it shall be continued for a further term of three years, unless one of the High Contracting Parties shall give notice for its termination one year before the expiration of any such term of three years.

In witness whereof the Undersigned, duly authorized to that effect, have signed the present Declaration, and have affixed thereto the seal of their arms.

Done in duplicate at London, the 9th day of August, 1880.

(L.S.) GRANVILLE.

(L.S.) LOBANOW.

BRITISH ORDER IN COUNCIL, *extending the System of British Tonnage Measurement to Vessels of Russia and the Grand Duchy of Finland.* Balmoral, November 20, 1880.

*At the Court at Balmoral, the 20th day of November, 1880.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Merchant Shipping Act Amendment

Act, 1862,"\* it is enacted that whenever it is made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant-ships for the time being in force under the principal Act have been adopted by the Government of any foreign country and are in force in that country, it shall be lawful for Her Majesty by Order in Council to direct that the ships of such foreign country shall be deemed to be of the tonnage denoted in their certificate of registry or other national papers, and thereupon it shall no longer be necessary for such ships to be remeasured in any port or place in Her Majesty's dominions, but such ships shall be deemed to be of the tonnage denoted in their certificates of registry or other papers, in the same manner, to the same extent, and for the same purposes, in, to, and for which the tonnage denoted in the certificate of registry of British ships is to be deemed the tonnage of such ships :

And whereas it has been made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant-ships now in force under "The Merchant Shipping Act, 1854,"† have been adopted by the Governments of Russia and the Grand Duchy of Finland, with the exception, as regards Russian steam-ships, of a slight difference in the mode of estimating the allowance for engine-room; and such rules are now in force in those countries, having come into operation at the following dates, viz., in Russia on the 20th day of December, 1879, and in the Grand Duchy of Finland on the 1st day of June, 1877 :

Her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct as follows :—

1. As regards sailing-ships: that merchant sailing-ships of the said Russian Empire, the measurement whereof, after the said 20th day of December, 1879, has been ascertained and denoted in the registers and other national papers of such sailing-ships, testified by the date thereof, and merchant sailing-ships of the said Grand Duchy of Finland, the measurement whereof has, after the said 1st day of June, 1877, been ascertained, denoted, and testified as aforesaid, shall be deemed to be of the tonnage denoted in such registers and other national papers in the same manner and to the same extent and for the same purpose, in, to, and for which the tonnage denoted in the certificate of registry of British sailing-ships is deemed to be the tonnage of such ships.
2. As regards steam-ships: that merchant-ships belonging

\* 25 and 26 Vict., c. 63, § 60. Vol. 11. Page 338.

† 17 and 18 Vict., c. 104, §§ 21 to 29. Vol. 14. Page 696.

to the said Russian Empire which are propelled by steam or any other power requiring engine-room, the measurement whereof shall, after the said 20th day of December, 1879, have been ascertained and denoted in the registers and other national papers of such steam-ships, testified by the dates thereof, and that merchant steam-ships belonging to the said Grand Duchy of Finland, the measurement whereof has, after the said 1st day of June, 1877, been ascertained, denoted, and testified as aforesaid, shall be deemed to be of the tonnage denoted in such registers or other national papers in the same manner and to the same extent and for the same purpose, in, to, and for which the tonnage denoted in the certificate of registry of British ships is deemed to be the tonnage of such ships; provided, nevertheless, that if the owner or master of any such Russian steamship desires the deduction for engine-room in his ships to be estimated under the rules for engine-room measurement and deduction applicable to British ships instead of under the Russian rule, the engine-room shall be measured and the deduction calculated according to the British rules.

C. L. PEEL.

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DECLARATION *between the British and Russian Governments on the subject of Tonnage Measurement. Signed at London, June 9, 1882.\**

THE English system of tonnage measurement (Moorsom's system) being henceforward in force as well in the Empire of Russia and the Grand Duchy of Finland as in the United Kingdom of Great Britain and Ireland, and in the British Colonies, the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the Emperor of All the Russias, have agreed to the following Declaration:—

1. Russian and Finland vessels measured according to the above-mentioned system shall be admitted into the ports of the United Kingdom and its Colonies; and British vessels measured according to the same system shall be admitted into the ports of Russia or Finland, without being subjected, for the purpose of payment of navigation dues, to any fresh operation of measurement.

The navigation dues above mentioned shall be calculated on net tonnage.

\* Signed also in the French language.



2. The Finland and English Regulations respecting tonnage measurement being substantially the same, English certificates of tonnage measurement shall, in the Grand Duchy of Finland, and Finland certificates of tonnage measurement, taken out after the 31st May, 1877, shall in the United Kingdom and its Colonies, be recognized, without any operation of measurement or other formality whatsoever; and the net tonnage of all British or Finland ships inscribed on the ship's papers shall be considered in the respective ports of each country as equivalent to the net register tonnage of national vessels.

3. English certificates of tonnage measurement shall in Russia, and Russian certificates of tonnage measurement, taken out after the <sup>30th December, 1879</sup>~~1st January, 1880~~, shall, in the United Kingdom and its Colonies, be likewise reciprocally recognized in the ports of each country without any operation of measurement.

As, however, the provisions of the Russian Regulation do not entirely correspond to the English Regulations relative to the mode to be followed in the determination of crew spaces in ships, and machine and coal spaces in steamers, the deductions in respect of these shall, for English vessels in Russian ports, be calculated according to the figures shown in the certificates of tonnage measurement, in conformity with the Regulation sanctioned the <sup>30th December, 1879</sup>~~1st January, 1880~~, without re-measurement of the vessel.

This measure shall be applicable in British ports to Russian vessels touching there, if the captains of the said vessels shall express a desire to that effect; and, in such case, the provisions of "The Merchant Shipping Act" of the 10th August, 1854,\* shall be complied with.

4. The above-mentioned arrangements shall apply also to vessels propelled by any other artificial power than steam.

The present Declaration shall come into operation on the <sup>1st</sup>~~10th~~ July, 1882, and shall remain in force so long as one of the Contracting Parties shall not have notified to the other six months in advance its intention of terminating it.

In witness whereof the Undersigned, duly authorized for this purpose, have signed the present Declaration, and have affixed thereto the seal of their arms.

Done, in duplicate, at London, the <sup>28th day of May</sup>~~9th day of June~~, 1882.

(L.S.) GRANVILLE.  
(L.S.) LOBANOW.

## SALVADOR.

*TREATY between Great Britain and Salvador for the Mutual Surrender of Fugitive Criminals.\* Signed at Paris, June 23, 1881.†*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Republic of Salvador, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within the two countries and their jurisdictions, that persons charged with or convicted of the crimes or offences hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have named as their Plenipotentiaries to conclude a Treaty (that is to say) :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Bickerton Pemell, Lord Lyons, a Peer of the United Kingdom of Great Britain and Ireland, Knight Grand Cross of the Most Honourable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, one of Her Britannic Majesty's Most Honourable Privy Council, and Her Majesty's Ambassador Extraordinary and Plenipotentiary to the French Republic; and

His Excellency the President of the Republic of Salvador, Señor Don José Maria Torres-Cañedo, Minister Plenipotentiary of the Republic of Salvador to Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Grand Officer of the Legion of Honour;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :—

ART. I. The High Contracting Parties engage to deliver up to each other, under the circumstances and conditions stated in the present Treaty, those persons who, being accused or convicted of any of the crimes or offences enumerated in Article II, committed in the territory of the one party, shall be found within the territory of the other party.

II. The extradition shall be reciprocally granted for the following crimes or offences :—

1. Murder (including assassination, parricide, infanticide, poisoning), or attempt to murder.

\* Signed also in the Spanish language.

† Ratifications exchanged at London, November 8, 1882.

2. Manslaughter.
3. Administering drugs or using instruments with intent to procure the miscarriage of women.
4. Rape.
5. Aggravated or indecent assault; carnal knowledge of a girl under the age of 10 years; carnal knowledge of a girl above the age of 10 years and under the age of 12 years; indecent assault upon any female, or any attempt to have carnal knowledge of a girl under 12 years of age.
6. Kidnapping and false imprisonment, child-stealing, abandoning, exposing, or unlawfully detaining children.
7. Abduction of minors.
8. Bigamy.
9. Wounding, or inflicting grievous bodily harm.
10. Assaulting a Magistrate, or peace or public officer.
11. Threats, by letter or otherwise, with intent to extort money or other things of value.
12. Perjury or subornation of perjury.
13. Arson.
14. Burglary or housebreaking, robbery with violence, larceny, or embezzlement.
15. Fraud by a bailee, banker, agent, factor, trustee, director, member, or public officer of any company, made criminal by any law for the time being in force.
16. Obtaining money, valuable security, or goods by false pretences; receiving any money, valuable security, or other property, knowing the same to have been stolen or unlawfully obtained.
17. (a.) Counterfeiting or altering money, or bringing into circulation counterfeited or altered money.
- (b.) Forgery, or counterfeiting or altering, or uttering what is forged, counterfeited, or altered.
- (c.) Knowingly making, without lawful authority, any instrument, tool, or engine adapted and intended for the counterfeiting of coin of the realm.
18. Crimes against bankruptcy law.
19. Any malicious act done with intent to endanger persons in a railway train.
20. Malicious injury to property, if such offence be indictable.
21. Crimes committed at sea—
- (a.) Piracy by the law of nations.
- (b.) Sinking or destroying a vessel at sea, or attempting or conspiring to do so.
- (c.) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.
- (d.) Assault on board a ship on the high seas with intent to destroy life, or to do grievous bodily harm.

22. Dealing in slaves in such manner as to constitute an offence against the laws of both countries.

The extradition is also to take place for participation in any of the aforesaid crimes as an accessory before or after the fact, provided such anticipation be punishable by the laws of both Contracting Parties.

III. No Salvadorian shall be delivered up by the Government of Salvador to the Government of the United Kingdom, and no subject of the United Kingdom shall be delivered up by the Government thereof to the Government of Salvador.

IV. The extradition shall not take place if the person claimed on the part of the Government of the United Kingdom, or the person claimed on the part of the Government of Salvador, has already been tried and discharged or punished, or is still under trial in the territory of Salvador or in the United Kingdom respectively for the crime for which his extradition is demanded.

If the person claimed on the part of the Government of the United Kingdom, or on the part of the Government of Salvador, should be under examination for any other crime in the territory of Salvador or in the United Kingdom respectively, his extradition shall be deferred until the conclusion of the trial and the full execution of any punishment awarded to him.

V. The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

VI. A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

VII. A person surrendered can in no case be kept in prison or be brought to trial in the State to which the surrender has been made, for any other crime, or on account of any other matters, than those for which the extradition shall have taken place. This stipulation does not apply to crimes committed after the extradition.

VIII. The requisition for extradition shall be made through the Diplomatic Agents of the High Contracting Parties respectively.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it

must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

A requisition for extradition cannot be founded solely on sentences passed in *contumaciam*, but persons convicted for contumacy shall be deemed to be accused persons.

IX. If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

The prisoner is then to be brought before a competent Magistrate, who is to examine him, and to conduct the preliminary investigation of the case, just as if the apprehension had taken place for a crime committed in the same country.

X. A fugitive criminal may be apprehended under a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority in either country, on such information or complaint, and such evidence, or after such proceedings, as would, in the opinion of the authority issuing the warrant, justify the issue of a warrant if the crime had been committed or the person convicted in that part of the dominions of the two Contracting Parties in which the Magistrate, Justice of the Peace, or other competent authority exercises jurisdiction: provided, however, that in the United Kingdom the accused shall, in such case, be sent as speedily as possible before a Police Magistrate in London. He shall, in accordance with this Article, be discharged, as well in Salvador as in the United Kingdom, if within the term of 30 days a requisition for extradition shall not have been made by the Diplomatic Agent of his country in accordance with the stipulations of this Treaty.

The same rule shall apply to the cases of persons accused or convicted of any of the crimes or offences specified in this Treaty, and committed on the high seas on board any vessel of either country which may come into a port of the other.

XI. The extradition shall take place only if the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, in case the crime had been committed in the territory of the same State, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition, and no criminal shall be surrendered until after the expiration of 15 days from the date of his committal to prison to await the warrant for his surrender.

XII. In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the State applied to shall admit as entirely valid evidence the sworn depositions or statements of witnesses taken in the other State, or copies thereof, and likewise the warrants and sentences issued therein, provided such documents purport to be signed

or certified by a Judge, Magistrate, or officer of such State, and are authenticated by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of State.

XIII. If the individual claimed by one of the two High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers, on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that State whose demand is earliest in date; unless any other arrangement should have been made between the different Governments to determine the preference, either on account of the gravity of the crime or offence, or for any other reason.

XIV. If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, he shall be set at liberty.

XV. All articles seized which were in the possession of the person to be surrendered at the time of his apprehension shall, if the competent authority of the State applied to for the extradition has ordered the delivery of such articles, be given up when the extradition takes place; and the said delivery shall extend, not merely to the stolen articles, but to everything that may serve as a proof of the crime.

XVI. The High Contracting Parties renounce any claim for the reimbursement of the expenses incurred by them in the arrest and maintenance of the person to be surrendered and his conveyance till placed on board ship; they reciprocally agree to bear such expenses themselves.

XVII. The stipulations of the present Treaty shall be applicable to the Colonies and foreign Possessions of Her Britannic Majesty.

The requisition for the surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign Possessions shall be made to the Governor or chief authority of such Colony or Possession by the Chief Consular Officer of the Republic of Salvador in such Colony or Possession.

Such requisition may be disposed of, subject always, as nearly as may be, to the provisions of this Treaty, by the said Governor or chief authority, who, however, shall be at liberty either to grant the surrender or to refer the matter to his Government.

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign Possessions for the surrender of Salvadorian criminals who may take refuge within such Colonies and foreign Possessions, on the basis, as nearly as may be, of the provisions of the present Treaty.

The requisition for the surrender of a fugitive criminal from

any Colony or foreign Possession of Her Britannic Majesty shall be governed by the rules laid down in the preceding Articles of the present Treaty.

XVIII. The present Treaty shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties, but shall remain in force for six months after notice has been given for its termination.

The Treaty, after receiving the approval of the Congress of Salvador, shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Paris, the 23rd day of June, in the year of Our Lord 1881.

(L.S.) LYONS.

(L.S.) J. M. TORRES CAICEDO.

**BRITISH ORDER IN COUNCIL**, for carrying into effect the *Extradition Treaty with Salvador of June 23, 1881.* Windsor, December 16, 1882.

*At the Court at Windsor, the 16th day of December, 1882.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness the Duke of Connaught and Strathearne.	Earl of Kimberley. Mr. Gladstone.
Marquess of Hartington.	Mr. Childers.
Earl of Derby.	

WHEREAS by "The Extradition Acts, 1870 and 1873," it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in, or suspected of being in, the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the 23rd day of June, 1881, between Her Majesty and the President of the Republic of Salvador, for the mutual extradition of fugitive criminals, which Treaty is in the terms following:—

[Here follows the Treaty of June 23, 1881. See Page 328.]

And whereas the ratifications of the said Treaty were exchanged at London on the 8th day of November, 1882:

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and in virtue of the authority committed to her by the said recited Acts, doth order, and it is hereby ordered, that from and after the 13th day of January, 1883, the said Acts shall apply in the case of Salvador, and of the said Treaty with the President of Salvador.

C. L. PEEL.

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## SAMOA.

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TREATY of Friendship, &c., between Great Britain and the King and Government (Malo) of Samoa.—Signed at Apia, August 28, 1879.\*†

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the King and Government (Malo) of Samoa, being desirous to establish relations of friendship between their respective dominions and subjects, have resolved to conclude a Treaty for that purpose, and have therefore named as their Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c., the Honourable Sir Arthur Hamilton Gordon, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Her Majesty's High Commissioner and Consul-General for the Western Pacific,† Governor of Fiji; and Alfred Percival Maudslay, Esq., one of Her Majesty's Deputy Commissioners for the Western Pacific; and

The King and Government (Malo) of Samoa, the High Chief Malietoa Laupepa and the High Chief Saga;

Who, after having communicated to each other their respective full powers, have agreed upon and concluded the following Articles:—

ART. I. There shall be perpetual peace and friendship between the subjects of Her Britannic Majesty and those of the Samoan State.

\* Signed also in the Samoan language.

† Ratifications exchanged at Mulinuu, August 27, 1880.

‡ "For Western Polynesia" in original.



II. The King and Government (Malo) of Samoa engage to grant to no other Sovereign or State any rights, privileges, authority, or predominance in Samoa in excess of such as are or may be accorded to Her Britannic Majesty. The subjects of Her Britannic Majesty shall always enjoy in Samoa whatever rights, privileges, and immunities shall be granted to those of the most favoured nation; and no rights, privileges, or immunities shall be granted to the subjects of any foreign State that shall not be equally and unconditionally accorded to the subjects of Her Britannic Majesty.

III. Full liberty for the free pursuit of commerce, trade, and agriculture is guaranteed to British subjects, as well as the peaceable possession of all lands heretofore purchased by them from Samoans in a customary and regular manner, and in the event of any dispute arising as to the fact of such purchase, it shall be determined by a Commission, to consist of one person nominated by the Samoan Government (Malo), and one nominated by Her Britannic Majesty's Consul; and in the event of their disagreement, they shall themselves select an umpire; or, if they fail to do so, such umpire shall be appointed by Her Majesty's Consul-General. All British subjects resident in Samoa shall be exempt from war contributions, military requisitions, and occupation of their houses and lands by war parties.

IV. If any subject of Her Britannic Majesty in Samoa is charged with a criminal offence cognizable by British law, such charge shall be tried by Her Britannic Majesty's High Commissioner for the Western Pacific Islands, or other British officer duly authorized by Her Britannic Majesty in that behalf. The expression "British law" in this Article includes any rules duly made and issued by Her Britannic Majesty's High Commissioner for the Western Pacific Islands, for the government of British subjects within his jurisdiction.

V. Every civil suit which may be brought in Samoa against any subject of Her Britannic Majesty shall be brought before, and shall be tried by, Her Britannic Majesty's High Commissioner, or such other British officer duly authorized as aforesaid.

VI. Every summons or warrant to appear as a witness before Her Britannic Majesty's High Commissioner, or such other British officer duly authorized as aforesaid, and directed to a Samoan subject, shall have the same authority, and may be enforced in like manner, as if such summons or warrant had been directed to a subject of Her Britannic Majesty.

VII. Her Britannic Majesty engages to cause Regulations to be issued to enforce the observance by British subjects of such of the existing municipal laws and police regulations of Samoa as may be hereafter agreed upon by agreement between the

Government of Her Britannic Majesty and that of the Samoan State, and for the due observance of quarantine by British subjects.

VIII. Her Majesty the Queen of Great Britain may, if she think fit, establish on the shores of a Samoan harbour, to be hereafter designated by Her Majesty, a naval station and coaling depôt; but this Article shall not apply to the harbours of Apia or Saluafata, or to that part of the harbour of Pago-Pago which may be hereafter selected by the Government of the United States as a station under the provisions of the Treaty concluded between the United States of America and the Samoan Government, on the 17th day of January, 1878.\*

IX. The present Treaty shall come into force from the date thereof, but shall again become null and of no effect if not ratified within the prescribed period.

X. The present Treaty, consisting of 10 Articles, shall be ratified, and the ratifications exchanged at Apia within one year from the date thereof.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done at Apia, the 28th day of August, in the year of Our Lord 1879.

(L.S.) ARTHUR GORDON.  
 (L.S.) ALFRED P. MAUDSLAY.  
 (L.S.) MALIETOA LAUPEPA.  
 (L.S.) SAGA LE AUAUNA.

CONVENTION *between Great Britain and the King and Government of Samoa for the government of the Town and District of Apia.* † Signed at Apia, September 2, 1879. ‡

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the King and Government of Samoa, being desirous to make better provision for the good government of the town and district of Apia, and the preservation of peace and good order therein, as well as for the maintenance of its neutrality, should internal disturbances unhappily take place in the Samoan State, have determined to conclude a Convention for that purpose, and have named as their Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c., the Honourable Sir Arthur Hamilton

\* See State Papers. Vol. 69. Page 76.

† Signed also in the Samoan language.

‡ Ratifications exchanged at Mulinuu, August 27, 1880.

Gordon, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Her Majesty's High Commissioner and Consul-General for the Western Pacific,\* Governor of Fiji; and Alfred Percival Maudslay, Esquire, one of Her Majesty's Deputy Commissioners for the Western Pacific;

And the King and Government of Samoa, the High Chief Malietoa Laupepa, and the High Chief Saga:

Who having met and conferred with the representatives at Apia of other nations having entered into Treaty relations with Samoa: that is to say, Corvetten-Capitain F. Mensing, Imperial German Navy, commanding His Imperial German Majesty's gun-vessel *Albatross*; Theodor Weber, Esquire, Imperial German Consul for Samoa and Tonga; Captain R. Chandler, United States' Navy, commanding United States' ship *Lackawanna*; and Thomas M. Dawson, Esquire, Consul of the United States of America at Apia, have, in conjunction with them, agreed upon and concluded the following Articles:—

ART. I. The space comprised within the following limits, that is to say, commencing at Vailoa, passing thence along the coast to the mouth of the Fulnasa River, thence up the course of the River Fulnasa to the point at which the Alafuala road crosses such river, thence along the said road to the point where it reaches the River Vaisigo, and thence, in a straight line, to the point of commencement at Vailoa, shall constitute and be known as the town and district of Apia. The waters of the harbour of Apia are also comprehended within the district.

II. Such town and district shall be placed under the government of a Municipal Board, consisting of those foreign Consuls resident in Apia whose nations have entered into Treaty relations with Samoa. Representatives of every such nation, having a Consul in Samoa, shall, at a future period, be added to the said Board, and shall be chosen in such manner, and exercise such functions, as may be provided by regulations to be hereafter agreed upon and published by the said Board.

III. The Municipal Board shall have power to make and enforce regulations and bye-laws with regard to police and good order, public works, sanitary regulations, the issue of licences, the imposition of harbour regulations, the prevention of the sale and supply of spirituous liquors to Samoans and other islanders of the Pacific Ocean, and other similar matters, within the said district, and such regulations shall be binding upon all persons within the said district, and may be enforced by penalties not exceeding 200 dollars fine, or imprisonment with hard labour for a period not exceeding six months, or

\* "For Western Polynesia" in original.

both fine and imprisonment not exceeding the before-mentioned penalties.

IV. The Municipal Board of Apia may, for the purpose of defraying expenses incurred under the above Article, levy rates upon the occupiers of houses or lands within the district of Apia, not exceeding 5 per cent. annually, on the annual assessed value of such premises as calculated on the presumed rental valuation thereof, or 1 per cent. annually on the real value of such property.

V. All offences against the regulations of the Municipal Board, by whomsoever committed, shall be tried by a Magistrate to be appointed by the Board.

VI. If a subject or citizen of any of the Contracting Parties in Apia be charged with an offence against the laws of his own country, he shall be tried according to the jurisdiction provided therefor by the legislation of the nation to which he belongs, or according to the stipulations of Treaty concluded between his nation and Samoa.

VII. Every Samoan subject charged with a criminal offence within the limits of the district of Apia, other than an offence against the municipal regulations, shall be liable to trial by the Magistrate appointed under the provisions of Article V, in conjunction with a Samoan Magistrate.

VIII. The foregoing Articles shall in no way prejudice the territorial integrity of Samoa, and the Samoan flag shall be hoisted at such place of meeting of the Municipal Board as may be permanently adopted.

IX. In case of civil war the town and district of Apia, and the adjacent districts comprised between the boundaries of the town and district of Apia and Letogo, Tiapepe Point, and Siusega shall be considered as neutral territory, and the Municipal Board may frame and issue such regulations as may be considered necessary for the support and maintenance of such neutrality.

X. The present Convention shall be revised at the end of four years from its date, and if the internal state of Samoa at that time will happily admit thereof, without prejudice to the interests of foreign residents in Samoa, the powers conferred by the present Convention upon the Municipal Board of Apia shall cease and determine, and the district again pass under the control and authority of the Samoan Government, or such other authority as may be agreed upon between the Samoan Government and the High Contracting Parties.

XI. The Representatives of the Imperial German Government, in virtue of the powers accorded to them by Article VIII of the Treaty concluded between His Imperial Majesty the German Emperor and the Government of Samoa on the 24th day of January last past,\* accede and agree to the present

\* See State Papers. Vol. 70.

Convention, on behalf of the Imperial German Government, subject to the conditions of the said Article.

XII. The Representatives of the United States' Government provisionally accede and assent to the present Convention, on behalf of the Government of the United States, subject to the approval of that Government.

XIII. The present Convention shall be ratified, and the ratifications exchanged at Apia within one year from the date thereof.

In witness whereof we have signed the same and affixed thereto our seals.

Done at Apia, this 2nd day of September, in the year of Our Lord 1879.

- (L.S.) ARTHUR GORDON.  
 (L.S.) ALFRED P. MAUDSLAY.  
 (L.S.) F. MENSING, *Corvetten-Captain*.  
 (L.S.) T. WEBER, *Imperial German Consul*.  
 (L.S.) R. CHANDLER, *Captain, United States' Navy, Commanding United States' ship Lackawanna*.  
 (L.S.) THOMAS M. DAWSON.  
 (L.S.) MALIETOA LAUPEPA.  
 (L.S.) SAGA LE AUAUNA.

## SANDWICH ISLANDS.

POSTAL CONVENTION *between the Hawaiian Islands and the Colonial Government of New South Wales. Signed at Honolulu, March 10, 1874; and at Sydney, April 30, 1874.*

THE Undersigned, being thereunto duly authorized by their respective Governments, have agreed upon the following Articles, establishing and regulating the exchange of correspondence between the Colony of New South Wales and the Hawaiian Kingdom:—

ART. I. There shall be an exchange of correspondence between New South Wales and the Hawaiian Kingdom, by means of the direct line of Colonial mail-packets plying between San Francisco and Sydney, as well as by such other means of direct mail steam-ship transportation as shall hereafter be established, with the approval of the respective Post Departments of the two countries, comprising letters, newspapers, printed matter of every kind, and patterns and samples of merchandize origi-

nating in either country, and addressed to and deliverable in the other country, as well as correspondence in closed mails originating in either country, and destined for foreign countries, by way of New South Wales or the Hawaiian Islands, as the case may be.

II. The Post Office of Sydney shall be the New South Wales office of exchange, and Honolulu the Hawaiian office of exchange, for all mails transmitted under this arrangement.

III. No accounts shall be kept between the Post Departments of the two countries, upon the international correspondence, written or printed, or upon patterns and samples of merchandize exchanged between them; but each country shall retain to its own use the postages which it collects.

The single rate of international letter postage shall be 6*d.* in New South Wales and 12½ cents in the Hawaiian Kingdom, on each letter weighing half an ounce or less, and an additional rate of 6*d.* (12½ cents) for each single rate of half an ounce or fraction thereof, which shall, in all cases, be prepaid at least one single rate, by means of postage stamps, at the office of mailing in either country. Letters unpaid, or prepaid less than one full rate of postage, shall not be forwarded; but insufficiently paid letters on which a single rate or more has been prepaid shall be forwarded charged with the deficient postage and with a fine equal to a single rate (6*d.*), to be collected and retained by the Post Department of the country of destination. Letters fully prepaid, received in either country from the other, shall be delivered free of all charge whatsoever.

The Hawaiian Post Office shall levy and collect to its own use, on newspapers addressed to New South Wales, a postage charge of 2 cents, and on all articles of printed matter, patterns, and samples of merchandize addressed to New South Wales, a postage charge of 4 cents, per each weight of 4 ounces or fraction of 4 ounces.

The Post Office of New South Wales shall levy and collect, to its own use, on newspapers and other articles of printed matter, patterns and samples of merchandize addressed to the Hawaiian Kingdom, the regular rates of domestic postage chargeable thereon by the laws and regulations of the Colony of New South Wales.

Newspapers and all other kinds of printed matter, and patterns and samples of merchandize, are to be subject to the laws and regulations of each country respectively, in regard to their liability to be rated with letter postage when containing written matter, or for any other cause specified in said laws and regulations, as well as in regard to their liability to Customs duty under the revenue laws.

IV. Letters, newspapers, and other articles of printed matter, and patterns and samples of merchandize received in

New South Wales from the Hawaiian Post Office, addressed to other Colonies of Australia, will be forwarded to destination, subject to the same rates of postage as are chargeable upon correspondence addressed to the Colony of New South Wales itself, and correspondence for such other Colonies of Australia will be transmitted from New South Wales to such other Australian Colonies under arrangement between the Governments of such other Australian Colonies and the Government of New South Wales.

V. 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 for each article shall be 4*d.* in New South Wales and 15 cents in the Hawaiian Kingdom.

VI. 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.

VII. Every fully prepaid letter despatched from one country to the other shall be plainly stamped with the words "Paid all" in red ink, on the right hand upper corner of the address, in addition to the date stamp of the office at which it was posted; and, on insufficiently paid letters the amount of the deficient postage and fine shall be inscribed in black ink.

VIII. Dead letters which cannot be delivered, from whatever cause, shall be mutually returned without charge, monthly, or as frequently as the regulations of the respective offices will permit.

IX. This Convention shall come into operation on the 1st day of July, 1874, and shall be terminable at any time on a notice by either office of six months.

Done in duplicate, and signed at Honolulu, the 10th day of March, in the year of Our Lord 1874.

(L.S.) HERMANN A. WIDEMANN, *His Hawaiian Majesty's Minister of the Interior and Special Commissioner.*

Done in duplicate, and signed at Sydney, the 30th day of April, in the year 1874.

(L.S.) SAUL SAMUEL, *Postmaster-General of the Colony of New South Wales.*

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## SERVIA.

TREATY of *Friendship and Commerce between Great Britain and Serbia.*\* Signed at Nisch, <sup>26th January,</sup> <sub>7th February,</sub> 1880.†

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Highness the Prince of Serbia, being desirous of placing on a satisfactory footing the commercial relations between the two States, have, with this object, determined to conclude a Treaty of Friendship and Commerce, and they have accordingly appointed their respective Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Gerard Francis Gould, Esq., Her Majesty's Minister Resident at the Court of Serbia, &c. ; and

His Highness the Prince of Serbia, M. Jean Ristitch, Grand Cross of his Order of Takovo, &c., President of his Council of Ministers, and his Minister for Foreign Affairs ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :—

ART. I. British subjects who reside temporarily or permanently in Serbia, and Servian subjects who reside temporarily or permanently in the territories, including the Colonies and foreign Possessions, of Her Britannic Majesty, shall enjoy therein, with respect to residence and the exercise of commerce and trade, the same rights as, and shall not be subject to any higher or other imposts or taxes, whether general, municipal, or local, than natives, or the subjects of any other country the most favoured in this respect by either of the Contracting Parties.

British subjects in Serbia, and Servian subjects in the territories, including the Colonies and foreign Possessions, of Her Britannic Majesty, shall enjoy the same treatment as natives, or as is now granted, or may hereafter be granted, to the subjects of any other country the most favoured in this respect, with regard to the acquisition, the holding, and the disposal of property, and all charges on it, with regard to access to Courts of Law and in the prosecution and defence of their rights, and in regard to domiciliary visits to their dwellings, manufactories, warehouses, or shops.

They shall be exempted from billeting, and from all compulsory military service, whether in the army, navy, national guard, or militia. They shall be likewise exempted from all

\* Signed also in the French language.

† Ratifications exchanged at Belgrade, May 18, 1880.



contributions, whether pecuniary or in kind, imposed as a compensation for billeting and for personal service; and, finally, from forced loans and military exactions or requisitions, as well as from all judicial or municipal functions whatever.

II.\* The produce and manufactures of, as well as all goods coming from, the territories, including the Colonies and foreign Possessions, of Her Britannic Majesty, which are imported into Servia, and the produce and manufactures of, as well as all goods coming from, Servia which are imported into the territories, including the Colonies and foreign Possessions, of Her Britannic Majesty, whether intended for consumption, warehousing, re-exportation, or transit, shall be treated in the same manner as, and, in particular, shall be subjected to no higher or other duties, whether general, municipal, or local, than the produce, manufactures, and goods of any third country the most favoured in this respect, except as regards such special facilities as have been, or may hereafter be, conceded on the part of Servia to the neighbouring States, with respect to the local traffic between their conterminous frontier districts. No other or higher duties shall be levied in Servia on the exportation of any goods to the territories, including the Colonies and foreign Possessions, of Her Britannic Majesty, or in the territories, including the Colonies and foreign Possessions, of Her Britannic Majesty, on the exportation of any goods to Servia than may be levied on the exportation of the like goods to any third country the most favoured in this respect.

Neither of the Contracting Parties shall establish a prohibition of importation, exportation, or transit against the other, which shall not, under like circumstances, be applicable to any third country the most favoured in this respect.

In like manner in all that relates to local dues, Customs formalities, brokerage, patterns, or samples introduced by commercial travellers, and all other matters connected with trade, British subjects in Servia, and Servian subjects in the territories, including the Colonies and foreign Possessions, of Her Britannic Majesty, shall enjoy most-favoured-nation treatment.

III. The undermentioned goods the produce or manufacture of the United Kingdom of Great Britain and Ireland, and the like goods the produce or manufacture of British Colonies and foreign Possessions, shall, subject to the stipulations contained in Articles II and VIII of the present Treaty, pay on importation into Servia duty not exceeding 8 per cent. *ad valorem*, viz. :—

Metals and metal manufactures, whether of one metal or different metals in combination ;

Tools and cutlery of all kinds ;

Machines and machinery, and detached parts thereof ;

\* See Notes. Page 347.

Agricultural implements and machinery ;

Yarns,\* threads, and textile manufactures of all descriptions ;

Pottery and porcelain wares, and refined mineral oils.

Other goods, the produce or manufacture of the United Kingdom of Great Britain and Ireland, and British Colonies and foreign Possessions, shall pay, as the case may be, the specific duties in the Servian General or Conventional Tariff, or an *ad valorem* duty of 10 per cent., at the option of the importer.

IV. British goods imported into Servia shall not be subject to any other or higher local or other surcharges on Customs duties than those which are now levied, namely :—

1. 20 centimes per 100 kilogrammes for portorage where Custom-house porters are employed ;

2. 8 centimes per 100 kilogrammes for weighing ;

3. 10 centimes per 100 kilogrammes for paving ;

4. 5 centimes per 100 kilogrammes for warehousing. This duty shall be 10 centimes per 100 kilogrammes on explosive or combustible goods.

It is further agreed that any reduction in these surcharges which may be granted to the produce or manufactures of any third Power shall be at once extended to the like articles of British produce or manufacture.

V. The duties *ad valorem* levied in Servia on goods the produce or manufacture of the territories, including the Colonies and foreign Possessions, of Her Britannic Majesty, shall be calculated on the value at the place of production or fabrication of the object imported, with the addition of the cost of transport, insurance, and commission necessary for the importation into Servia as far as the port of discharge or place of entry.

For the levying of these duties the importer shall make a written declaration at the Custom-house stating the value and description of the goods imported. If the Custom-house authorities shall be of opinion that the declared value is insufficient, they shall be at liberty to take the goods on paying to the importer the price declared, namely, the value at the place of production or fabrication of the object imported, with the addition of the cost of transport, insurance, and commission necessary for the importation into Servia as far as the port of discharge or place of entry, with an addition of 5 per cent.

This payment, together with the restitution of any duty which may have been levied upon such goods, shall be made within the 15 days following the declaration.

Goods unaccompanied by the above-mentioned declaration

\* See Declaration of July 4, 1881. Page 348.

shall not be entitled to the benefit of paying the *ad valorem* duties stipulated in the present Treaty, but shall be subjected to the specific or other duties charged in the Servian General or Conventional Tariff.

VI. The Servian Government reserves to itself the right, after an understanding with Her Majesty's Legation, to limit to certain places the Custom-houses through which goods charged *ad valorem* may enter Servia.

The Servian Government likewise reserves to itself the right to require that the importer shall produce, together with his declaration of value on the entry of the goods into Servia, one or other, at his option, of the following documents, namely:—

- (1.) A declaration of value made before a Magistrate at the place of production or manufacture;
- (2.) A certificate of value from the Chamber of Commerce at the place; or
- (3.) A declaration of value made before the nearest Servian Consul. The fee of such Consul on certifying this declaration shall not exceed 5s.

VII. If one of the Contracting Parties shall impose an excise tax, that is to say, an inland duty, upon any article of home production or manufacture, an equivalent compensatory duty may be imposed on articles of the same description on their importation from the territories of the other Power, provided that the said equivalent duty is levied on like articles on their importation from all foreign countries.

In the event of the reduction or suppression of excise taxes, that is to say, inland duties, a corresponding reduction or suppression shall at the same time be made in the equivalent compensatory duty on manufactures of British or Servian origin, as the case may be.

VIII.\* Every reduction in the Tariff of import and export duties, as well as every favour or immunity which has been or may hereafter be granted by one of the Contracting Parties to the subjects or commerce of a third Power, shall be granted simultaneously and unconditionally to the other, except as regards such special facilities as have been, or may hereafter be, conceded on the part of Servia to the neighbouring States, with respect to the local traffic between their conterminous frontier districts.

IX. British subjects in Servia and Servian subjects in the territories, including the Colonies and foreign Possessions, of Her Britannic Majesty, shall enjoy the same rights as natives, or as are now granted, or may hereafter be granted, to the subjects of any third Power the most favoured in this respect in everything relating to the property in trade marks and trade

\* See Notes. Page 347.

labels or tickets, as well as in patterns and designs for manufactures. It is understood that any person who desires to obtain the aforesaid protection must fulfil the formalities required by the laws of the respective countries.

X. Each of the Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents to reside respectively in towns and ports in the territories of the other Power. Such Consular officers, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent. They shall exercise whatever functions, and enjoy whatever privileges, exemptions, and immunities are, or may hereafter be, granted there to Consular officers of the most favoured nation.

XI. It is agreed that, as regards freights, and all other facilities, British goods conveyed over Servian railways, and Servian goods conveyed over British railways, shall be treated in exactly the same manner as the goods of any other nation the most favoured in that respect.

XII. British ships and their cargoes shall, in Servia, and Servian vessels and their cargoes shall, in the territories, including the Colonies and foreign Possessions, of Her Britannic Majesty, from whatever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as national ships and their cargoes.

The preceding stipulation applies to local treatment, dues, and charges in the ports, basins, docks, roadsteads, harbours, and rivers of the two countries, pilotage, and generally to all matters connected with navigation.

Every favour or exemption in these respects, or any other privilege in matters of navigation which either of the Contracting Parties shall grant to a third Power, shall be extended immediately and unconditionally to the other Party.

All vessels which, according to British law, are to be deemed British vessels, and all vessels which, according to Servian law, are to be deemed Servian vessels, shall, for the purposes of this Treaty, be respectively deemed British or Servian vessels.

XIII. In consideration of the present Treaty, and as contemplated by Article XXXVII of the Treaty concluded at Berlin on the 13th July, 1878,\* Her Majesty the Queen of the United Kingdom of Great Britain and Ireland consents to surrender the privileges and immunities hitherto enjoyed by her subjects in Servia, in virtue of the Capitulations between Great Britain and the Ottoman Empire as agreed upon, augmented, and altered at different periods, and finally confirmed by the Treaty of Peace concluded at the Dardanelles on the 5th January, 1809.†

\* See Vol. 14. Page 1174.

† See Vol. 2. Page 371.

Provided always, and it is hereby expressly agreed, that the said Capitulations shall, as regards all judicial matters, except those affecting real estate in Servia, remain in full force as far as they concern the mutual relations between British subjects and the subjects of those other Powers which, having a right to the privileges and immunities accorded by the aforesaid Capitulations, shall not have surrendered them.

XIV. The present Treaty shall be ratified, and the ratifications exchanged at Belgrade as soon as possible after it shall have been approved by the Servian National Assembly. It shall come into force immediately after the exchange of the ratifications, and shall remain in force for 10 years from that date. In case neither of the two Contracting Parties shall have given notice, 12 months before the expiration of the said period of 10 years, of their intention of terminating the present Treaty, it shall remain in force until the expiration of one year from the day on which either of the Contracting Parties shall have given such notice.

In witness whereof the Plenipotentiaries have signed the present Treaty, and have affixed thereto their seals.

Executed in duplicate at Nisch, the <sup>26th January</sup><sub>7th February</sub>, 1880.

(L.S.) G. F. GOULD.  
(L.S.) J. RISTITCH.

EXCHANGE of Notes. *Servian Frontier Traffic.* <sup>January 26</sup><sub>February 7</sub> 1880.

No. 1.—*Mr. Gould to M. Ristitch.*

M. LE PRÉSIDENT DU CONSEIL, *Nisch,* <sup>January 26</sup><sub>February 7</sub>, 1880.

HER Majesty's Government wish it to be clearly understood that the terms "special facilities as have been, or may hereafter be, conceded on the part of Servia to the neighbouring States with respect to the local traffic between their contiguous frontier districts," employed in Articles II and VIII of the Treaty signed this day between Great Britain and Servia, merely apply to such facilities as have been accorded to Austria-Hungary in virtue of the Treaties of Commerce concluded between that country and Italy, as well as Roumania.

I avail, &c.

*M. Ristitch.*

G. F. GOULD.

No. 2.—*M. Ristitch to Mr. Gould.*

M. LE MINISTRE, *Nisch, le* <sup>26 Janvier</sup><sub>7 Février</sub>, 1880.

EN réponse à votre note du 7 Février (N.S.) je m'empresse de porter à votre connaissance que, conformément au désir du Gouvernement de Sa Majesté Britannique, il reste entendu que

les termes "facilités spéciales qui ont été ou qui pourront être concédées plus tard par la Serbie aux États voisins, par rapport au trafic local entre leurs districts frontières limitrophes," termes employées dans les Articles II et VIII du Traité du Commerce conclu ce jour entre la Grande Bretagne et la Serbie, ne s'appliquent qu'aux facilités qui ont été accordées à l'Autriche-Hongrie en vertu de ses Traités de Commerce avec l'Italie et Roumanie.

G. F. Gould, Esq.

Agréez, &c.,

J. RISTITCH.

DECLARATION *between the British and Servian Governments relative to the Stipulations of the Treaty of Commerce of 7th February, 1880.\* (Exclusion of Canada and South African Colonies. Duty on Woollen and Cotton Yarns. Trade Marks. Treaty between Austria and Servia of 6th May, 1881.) Signed at London, July 4, 1881.†*

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Highness the Prince of Servia, being desirous to avoid all misunderstanding with regard to the stipulations of the Treaty of Friendship and Commerce concluded between Her Majesty and the Prince of Servia on the 7th day of February, 1880, have, with this object, resolved to make a Declaration to the following effect:—

It is agreed that the stipulations of the aforesaid Treaty of the 7th February, 1880, shall not apply to the hereinafter-named Colonies or foreign Possessions of Her Britannic Majesty, that is to say:

The Dominion of Canada;

The British South African Colonies.

It is further agreed that the duty to be levied on the importation into Servia of certain classes of British goods which, as stated in Article III of the aforesaid Treaty, is not to exceed 8 per cent. *ad valorem*, shall, in the case of woollen and cotton yarns, not exceed 5 per cent. *ad valorem*.

Inasmuch as, by Article XIV of a Treaty of Commerce concluded on the 6th May, 1881, between His Highness the Prince of Servia and His Majesty the Emperor of Austria, certain provisions are made for the mutual protection of trade marks, trade labels, and designs, which provisions are further explained in the Final Protocol attached to the said Treaty of the 6th May, 1881:

It is further agreed that a period of six months shall be

\* See Page 342.

† Signed also in the French language.

assigned, from the date upon which the new Servian Law relating to trade marks, trade labels, and designs (alluded to in the aforesaid Article XIV, and Explanatory Protocol of the said Treaty of the 6th May, 1881) may come into force, within which period British owners of trade marks, trade labels and designs may take steps to establish, in conformity with Servian law, their claim to trade marks, trade labels, and designs which may have been previously registered in Servia as the property of foreigners; and full protection shall be accorded in Servia to British subjects in respect of any such trade marks, trade labels, or designs, to which they shall make good their claim.

Subject to the foregoing stipulations Her Britannic Majesty's Government offer no objection, so far as British interests are concerned, to the provisions of the Treaty concluded on the 6th day of May, 1881, between His Highness the Prince of Servia and His Majesty the Emperor of Austria.

The present Declaration shall be submitted to the Servian Skuptchina at their next session, and after receiving the approval of the Legislative Body, it shall have the same force and validity as if it formed an integral part of the Treaty of Friendship and Commerce between Her Majesty and His Highness the Prince of Servia, signed on the 7th day of February, 1880.

In witness whereof the Undersigned, duly authorized for this purpose, have signed the present Declaration, and have affixed thereto the seal of their arms.

Done at London, in duplicate, the 4th day of July, 1881.

(L.S.) GRANVILLE.

(L.S.) MARINOVICH.

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## SIAM.

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*TREATY between the Governments of India and Siam, for promoting Commercial Intercourse between British Burmah and the adjoining Territories of Chiangmai, Lakon, and Lam-ponchi, belonging to Siam. (Repression of Crimes. Apprehension of Dacoits, &c. Passports. Jurisdiction in Civil Cases. Forests. Duty on Goods, &c.) Signed at Calcutta, January 14, 1874.\**

WHEREAS the Government of India and the Siamese Government desire to conclude a Treaty for the purpose of promoting commercial intercourse between British Burmah and the

\* Abrogated by Treaty of September 3, 1883.

adjoining territories of Chiangmai, Lakon, and Lamphoonchi, belonging to Siam, and of preventing dacoity and other heinous crimes in the territories aforesaid: The High Contracting Parties have for this purpose named and appointed their Plenipotentiaries, that is to say:—His Excellency the Right Honourable Thomas George Baring, Baron Northbrook of Stratton, and a Baronet, Member of the Privy Council of Her Most Gracious Majesty the Queen of Great Britain and Ireland, Grand Master of the Most Exalted Order of the Star of India, Viceroy and Governor-General of India in Council, has on his part named and appointed Charles Umpherston Aitchison, Esquire, Companion of the Most Exalted Order of the Star of India; and His Majesty Somdetch Phra Paramindr Maha Chulalong Korn Bodindthong Depaya Maha Mongkut Purusaya Ratorerayarawiwongse Varutmawongse Pribat Warakattrya Raja nikradom Chaduranta Porom Maha Chakrabantiray Sangkat Poromdham Mik Maharaja Dhiray Poromnat Pobit Phra Chula Chom Klaw Chow Yuhua, Supreme King of Siam, fifth of the present Royal Dynasty, who founded the Great City of Bangkok Amaratne Kosindr Mohindr Ayuthia, has on his part named and appointed Phya Charon Raja Maitri, Chief Judge of the Foreign Court, First Minister Plenipotentiary, Phya Samud Puranurax, Governor of the District of Samudr Prakar, Second Minister Plenipotentiary, and Phra Maha Muntri Sriongrax Samuha, Chief of the Department of the Royal Body Guard of the Right Adviser; and Edward Fowle, Esquire, Luang Siamanukroh, Consul for Siam at Rangoon, Adviser; And the aforesaid Plenipotentiaries having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon and concluded the following Articles:—

ART. I. His Majesty the King of Siam will cause the Prince of Chiangmai to establish and maintain guard stations, under proper officers, on the Siamese bank of the Salween river, which forms the boundary of Chiangmai, belonging to Siam, and to maintain a sufficient police force for the prevention of murder, robbery, dacoity, and other heinous crimes.

II. If any persons, having committed dacoity in any of the territories of Chiangmai, Lakon, and Lamphoonchi, cross the frontier into British territory, the British authorities and police shall use their best endeavours to apprehend them. Such dacoits, when apprehended, shall, if Siamese subjects, be delivered over to the Siamese authorities at Chiangmai; if British subjects, they shall be dealt with by the British officer in the Yoonzaleen district.

If any persons, having committed dacoity in British territory, cross the frontier into Chiangmai, Lakon, or Lamphoonchi, the Siamese authorities and police shall use their best endeavours



to apprehend them. Such dacoits, when apprehended, shall, if British subjects, be delivered over to the British officer in the Yoonzaleen district; if Siamese subjects, they shall be dealt with by the Siamese authorities at Chiangmai.

If any persons, whether provided with passports under Article IV of this Treaty or not, commit dacoity in British or Siamese territory and are apprehended in the territory in which the dacoity was committed, they may be tried and punished by the local Courts without question as to their nationality.

Property plundered by dacoits, when recovered by the authorities on either side of the frontier, shall be delivered to its proper owners.

III. The Siamese authorities in Chiangmai, Lakon, and Lamponchi will afford due assistance and protection to British subjects carrying on trade or business in any of those territories, and the British Government in India will afford similar assistance and protection to Siamese subjects from Chiangmai, Lakon, and Lamponchi carrying on trade or business in British territory.

IV. British subjects entering Chiangmai, Lakon, and Lamponchi from British Burmah must provide themselves with passports from the Chief Commissioner of British Burmah, or such officer as he appoints in this behalf, stating their names, calling, and description. Such passports must be renewed for each journey, and must be shown to the Siamese officers at the frontier stations, or in the interior of Chiangmai, Lakon, and Lamponchi on demand. Persons provided with passports and not carrying any articles prohibited under the Treaty concluded between Her Majesty the Queen of England and His Majesty the King of Siam on the 18th April, 1855,\* and the Supplementary Agreement concluded between certain Royal Commissioners on the part of the Siamese Government and a Commissioner on the part of the British Government on the 13th May, 1856,† shall be allowed to proceed on their journey without interference; persons unprovided with passports may be turned back to the frontier, but shall not be subjected to further interference.

V. For the purpose of settling future disputes of a civil nature between British and Siamese subjects in Chiangmai, Lakon, and Lamponchi, belonging to Siam, the following provisions are agreed to:—

(a.) His Majesty the King of Siam shall appoint proper persons to be Judges in Chiangmai with jurisdiction (1) to investigate and decide claims of British subjects against Siamese subjects in Chiangmai, Lakon, and Lamponchi; (2) to investigate and determine claims of Siamese subjects against

\* See Vol. 10. Page 557.

† Ibid. Page 565.

British subjects entering Chiangmai, Lakon, and Lamphoonchi from British Burmah, and having passports under Article IV, provided such British subjects consent to the jurisdiction of the Court;

(b.) Claims of Siamese subjects against British subjects entering Chiangmai, Lakon, and Lamphoonchi, from British Burmah, and holding passports under Article IV, but not consenting to the jurisdiction of the Judges at Chiangmai appointed as aforesaid, shall be investigated and decided by the British Consul at Bangkok, or by the British officer of the Yoonzaleen district;

(c.) Claims of Siamese subjects against British subjects entering Chiangmai, Lakon, and Lamphoonchi from British Burmah, but not holding passports under Article IV, shall be investigated and decided by the ordinary local Courts.

VI. Siamese subjects in British Burmah having claims against each other may apply to the Deputy Commissioner of the district in which they may happen to be to arbitrate between them. Such Deputy Commissioner shall use his good offices to effect an amicable settlement of the dispute, and if both parties have agreed to his arbitration his award shall be final and binding on them. Similarly British subjects in Chiangmai, Lakon, and Lamphoonchi having claims against each other may apply to any of the Judges at Chiangmai appointed under Article V, who shall use his good offices to effect an amicable settlement of the dispute, and if both parties have agreed to his arbitration his award shall be final and binding on them.

VII. Native Indian subjects of Her Britannic Majesty entering Chiangmai, Lakon, and Lamphoonchi from British Burmah, who are not provided with passports under Article IV, shall be liable to the local Courts and the local law for offences committed by them in Siamese territories. Native Indian subjects as aforesaid, who are provided with passports under Article IV, shall be dealt with for such offences by the British Consul at Bangkok, or by the British officer in the Yoonzaleen district, according to British law.

VIII. The Siamese authorities in Chiangmai, Lakon, and Lamphoonchi, and the British authorities in the Yoonzaleen district, will at all times use their best endeavours to procure and furnish to the Courts in the Yoonzaleen district and the Consular Court at Bangkok and to the Court at Chiangmai respectively such evidence and witnesses as may be required for the determination of civil and criminal cases pending in these Courts.

IX. In cases tried by the British officer of the Yoonzaleen district, or by the Judges at Chiangmai appointed under Article V, in which Siamese or British subjects may respectively be interested, the Siamese or British authorities may

respectively depute an officer to attend and listen to the investigation of the case, and copies of the proceedings will be furnished gratis to the Siamese or British authorities respectively, if required.

X. British subjects provided with passports under Article IV, who desire to purchase, cut, or girdle timber in the forests of Chiangmai, Lakon, and Lamphoonchi, must enter into a written agreement for a definite period with the owner of the forest. Such agreement must be executed in duplicate, each party retaining a copy, and each copy must be sealed by one of the Siamese Judges at Chiangmai appointed under Article V, and by the Prince of Chiangmai. A copy of every such agreement shall be furnished by the Judge at Chiangmai to the British officer in the Yoonzaleen district. Any British subject cutting or girdling trees in any forest without the consent of the owner of the forest obtained as aforesaid, or after the expiry of the agreement relating thereto, shall, if provided with a passport, be liable to pay such compensation to the owner of the forest as the British Consul at Bangkok or the officer of the Yoonzaleen district may deem reasonable; if unprovided with a passport, he may be dealt with by the local Courts according to the law of the country.

XI. The Judges at Chiangmai appointed under Article V, and the Prince of Chiangmai, shall endeavour to prevent owners of forests from executing agreements with more than one party for the same timber or forest, and to prevent any person from improperly marking or effacing the marks on timber which have been lawfully cut or marked by another person, and shall give such facilities as are in their power to purchasers and fellers of timber to identify their property. If the owners of forests prohibit the cutting, girdling, or removing of timber under agreements duly executed in accordance with Article X, the Judges at Chiangmai appointed under Article V, and the Prince of Chiangmai, shall enforce the agreements, and the owners of such forests acting as aforesaid shall be liable to pay such compensation to the persons with whom they have entered into such agreements as the Judges at Chiangmai appointed as aforesaid may deem reasonable.

XII. British subjects entering Siamese territory from British Burmah must, according to custom and the regulations of the country, pay the duties lawfully prescribed on goods liable to such duty.

Siamese subjects entering British territory must, according to the regulations of the British Government, pay the duties lawfully prescribed on goods liable to such duty.

XIII. The British officer of the Yoonzaleen district may, subject to the conditions of this Treaty, exercise all or any of the powers that may be exercised by a British Consul under

the Treaty concluded between Her Majesty the Queen of England and His Majesty the King of Siam on the 18th April, 1855, and the Supplementary Agreement concluded between certain Royal Commissioners on the part of the Siamese Government and a Commissioner on the part of the British Government on the 13th May, 1856.

XIV. Except as and to the extent herein specially provided, nothing in this Treaty shall be taken to affect the provisions of any Treaty or other Agreement now in force between the British and Siamese Governments.

XV. After the lapse of seven years from the date on which this Treaty shall come into force, and on 12 months' notice given by either party, this Treaty shall be subject to revision by Commissioners appointed on both sides for this purpose, who shall be empowered to decide on and adopt such amendments as experience shall prove to be desirable.

XVI. This Treaty has been executed in English and Siamese, both versions having the same meaning; but as the British Plenipotentiary has no knowledge of the Siamese language, it is hereby agreed that in the event of any question of construction arising on this Treaty, the English text shall be accepted as conveying in every respect its true meaning and intention.

XVII. The ratification of this Treaty by his Excellency the Viceroy and Governor-General of India having been communicated to the Siamese Plenipotentiaries, this Treaty shall be ratified by His Majesty the King of Siam, and such ratification shall be transmitted to the Secretary to the Government of India, in the Foreign Department at Calcutta, within four months, or sooner if possible.

The Treaty having been so ratified shall come into force on the 1st January, A.D. 1875, corresponding with the first day of the third Siamese moon in the year of Choh 1236 of the Siamese era, or on such earlier date as may be separately agreed upon.

In witness whereof the respective Plenipotentiaries have signed in duplicate, in English and Siamese, the present Treaty, and have affixed thereto their respective seals.

Done at Calcutta, this 14th day of January, in the year 1874 of the Christian era, corresponding to the 12th day of the 2nd month of the 12th waning moon of the year of Raka 1235 of the Siamese era.

(L.S.) C. U. AITCHISON, *Plenipotentiary on behalf of the Viceroy and Governor-General of India.*

(L.S.) (Signature of First Siamese Envoy.)

(L.S.) (Signature of Second Siamese Envoy.)

### RATIFICATION.

WHEREAS a Treaty for promoting commercial intercourse between British Burmah and the adjoining territories of Chiang-mai, Lakon, and Lamphoonchi, belonging to Siam, and for other purposes set forth in the said Treaty, was agreed upon and concluded at Calcutta on the 14th day of January, in the year of Our Lord 1874, by the respective Plenipotentiaries of the Government of India and the Siamese Government, duly accredited and empowered for that purpose: I, the Right Honourable Thomas George Baring, Baron Northbrook of Stratton, &c., Viceroy and Governor-General of India, do hereby ratify and confirm the Treaty aforesaid.

Given under my hand and seal at Government House, in Calcutta, this 14th day of January, in the year of Our Lord 1874.

NORTHBROOK.

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## SPAIN.

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AGREEMENT *between the British and Spanish Governments respecting Telegraphic Messages between Gibraltar and Spain. Signed at London, March 20, 1880.\**

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the King of Spain, being desirous of replacing the Declaration of the 25th December, 1875,† between Great Britain and Spain, respecting telegraphic messages between Gibraltar and Spain, by a fresh Agreement, have, in virtue of Article XVII of the International Telegraph Convention of St. Petersburg,‡ and of Article 16 of the Service Regulations annexed to that Convention, as revised at London,§ authorized the Undersigned to agree to the following provisions:—

ARR. I. The charge for ordinary telegrams exchanged by the direct route between Spain and Gibraltar viâ San Roque is fixed uniformly, and by word, at 15 centimes.

This charge shall be divided in the proportion of 10 centimes for Spain and 5 centimes for Gibraltar.

II. The additional charge of five words per telegram provided for by paragraph 2 of Article 17 of the International Service Regulations revised at London§ shall not be levied.

\* Signed also in the Spanish language.

† See Vol. 14. Page 98.

‡ See Vol. 14. Page 511.

§ See Page 17.

III. The provisions of the International Telegraph Convention for the time being in force shall be applicable to the direct relations between Spain and Gibraltar, with regard to everything not regulated by the foregoing Articles.

IV. The present Agreement shall come into force between the two countries at the same time as the International Service Regulations revised at London. It will form, with the International Telegraph Convention of St. Petersburg and the aforementioned Regulations, the rules to be observed in telegraph relations between Spain and Gibraltar.

The Agreement of the 25th December, 1875, shall be deemed to be cancelled so soon as the present arrangement shall come into force.

This Agreement shall remain in force for an indefinite period, and until the expiration of one year from the date of its denunciation by one of the Contracting Parties.

In witness whereof the Undersigned have signed the present Agreement, and have affixed thereto the seal of their arms.

Done in duplicate at London, the 20th day of March, 1880.

(L.S.) SALISBURY.

(L.S.) MARQUES DE CASA LAIGLESIA.

CONVENTION *between Great Britain and Spain for the Establishment of International Copyright.\* Signed at London, August 11, 1880.†*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Spain, being equally desirous of extending in each country the enjoyment of copyright to works of literature and of the fine arts which may be first published in the other, have deemed it expedient, pending the negotiation of a new Convention to replace the Convention of the 7th July, 1857,‡ to conclude a temporary Convention for that purpose, and have therefore named as their Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Granville George, Earl Granville, Lord Leveson, a Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, a Member of Her Majesty's Privy Council, Lord Warden of the Cinque Ports and Constable of Dover Castle, Chancellor of the University

\* Signed also in the Spanish language.

† Ratifications exchanged at London, September 18, 1880.

‡ See Vol. 10. Page 981.

of London, Her Majesty's Principal Secretary of State for Foreign Affairs; and

His Majesty the King of Spain, Don Manuel Rancés y Villanueva, Marquis of Casa-Laiglesia, a Senator of the Kingdom, Knight Grand Cross of the Royal and Distinguished Order of Charles III, and Knight of the first class of the Civil Order of Beneficence of Spain; Knight Grand Cross of the Papal Order of Gregory the Great; Knight of the first class of the Royal Order of the Red Eagle of Prussia; Knight Grand Cross of the Royal Orders of the Crown of Italy, of Frederick of Württemberg, and of Albert the Valorous of Saxony; of the Grand Ducal Orders of Philip the Magnanimous of Hesse-Darmstadt, of the White Hawk of Saxe-Weimar, of the Crown of Vandalia of Mecklenburg-Schwerin, and of the Ducal Order of Adolphus of Nassau; Knight Grand Cross of the Lion and the Sun of Persia, &c., his Envoy Extraordinary and Minister Plenipotentiary to Her Majesty the Queen of the United Kingdom of Great Britain and Ireland;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ART. I. From and after the date on which, according to the provisions of Article XIII, the present Convention shall come into operation, the authors of works of literature or of art, to whom the laws of either of the two countries do now or may hereafter give the right of property or copyright, shall be entitled to exercise that right in the territories of the other of such countries for the same term, and to the same extent, as the authors of works of the same nature, if published in such other country, would therein be entitled to exercise such right; so that the republication or piracy, in either country, of any work of literature or of art published in the other, shall be dealt with in the same manner as the republication or piracy of a work of the same nature first published in such other country; and so that such authors in the one country shall have the same remedies before the Courts of Justice in the other country, and shall enjoy in that other country the same protection against piracy and unauthorized republication, as the law now does or may hereafter grant to authors in that country.

The terms "works of literature or of art," employed at the beginning of this Article, shall be understood to comprise publications of books, of dramatic works, of musical compositions, of drawing, of painting, of sculpture, of engraving, of lithography, and of any other works whatsoever of literature and of the fine arts.

The lawful representatives or assigns of authors, translators, composers, painters, sculptors, or engravers, shall, in all respects, enjoy the same rights which by the present Convention are

granted to the authors, translators, composers, painters, sculptors, or engravers themselves.

II. The protection granted to original works is extended to translations; it being, however, clearly understood that the intention of the present Article is simply to protect a translator in respect of his own translation, and that it is not intended to confer upon the first translator of any work the exclusive right of translating that work, except in the case and to the extent provided for in the following Article.

III. The author of any work published in either of the two countries, who may choose to reserve the right of translating it, shall, until the expiration of five years from the date of the first publication of the translation thereof authorized by him, be, in the following cases, entitled to protection from the publication in the other country of any translation of such work not so authorized by him :—

1. If the original work shall have been registered and deposited in the one country within three months after its first publication in the other;

2. If the author has notified on the title-page of his work his intention to reserve the right of translating it;

3. Provided always, that at least a part of the authorized translation shall have appeared within a year after the registration and deposit of the original, and that the whole shall have been published within three years after the date of such deposit;

4. And provided that the publication of the translation shall take place within one of the two countries, and that it shall be registered and deposited according to the provisions of Article VIII.

With regard to works which are published in parts, it will be sufficient if the declaration of the author that he reserves the right of translation shall appear in the first part. But with reference to the period of five years limited by this Article for the exercise of the exclusive right of translation, each part shall be treated as a separate work, and each part shall be registered and deposited in the one country within three months after its first publication in the other.

IV. The stipulations of the preceding Articles shall also be applicable to the representation of dramatic works, and to the performance of musical compositions, in so far as the laws of each of the two countries are or shall be applicable in this respect to dramatic and musical works first publicly represented or performed therein.

In order, however, to entitle the author to legal protection in regard to the translation of a dramatic work, such translation must appear within three months after the registration and deposit of the original.



It is understood that the protection stipulated by the present Article is not intended to prohibit fair imitations or adaptations of dramatic works to the stage in England and Spain respectively, but is only meant to prevent piratical translations.

The question whether a work is an imitation or a piracy shall in all cases be decided by the Courts of Justice of the respective countries, according to the laws in force in each.

V. Notwithstanding the stipulations of Articles I and II of the present Convention, articles extracted from newspapers or periodicals published in either of the two countries may be republished or translated in the newspapers or periodicals of the other country, provided the source from whence such articles are taken be acknowledged.

Nevertheless, this permission shall not be construed to authorize the republication in one of the two countries of articles other than those of political discussion, from newspapers or periodicals published in the other country, the authors of which shall have notified in a conspicuous manner in the journal or periodical in which such articles have appeared, that they forbid the republication thereof.

VI. The importation into and the sale in either of the two countries of piratical copies of works which are protected from piracy under Articles I, II, III, and V of the present Convention, are prohibited, whether such piratical copies originate in the country where the work was published, or in any other country.

VII. In the event of an infraction of the provisions of the foregoing Articles, the pirated works or articles shall be seized and destroyed; and the persons who may have committed such infraction shall be liable in each country to the penalties and actions which are or may be prescribed by the laws of that country for such offences committed in respect of a work or production of home origin.

VIII. Neither authors, nor translators, nor their lawful representatives or assigns, shall be entitled in either country to the protection stipulated by the preceding Articles, nor shall copyright be claimable in either country unless the work shall have been registered in the manner following, that is to say:—

1. If the work be one that has first appeared in Spain, it must be registered at the Hall of the Company of Stationers in London;

2. If the work be one that has first appeared in the dominions of Her Britannic Majesty, it must be registered at the Ministry of Public Works (*Ministerio de Fomento*) at Madrid.

No person shall be entitled to such protection as aforesaid, unless he shall have duly complied with the laws and regulations of the respective countries in regard to the work in

respect of which such protection may be claimed. With regard to books, maps, and prints, and also with regard to dramatic works and musical compositions (unless such dramatic works and musical compositions shall be in manuscript only), no person shall be entitled to such protection unless he shall have delivered gratuitously, at one or other of the places mentioned above, as the case may be, one copy of the best edition, or in the best state, in order to its being deposited at the place appointed for that purpose in each of the two countries: that is to say, in Great Britain, at the British Museum at London; and in Spain, at the National Library at Madrid.

In every case, the formality of deposit and registration must be fulfilled within three months after the first publication of the work in the other country. With regard to works published in parts, each part shall be treated as a separate work.

A certified copy of the entry in the Register Book of the Company of Stationers in London shall confer, within the British dominions, the exclusive right of republication, until a better right shall have been established by any other party before a Court of Justice.

The certificate given under the laws of Spain, proving the registration of any work in that country, shall be valid for the same purpose throughout the territories of His Catholic Majesty.

A certificate or certified copy of the registration of any work so registered in either country shall, if required, be delivered at the time of registration; and such certificate shall state the exact date at which the registration was made.

The charge for the registration of a single work, under the stipulations of this Article, shall not exceed 1*s.* in England, nor 5 rials vellon in Spain; and the further charge for a certificate of such registration shall not exceed the sum of 5*s.* in England, nor 25 rials vellon in Spain.

The provisions of this Article shall not extend to articles which may appear in newspapers or periodicals, which shall be protected from republication or translation simply by a notice from the author, as prescribed by Article V. But if any article or work which has originally appeared in a newspaper or periodical shall afterwards be published in a separate form, it shall then become subject to the stipulations of the present Article.

IX. With regard to any article other than books, prints, maps, and musical publications, in respect to which protection may be claimable under Article I of the present Convention, it is agreed, that any other mode of registration than that prescribed in the preceding Article, which is or may be applicable by law in one of the two countries to any work or article first published in such country, for the purpose of affording protec-

tion to copyright in such work or article, shall be extended on equal terms to any similar work or article first published in the other country.

X. In order to facilitate the execution of the present Convention, the two High Contracting Parties engage to communicate to each other the laws and regulations which may hereafter be established in their respective territories with respect to copyright in works or productions protected by the stipulations of the present Convention.

XI. The stipulations of the present Convention shall in no way affect the right which each of the two High Contracting Parties expressly reserves to itself, of controlling or of prohibiting, by measures of legislation or of internal police, the sale, circulation, representation, or exhibition of any work or production in regard to which either country may deem it expedient to exercise that right.

XII. Nothing in this Convention shall be construed to affect the right of either of the two High Contracting Parties to prohibit the importation into its own dominions of such books as, by its internal law, or under engagements with other States, are or may be declared to be piracies, or infringements of copyright.

XIII. The present Convention shall come into operation as soon as possible after the exchange of the ratifications. Due notice shall be given beforehand in each country by the Government of that country of the day which may be fixed upon for its coming into operation.

The Convention shall continue in force from the day on which it may come into operation until the new Convention, mentioned in the preamble of the present Convention, has come into operation. Either party shall, however, be at liberty to terminate the present temporary Convention by giving to the other party six months' notice of its intention to do so.

The High Contracting Parties reserve to themselves the power of making by common consent, in this Convention, any modifications which may not be inconsistent with its spirit and principles, and which experience of its working may show to be desirable.

XIV. The present Convention shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same in duplicate, and have affixed thereto the seal of their arms.

Done at London, the 11th day of August, in the year of Our Lord 1880.

(L.S.) GRANVILLE.

(L.S.) MARQUES DE CASA LAIGLESIA.

DECLARATION. (*Title Page. Place of Publication of Works.*)

THE undersigned Plenipotentiaries of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and of His Majesty the King of Spain, authorized for this purpose by their respective Sovereigns, declare, for the purpose of facilitating the Customs service in the execution of a part of the Convention for the protection of literary property which they have this day signed, that in order to make the origin of works published in either of the two countries evident, there shall appear in their title-page the city or place of their publication.

In witness whereof the respective Plenipotentiaries have signed, in duplicate, the present Declaration, which shall have the same validity as if it had been inserted in the body of the Convention itself, and have affixed thereto the seal of their arms.

Done at London, the 11th day of August, 1880.

(L.S.) GRANVILLE.

(L.S.) MARQUES DE CASA LAIGLESIA.

BRITISH ORDER IN COUNCIL *granting the Privileges of Copyright in the British Dominions to Spanish Works of Literature and the Fine Arts. Balmoral, November 20, 1880.*

*At the Court at Balmoral, the 20th day of November, 1880.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS a Treaty has been concluded between Her Majesty and the King of Spain, whereby due protection has been secured within the Kingdom of Spain for the benefit of authors of books, dramatic pieces, musical compositions, drawings, paintings, articles of sculpture, engravings, lithographs, and any other works of literature and of the fine arts in which the laws of Great Britain and of Spain do now or may hereafter give their respective subjects the right of property or copyright, and for the benefit of the lawful representatives or assigns of such authors, with regard to any such works first published within the dominions of Her Majesty:

Now, therefore, Her Majesty, by and with the advice and consent of her Privy Council, and by virtue of the authority committed to her by an Act passed in the session of Parliament holden in the 7th and 8th years of her reign, intituled "An Act to amend the Law relating to International Copyright,"

\* See Vol. 7. Page 579.

and of another Act passed in the session of Parliament holden in the 15th and 16th years of her reign, intituled "An Act to enable Her Majesty to carry into effect a Convention with France on the subject of copyright to extend and explain the International Copyright Acts, and to explain the Acts relating to copyright in engravings,"\* doth order and it is hereby ordered that from and after the day next after the day of the publication hereof in the "London Gazette," the authors, inventors, designers, engravers, and makers of any of the following works, that is to say, books, dramatic works, musical compositions, drawings, paintings, sculpture, engravings, lithographs, and any other works of literature and the fine arts in which the laws of Great Britain give to British subjects the privilege of copyright, and the executors, administrators, and assigns of such authors, inventors, designers, engravers, and makers respectively, shall, as respects works first published within the Kingdom of Spain after the said day next after the day of publication hereof, have the privilege of copyright therein for a period equal to the term of copyright which authors, inventors, designers, engravers, and makers of the like works respectively first published in the United Kingdom are by law entitled to, provided such books, dramatic works, musical compositions, drawings, paintings, sculpture, engravings, lithographs, or other works of literature or the fine arts shall have been registered, and copies thereof shall have been delivered according to the requirements of the said recited Acts within three months after the first publication thereof in any part of the Kingdom of Spain, or, if such work be published in parts, then within three months after the publication of the last part thereof.

And it is hereby further ordered that the authors of dramatic pieces and musical compositions which shall after the day aforesaid be first publicly represented or performed within the Kingdom of Spain, or their executors, administrators, or assigns, shall have the sole liberty of representing or performing in any part of the British dominions such dramatic pieces or musical compositions during a period equal to the period during which authors of dramatic pieces and musical compositions first publicly represented or performed in the United Kingdom are entitled by law to the sole liberty of representing or performing the same, provided such dramatic pieces or musical compositions have been registered, and copies thereof delivered according to the requirements of the said first recited Act within three months after the time of their being first represented or performed in any part of the Kingdom of Spain.

And Her Majesty, by and with the advice aforesaid and by virtue of the authority of the said secondly hereinafter recited Act, doth hereby order that the authors of any works published

\* See Vol. 9. Page 276.

or of any dramatic pieces first publicly represented in the Kingdom of Spain at any time after the day next after the day of the publication hereof in the "London Gazette" who may choose or reserve the right of translating such works or dramatic pieces, their executors, administrators, and assigns, shall, until the expiration of five years from the date of the first publication of the translations authorized by them respectively of such works, or from the time at which the translations authorized by them of such dramatic pieces are first published or publicly represented, be entitled, subject to the provisions mentioned in the said last-mentioned Act, to prevent the publication in the British dominions of any translation of such works or dramatic pieces and the representation therein of any translation of such dramatic pieces not so respectively authorized by them.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury are to give the necessary directions herein accordingly.

C. L. PEEL.

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## SWEDEN.

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*AGREEMENT between the Governments of Great Britain and Sweden and Norway for the Mutual Relief of Distressed Seamen. Signed at London, July 12, 1881.\**

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the King of Sweden and Norway, being desirous to make arrangements for the relief of distressed seamen of the respective nations in certain cases, the Undersigned, duly authorized to that effect, have agreed as follows:—

If a seaman of one of the Contracting States, after serving on board a ship of the other Contracting State, remains behind in a third State or in its Colonies, or in the Colonies of that State whose flag the ship carries, and the said seaman is in a helpless condition in consequence of shipwreck or from other causes, then the Government of that State whose flag the ship bears shall be bound to support the said seaman until he enters into ship-service again, or finds other employment, or until he arrives in his native State or its Colonies, or dies.

But this is on condition that the seaman so situated shall avail himself of the first opportunity that offers to prove his necessitous condition and the causes thereof to the proper officials of the State whose support is to be solicited, and that

\* Signed also in the French language.

the destitution is shown to be the natural consequence of the termination of his service on board the ship; otherwise the aforesaid liability to afford relief lapses.

The said liability is also excluded if the seaman has deserted, or has been turned out of the ship for any criminal act, or has left it on account of disability for service in consequence of illness or wounding resulting from his own fault.

The relief includes maintenance, clothing, medical attendance, medicine, and travelling expenses; in case of death the funeral expenses are also to be paid.

The present Agreement shall come into operation on the 1st September, 1881, and shall continue in force until one of the Contracting Parties shall announce to the other, one year in advance, its intention to terminate it.

In witness whereof the Undersigned have signed the present Agreement, and have affixed thereto the seal of their arms.

Done in duplicate at London, the 12th day of July, 1881.

(L.S.) GRANVILLE.

(L.S.) PIPER.

CONVENTION for an Exchange of Money Orders between the United Kingdom of Great Britain and Ireland and the Kingdom of Sweden. London, 7th Stockholm, 12th September, 1881.\*

*Exchange of Money Orders.*

ART. I. Between the United Kingdom of Great Britain and Ireland and the Kingdom of Sweden, there shall be a regular exchange of money orders.

*Offices of Exchange.*

II. The money order service between the two countries shall be performed exclusively by means of offices of exchange.

The office of exchange on the part of the United Kingdom shall be London; and, on the part of the Kingdom of Sweden, Malmö.

*Maximum Amount of Orders.*

III. The maximum amount for which a money order may be drawn in the United Kingdom on Sweden shall be 10*l.* sterling; and the maximum amount for which a money order may be drawn in Sweden on the United Kingdom shall be 181 kronor 20 öre.

\* Signed also in the Swedish language.

*Payment in Gold Coin.*

IV. Payment in either country shall be made in gold coin or its equivalent in the currency of such country.

*Commission.*

V. The British and Swedish Post Offices shall each have power to fix from time to time the rates of commission to be charged on all money orders they may respectively issue.

The commission so charged to belong to the country of issue; but the British Post Office shall pay to the Swedish Post Office 1 per cent. on the amount of money orders issued in the United Kingdom and advised to Sweden; and the Swedish Post Office shall make a like payment on the amounts of money orders issued in Sweden and advised to the United Kingdom.

Such payments to be calculated on the totals of the lists exchanged every month by the two countries.

*Rate of Exchange.*

VI. The conversion of the money of the two countries shall be in accordance with the average rate of exchange, which, it is agreed, shall be taken at 18 kronor 12 öre to the pound sterling.

The two offices are, however, authorized to fix by common agreement another rate of conversion, should the course of exchange between the two countries render such a step necessary.

No account shall be taken of any fraction of a penny, or of 4 öre.

*Particulars required for a Money Order.*

VII. No money order shall be issued unless the remitter furnish, in full, the surname and at least the initial of one Christian name both of the remitter and of the payee, or of the name of the firm or company who are the remitters or the payees, together with the exact address of the person or firm to whom the money is to be paid, and the address of the remitter.

*Duplicate Orders.*

VIII. In the event of a money order miscarrying or being lost, a duplicate shall be granted by the chief office of the country of payment, on written application being made by the payee, and such chief office shall be authorized to demand a new commission, except when the order shall have been lost in transmission through the post.



On receipt of a similar application from the payee, instructions shall be given to stop payment of a money order.

*Alterations in Names of Payees.*

IX. Corrections of errors in the names of payees shall be effected by the chief office of the country of issue, at the request of the remitter.

Such office shall be authorized to charge an additional commission when the error has been caused by erroneous information having been given by the remitter.

*Repayment of Orders.*

X. Repayment of an order shall not in any case be made until it has been ascertained through the chief office of the country where such order is payable, that the order has not been paid.

At the end of every month each office of exchange shall show in a list, similar to Pattern C annexed, the particulars of all orders which it has been authorized to repay to the original remitters; and the total amount of such list shall be entered to the credit of such Administration in the general account mentioned in Article XVIII.

*Currency of Orders. Forfeited Orders.*

XI. Orders shall be payable in either country for 12 months after the month of issue.

The amounts of money orders not paid before the expiration of that term shall belong to the Administration of the country of payment, but such Administration shall have the power of paying or repaying the amounts of such orders to the rightful claimants, even after the said period shall have elapsed.

*Daily Lists. Supplementary Lists. Blank Lists.*

XII. The two offices of exchange shall communicate to each other, daily, the sums received in each of the two countries for payment in the other. They shall use, for this purpose, the form of List (A) annexed.

There shall not be entered on the lists above mentioned sums received relating to two different months. Sums received towards the end of a month, and not reaching the office of exchange until the first days of the following month, shall be entered and communicated to the office of exchange of the country to which they are sent, on separate lists, supplementary to the ordinary list dated the last day of the month in which the sums were received.

A blank list shall be transmitted when there are no receipts to be advised.

*International Numbers.*

XIII. Every money order or receipt of money entered upon the lists shall bear a number, to be called the "International Number," commencing each month with No. 1.

*Acknowledgment of Lists. Duplicates of Lists.*

XIV. The receipt of each list shall be acknowledged, on either side, by means of the first subsequent list forwarded in the opposite direction; and the lists which shall fail to be received shall be immediately applied for by the office of exchange to which they should have been sent.

The despatching office of exchange shall in such case transmit without delay to the receiving office of exchange a duplicate list, duly certified as such.

*Verification of Lists.*

XV. The list shall be carefully verified by the office of exchange to which they are sent, and, when they contain simple errors, shall be corrected.

The corrections shall be communicated to the despatching office of exchange in the acknowledgment of the receipt of the list on which the corrections were made.

When the lists shall disclose other irregularities, the receiving office of exchange shall require an explanation from the despatching office of exchange, which shall give such explanation with as little delay as possible.

In the meantime the issue of internal money orders, relating to the entries on the lists found to be irregular, shall be suspended.

*Internal Money Orders to be prepared.*

XVI. As soon as the list shall have reached the receiving office of exchange, that office shall prepare internal money orders in favour of the payees, and for the amounts specified in the lists, and shall forward them to the payees or to the paying office, in conformity with the arrangements existing in each country for regulating the payment of money orders.

*Detailed Accounts.*

XVII. Each of the two offices shall prepare at the end of every month a detailed account showing the total of each list received from the other office, dated in that month.

These detailed accounts shall be sent to the other office, which shall verify them, and acknowledge its acceptance of them, communicating any alterations which may be made therein.

Such detailed accounts shall be in conformity with Form (B) annexed.

*General Account.*

XVIII. The detailed accounts mentioned in Article XVII, and the list of repayments mentioned in Article X, shall be incorporated every month by the Swedish Post Office in a general account intended to show the result of the exchange of money orders between the Post Offices of Sweden and of the United Kingdom.

This general account, which shall be in conformity with Form (D) annexed, shall be transmitted in duplicate by the Swedish Office to the British Office, which shall return one copy of the account duly accepted.

*Payment of Balance.*

XIX. When the Swedish Office has to pay to the British Office the balance of the general account, it shall pay such balance at the same time that it sends the general account, and a similar course shall be followed by the British Office when it returns the duplicate of the general account accepted.

The payment of the balance shall be made at Stockholm when it is to the credit of Sweden, and at London when it is to the credit of the United Kingdom, and always in the money of the country to which the payment is made.

*Additional Rules.*

XX. The Postmaster-General in each country shall be authorized to adopt any additional rules, if not repugnant to the foregoing, for the greater security against fraud, or for the better working of the system generally.

All such additional rules, however, must be communicated to the Postmaster-General of the other country.

*Power to increase Commission, or to suspend Issue of Orders.*

XXI. Should it appear, at any time, that money orders are used by mercantile men or other persons in Sweden, or in the United Kingdom, for the transmission of large sums of money, the Swedish or British Post Office, as the case may be, shall consider the propriety of increasing the commission, and shall have power even wholly to suspend the issue of money orders.

*Commencement and Termination of Convention.*

XXII. This Convention shall come into operation on the 1st day of November, 1881, and shall be terminable on a notice, by either party, of six calendar months.

Stamp  
of  
Office.

(A.)

*Daily List of Money Orders issued in the United Kingdom and payable in Sweden.*

No. of List.

Date of Order.	Inter-national Number.	Original Number.	Office of Issue.	Name and Address of Remitter.	Full name of Payee.	Full Address of Payee.	Amount received in United Kingdom.	Amount to be paid in Sweden.	Remarks.
							£	s. d.	Kr. Öre.
Totals . . .									

To the Post Office, Malmö.

I have received your list of the relative to orders drawn in Sweden, Nos. and payable to persons residing in the United Kingdom.

The examination which has taken place has proved the correctness of the totals, viz., Kr. 8, , or

In return I transmit to you, on the other side, a detailed account of the amounts received for orders payable in Sweden, the particulars of which have reached this Office since the despatch of my last list, No.

I have, etc.,

, Controller.





Done in duplicate, and signed in London on the 7th day of September, 1881, and in Stockholm on the 12th day of September, 1881.

(L.S.) HENRY FAWCETT.  
(L.S.) WILHELM ROOS.

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## SWITZERLAND.

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**ARRANGEMENT for the Exchange of Money Orders between the Money Order Department of India and the Post Office of the Swiss Confederation. Signed at Berne, June 1, 1875; and at London, June 17, 1875.**

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IN order to establish an exchange of money orders between India and Switzerland, the Undersigned, duly authorized for that purpose, have, subject to ratification, agreed upon the following Articles:—

ART. I. There shall be a regular exchange of money orders between India and Switzerland by means of the weekly mail service *viâ* Brindisi.

II. The money order business between the two countries shall be performed exclusively through offices of exchange communicating with each other by means of lists, as explained more particularly below, the money orders being made out and forwarded to the payees by the office of exchange of the country in which the orders are payable. The office of exchange shall be, on the side of India, Bombay, and, on the side of Switzerland, the office that will be designated afterwards.

III. The amount of orders exchanged in both directions shall be expressed in sterling money.

IV. The maximum amount for which a money order may be drawn in either country upon the other shall be 10*l*.

V. No money order shall contain a fractional part of a penny.

VI. The manner and conditions of issuing money orders in either country shall be governed by the regulations in force for the time being in the country of issue.

VII. The cost of money orders, *i.e.*, the amounts to be paid for them by the remitters in the currency of the country of issue, shall be governed by the regulations in force for the time being in the country of issue.

Each country shall communicate to the other the regula-

tions relating to the charges for money orders issued in force for the time being.

VIII. Applications by remitters for the alteration or correction of the name of the payee shall be received under the regulations of the country of issue, and forwarded to the country of payment for disposal under its regulations, accompanied by such information as may be necessary for the identification of the particular orders referred to.

Applications by remitters for repayment of orders shall be received and forwarded in like manner, the repayment being made only under the authority of the country of payment, and according to the regulations of the country of issue.

IX. The conversion of money orders into the currency of the country of payment shall be governed by the regulations in force for the time being in the country of payment.

Each country shall communicate to the other the regulations, for the time in force, relating to the conversion of money orders expressed in sterling money into its own currency for the purpose of payment.

X. The manner and conditions of paying orders, including stoppage of payment, renewal of orders, issue of duplicate orders, and other services affecting payment, shall be governed by the regulations in force for the time being in the country of payment.

XI. The amount of money orders not ultimately paid, *i.e.*, of orders which become void under the regulations of the country of payment, shall belong to the country of issue.

XII. The country of issue which collects the money from remitters shall account to the country of payment for the total amount of the orders issued, together with 1 per cent. additional on the total by way of commission.

XIII. The two offices of exchange shall communicate to each other by each mail the particulars of money orders issued by means of lists of the annexed forms marked (A) and (AA), giving all particulars for which provision is made in the forms.

The particulars as to names shall include the surname, and at least the initial of one Christian name, both of the remitter and of the payee, or, in the case of natives of India, the name, tribe or caste, and father's name, or the name of the firm or company who are the remitters or payees. The address of the payee must be given fully and precisely, as on it depends the determination by the receiving office of exchange of the office where the order shall be made payable.

XIV. Besides the particulars of money orders issued, the lists mentioned in Article XIII shall contain particulars of orders authorized to be repaid to the remitters.

XV. Blank lists shall be forwarded in case there shall be no money orders to communicate.



XVI. Should any list fail to be received in due course, the despatching office shall, on receiving information to that effect, transmit without delay a duplicate thereof.

XVII. The lists despatched from each office of exchange shall be numbered consecutively, commencing with No. 1 for the first list of each calendar year, and these numbers shall be termed the "list numbers."

XVIII. The entries in the lists respecting orders issued shall also bear consecutive numbers, commencing with No. 1 for each list, and these numbers shall be termed the "entry numbers."

XIX. Each list shall be accompanied by a transmitting letter of the form annexed, bearing the same number and date as the list. This transmitting letter shall mention the number of applications forwarded from remitters affecting orders previously issued; it shall give information respecting the disposal of similar applications received from the other office of exchange, and it shall contain an acknowledgment of the list or lists received since the date of the previous letter.

XX. Each list shall be carefully verified by the receiving office of exchange, and corrected when it contains simple errors, such corrections being noted at the foot of the transmitting letter containing the acknowledgment of the receipt of the list.

XXI. When a list shall contain errors or irregularities which cannot be rectified without previous communication with the despatching office, the receiving office shall, at the time of acknowledging the receipt, request an explanation from the despatching office. This explanation shall be given with as little delay as possible, and meantime the payment of orders dependent on the irregular entries shall be suspended.

XXII. As soon as the Swiss office of exchange shall have received from India acknowledgments of the receipt of all the lists bearing dates in any quarter, these lists, as well as the Indian lists bearing dates in the same quarter, shall be made the subject of a quarterly account in the annexed Form (B).

XXIII. The account mentioned in Article XXII shall be based on the lists as corrected by the receiving office, any entries at the time under suspension pending explanation being excluded.

XXIV. The account shall also include, under the head of "Special Items," any necessary adjustments of previous accounts (such as adjustments on account of suspended entries), as well as any other items of account not otherwise provided for; a detailed statement of such special items being annexed to the account, and the correspondence or other documents forming the authority for each special item being quoted opposite it in the statement.

XXV. The account shall be prepared in duplicate, one copy being forwarded to the Indian office of exchange, and the other through the General Post Office, Berne, to the Financial Secretary, India Office, London, for payment by bill of exchange on Berne, if the balance be in favour of Switzerland, and with payment by bill of exchange on London if the balance be in favour of India. In the case of payment to Switzerland the bill of exchange on Berne shall be for an amount in Swiss currency equivalent, at the current rate of exchange, to the balance in sterling money stated in the account.

XXVI. Each office shall have authority to suspend temporarily the exchange of money orders, in case the course of exchange, or any other circumstance, shall give rise to abuses, or cause detriment to the revenue.

XXVII. For ordinary correspondence, affecting the preparation, transmission, or correction of lists, accounts, &c., the offices of exchange shall be the medium; but in matters involving questions other than detail the offices of correspondence shall be the General Post Office, Berne, on the one hand, and the office of the Controller-General of Accounts, Money Order Department, Calcutta, on the other hand.

XXVIII. The Department charged with the control of money orders in either country shall have authority to adopt any additional rules (if not repugnant to the foregoing) for the greater security against fraud, or for the better working of the system generally. All such additional rules, however, shall be communicated by the one Department to the other.

XXIX. The present Arrangement shall take effect on the 1st October, 1875. It shall then continue in force until one year after the date at which one of the Contracting Parties shall have notified the other of its intention to terminate it.

Executed in duplicate, and signed at London the 17th of June, 1875; at Berne the 1st of June, 1875.

(L.S.) A. M. MONTEATH.  
(L.S.) EUGENE BOREL.

(*Transmitting Letter.*)

List No \_\_\_\_\_, despatched from \_\_\_\_\_  
Dated the \_\_\_\_\_, 187 .

SIR,

I TRANSMIT to you herewith a list bearing the above-mentioned number and date, containing a detailed statement of Money Orders payable by your Department, and also of void Orders, and of Money Orders drawn by your Department and now authorized to be repaid to the remitters.

I forward herewith, for disposal by you, \_\_\_\_\_ applications, on each of which there has been noted :—

1. A serial "Application No. \_\_\_\_\_" (which can be quoted by you in any reference thereto);
2. The number and date of the list in which the Order referred to was originally entered; and,
3. The entry number under which it was entered in the list.

Annexed is a memorandum, showing how the applications received from you up to date have been disposed of; those entered as "not yet disposed of" will continue to be quoted in future letters until they are disposed of.

Since the despatch of my last list I have received your list No. \_\_\_\_\_, dated \_\_\_\_\_, which was found to be correct, with the exception noted below.

I am,

Sir,

Your obedient Servant,

To the Controller, Money Order Exchange Office \_\_\_\_\_;  
or to the Controller, Money Order Office, Bombay.

(A.) From Bombay to \_\_\_\_\_,  
 No. \_\_\_\_\_, dated \_\_\_\_\_ 187 •  
 List of Money Orders drawn in India upon Switzerland.

Particulars to be furnished by the Bombay Office.						For the use of the Swiss Office.			
Entry No.	Date of Receipt given to Remitter.	Office by which the Money was received.	Name and Address of Remitter.	Name of Payee.	Address of Payee.	Amount of Order.		Equivalent in Swiss Money.	No. of Swiss Money Order.
						£	s. d.		

List of Void Money Orders, as well as of Money Orders for Repayment of which to Remitters in Switzerland authority is hereby given.

Swiss (A.A.) List in which the Orders were originally included.						For the use of the Swiss Office.	
List No.	Date.	Entry No.	Name and Address of Remitter as given therein.	Amount of Order.		Equivalent in Swiss Money.	No. of Swiss Money Order.
				£	s. d.		

N.B.—Void Orders entered in this List should be distinguished by the word "void" added opposite the number in Column 1.

(A.A.) From \_\_\_\_\_ to Bombay.  
 No. \_\_\_\_\_, dated \_\_\_\_\_ 187 .

List of Money Orders drawn in Switzerland upon India.

Particulars to be furnished by the Swiss Office.							For the use of the Bombay Office.					
Entry No.	Original No. of Money Order.	Office in which the Money Order was paid in.	Name and Address of Remitter.	Name of Payee.	Address of Payee.	Amount of Order.	Equivalent in Indian Money.		Office where payable.	No. of Indian Money Order.	Date of Indian Money Order.	Remarks.
						₹	₹	₹				
					Total ...							

List of Void Money Orders, as well as of Money Orders for the Repayment of which to Remitters in India authority is hereby given.

India (A) List in which the Orders were originally included.							For the use of the Bombay Office.			
List No.	Date.	Entry No.	Name and Address of Remitter as given therein.	Amount of Order.	Equivalent in Indian Money.		Office where payable.	No. of Indian Money Order.	Date of Indian Money Order.	Remarks.
				₹	₹	₹				
			Total ...							

N.B.—Void Orders entered in this List should be distinguished by the word "void" added opposite the number in Column 1.



LOI de la Confédération Suisse, sur la Naturalisation Suisse et la Renonciation à la Nationalité Suisse. Berne, le 3 Juillet, 1876.

L'ASSEMBLÉE FÉDÉRALE de la Confédération Suisse, en exécution de l'Article XLIV de la Constitution Fédérale, vu le Message du Conseil Fédéral du 2 Juin, 1876, décrète :

I. *De la Naturalisation Suisse.*

ART. 1. L'étranger qui désire obtenir la nationalité Suisse (le droit de cité Suisse) doit demander au Conseil Fédéral l'autorisation de se faire recevoir citoyen d'un canton et d'une commune.

L'autorisation du Conseil Fédéral doit être également demandée, par l'entremise du Gouvernement Cantonal, s'il s'agit de la naturalisation à accorder à un étranger à titre de don.

2. Le Conseil Fédéral n'accordera cette autorisation qu'à des étrangers :

(1.) Qui ont leur domicile ordinaire en Suisse depuis deux ans ;

(2.) Dont les rapports avec l'État auquel ils ressortissent sont tels qu'il est à prévoir que leur admission à la nationalité Suisse n'entraînera pour la Confédération aucun préjudice.

3. La naturalisation s'étend à la femme de l'étranger naturalisé et à ses enfants mineurs, s'il n'est pas fait pour ceux-ci une exception formelle en vue de l'Article 2, chiffre 2.

4. Toute décision accordant à un étranger la naturalisation cantonale et communale est nulle si elle n'a pas été précédée de l'autorisation du Conseil Fédéral.

D'un autre côté, la nationalité Suisse n'est acquise que lorsque l'autorisation du Conseil Fédéral est suivie de la naturalisation cantonale et communale, conformément aux dispositions des lois d'un Canton.

L'autorisation du Conseil Fédéral est périmée s'il n'en est pas fait usage dans le délai de deux ans à partir du jour où elle a été accordée.

5. Nul ne peut réclamer vis-à-vis d'un État étranger, dans lequel il réside, les droits et la protection dus à la qualité de citoyen Suisse, s'il a conservé la nationalité de cet État, indépendamment de la nationalité Suisse.

II. *De la Renonciation à la Nationalité Suisse.*

6. Un citoyen Suisse peut renoncer à sa nationalité ; il doit à cet effet—

(a.) Ne plus avoir de domicile en Suisse ;

(b.) Jouir de sa capacité civile d'après les lois du pays dans lequel il réside ;

(c.) Avoir, dans le sens de l'Article 8, dernier alinéa, une

nationalité étrangère, acquise ou assurée pour lui, pour sa femme et pour ses enfants mineurs.

7. La déclaration de renonciation à la nationalité Suisse doit être présentée par écrit, avec les pièces justificatives, au Gouvernement Cantonal. Celui-ci en donne connaissance aux autorités de la commune d'origine et fixe un délai d'opposition de quatre semaines au plus, pour la commune comme pour tous autres intéressés.

Si le droit de renoncer à la nationalité Suisse est contesté, le Tribunal Fédéral statue, conformément aux Articles 61 à 63 de la Loi sur l'Organisation Judiciaire Fédérale, du 27 Juin, 1874.

8. Si les conditions mentionnées à l'Article 6 sont remplies et qu'il n'y ait pas eu d'opposition, ou si l'opposition a été écartée par le juge, l'autorité compétente aux termes de la loi Cantonale déclare le requérant libéré des liens de la nationalité cantonale et communale.

Cette libération, qui entraîne la perte du droit de cité Suisse, date de la remise au requérant de l'acte de libération.

La libération s'étend à la femme et aux enfants mineurs, lorsqu'ils vivent en un même ménage et qu'il n'est pas fait d'exception formelle à leur égard.

9. La veuve ou la femme divorcée du citoyen Suisse qui a renoncé à sa nationalité, et les enfants qui étaient encore mineurs au moment de cette renonciation, peuvent demander au Conseil Fédéral d'être admis de nouveau à la nationalité Suisse. Ce droit s'éteint après l'expiration de dix années, à partir, pour les enfants de leur majorité, et pour la femme de la dissolution du mariage.

Le Conseil Fédéral accordera l'admission si les requérants remplissent les conditions prévues pour la naturalisation à l'Article 2, chiffre 2, et s'ils résident en Suisse.

L'admission à la nationalité Suisse datera de la remise de l'acte qui en sera dressé, et rendra de plein droit la nationalité cantonale et communale.

Les cantons peuvent faciliter encore le retour à la nationalité Suisse, sous réserve toutefois des dispositions de l'Article 2, chiffre 2, de la présente Loi.

### III. *Dispositions Finales.*

10. Toutes les dispositions des lois Fédérales et Cantonales contraires à la présente Loi sont abrogées.

11. Le Conseil Fédéral est chargé conformément aux dispositions de la Loi Fédérale du 17 Juin, 1874, concernant la votation populaire sur les Lois et Arrêtés Fédéraux, de publier la présente Loi et de fixer l'époque où elle entrera en vigueur.

Ainsi décrété par le Conseil des États, Berne, le 1<sup>er</sup> Juillet, 1876.

A. ROTH, *Vice-Président.*

J. L. LÜTSCHER, *Secrétaire.*



Ainsi décrété par le Conseil National, Berne, le 3 Juillet, 1876.

ÆPLI, *Président.*

SCHIESS, *Secrétaire.*

Le Conseil Fédéral arrête : la Loi Fédérale ci-dessus sera insérée dans la Feuille Fédérale.

Berne, le 10 Juillet, 1876.

WELTI, *Président de la Confédération.*

SCHIESS, *Chancelier de la Confédération.*

**DECLARATION between Great Britain and the Swiss Confederation for the reciprocal Protection of Manufacturing and Trade Marks. Signed at Berne, November 6, 1880.\***

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Swiss Federal Council have, with a view to the reciprocal protection of the marks of manufacture and trade in the two countries, agreed to the following Declaration :—

The subjects or citizens of each of the Contracting Parties shall enjoy, in the dominions and Possessions of the other, the same rights as are possessed by native subjects or citizens, or as may hereafter be granted to the subjects or citizens of the most favoured nation, in everything relating to the protection of property in manufacturing or trade marks.

It is understood that any person who desires to obtain the aforesaid protection must fulfil the formalities required by the laws of the respective countries, which formalities the Contracting Parties shall reciprocally communicate to each other; reserving to themselves, however, the right to modify them, from time to time, if they consider it necessary.

The present Declaration shall come into force from the day of its signature. It shall remain in force so long as one of the Contracting Parties shall not have notified to the other its intention of terminating it.

In witness whereof the Undersigned, duly authorized for this purpose, have signed the present Declaration, and have affixed thereto the seal of their arms.

Done in duplicate at Berne, the 6th day of November, 1880.

(L.S.) C. VIVIAN.

(L.S.) DROZ.

\* Signed also in the French language...

*TREATY between Great Britain and Switzerland for the Mutual Surrender of Fugitive Criminals.\* Signed at Berne, November 26, 1880.†*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Swiss Federal Council having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within their respective territories and jurisdictions, that persons charged with, or convicted of, the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable Hussey Crespigny Vivian, a Companion of Her Most Honourable Order of the Bath, Her Majesty's Minister Resident to the Swiss Confederation; and

The Swiss Federal Council, its Vice-President, F. Anderwert, Federal Councillor and Chief of the Federal Department of Justice and Police;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ART. I. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland engages to deliver up, under the circumstances and on the conditions stipulated in the present Treaty, all persons, and the Swiss Federal Council engages to deliver up, under the like circumstances and conditions, all persons, excepting Swiss citizens, who, having been charged with or convicted by the tribunals of one of the two High Contracting Parties of the crimes or offences enumerated in Article II, committed in the territory of the one party, shall be found within the territory of the other.

In the event of the Federal Council being unable, by reason of his Swiss nationality, to grant the extradition of an individual who, after having committed in the United Kingdom one of the crimes or offences enumerated in Article II, should have taken refuge in Switzerland, the Federal Council engages to give legal effect to and prosecute the charge against him according to the laws of the Canton of his origin; and the Government of the United Kingdom engages to communicate to the Federal Council all documents, depositions, and proofs relating to the case, and to cause the commissions of ex-

\* Signed also in the German language.

† Ratifications exchanged at Berne, March 15, 1881.

amination directed by the Swiss Judge, and transmitted through the proper diplomatic channel, to be executed gratuitously.

II. The crimes for which the extradition is to be granted are the following:—

1. Murder (including infanticide) and attempt to murder.
2. Manslaughter.
3. Counterfeiting or altering money, uttering or bringing into circulation counterfeit or altered money.
4. Forgery, or counterfeiting, or altering, or uttering what is forged, or counterfeited, or altered; comprehending the crimes designated in the Penal Codes of both States as counterfeiting or falsification of paper money, bank notes or other securities, forgery, or falsification of other public or private documents, likewise the uttering or bringing into circulation, or wilfully using such counterfeited, forged, or falsified papers.
5. Embezzlement or larceny.
6. Obtaining money or goods by false pretences.
7. Crimes against bankruptcy law.
8. Fraud committed by a bailee, banker, agent, factor, trustee, or director, or member or public officer of any company made criminal by any law for the time being in force.
9. Rape.
10. Abduction of minors.
11. Child stealing or kidnapping.
12. Burglary, or house-breaking, with criminal intent.
13. Arson.
14. Robbery with violence.
15. Threats by letter or otherwise with intent to extort.
16. Perjury or subornation of perjury.
17. Malicious injury to property, if the offence be indictable.

The extradition is also to take place for participation in any of the aforesaid crimes, as an accessory before or after the fact, provided such participation be punishable by the laws of both Contracting Parties.

III. A fugitive criminal may be apprehended in either country on a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the authority issuing the warrant, justify the issue of a warrant if the crime had been committed or the person convicted in that part of the dominions of the two Contracting Parties in which the Magistrate, Justice of the Peace, or other competent authority exercises jurisdiction: provided, however, that, in the United Kingdom, the accused

shall, in such case, be sent as speedily as possible before a Police Magistrate in London.

Requisitions for provisional arrest may be addressed by post or by telegraph, provided they purport to be sent by some judicial or other competent authority. Such requisitions must contain a description in general terms of the crime or offence, and a statement that a warrant has been granted for the arrest of the criminal, and that his extradition will be demanded.

He shall in accordance with this Article be discharged, as well in the United Kingdom as in Switzerland, if within the term of 30 days a requisition for extradition shall not have been made by the Diplomatic Agent of the country claiming his surrender in accordance with the stipulations of this Treaty.

IV. The requisition for extradition must always be made by the way of diplomacy, and to wit, in Switzerland by the British Minister to the President of the Confederation, and in the United Kingdom to the Secretary of State for Foreign Affairs by the Swiss Consul-General in London, who, for the purposes of this Treaty, is hereby recognized by Her Majesty as a Diplomatic Representative of Switzerland.

V. In the dominions of Her Britannic Majesty, other than the Colonies or foreign Possessions of Her Majesty, the manner of proceeding shall be as follows:—

(a.) In the case of a person accused—

The requisition for the surrender shall be made to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs by the Diplomatic Representative of the Swiss Confederation. The said demand shall be accompanied by a warrant of arrest, or other equivalent judicial document, issued by a Judge or Magistrate duly authorized to take cognizance of the acts charged against the accused in Switzerland, and duly authenticated depositions or statements taken on oath, or solemnly declared to be true, before such Judge or Magistrate, clearly setting forth the said acts, and containing a description of the person claimed, and any particulars which may serve to identify him.

The said Principal Secretary of State shall transmit such documents to Her Britannic Majesty's Principal Secretary of State for the Home Department, who shall then, by order under his hand and seal, signify to some Police Magistrate in London that such requisition has been made, and require him, if there be due cause, to issue his warrant for the apprehension of the fugitive. On the receipt of such order from the Secretary of State, and on the production of such evidence as would, in the opinion of the Magistrate, justify the issue of the warrant if the crime had been committed in the United Kingdom, he shall issue his warrant accordingly.

When the person claimed shall have been apprehended, he shall be brought before the Magistrate who issued the warrant, or some other Police Magistrate in London. If the evidence to be then produced shall be such as to justify, according to the law of England, the committal for trial of the prisoner, if the crime of which he is accused had been committed in the United Kingdom, the Police Magistrate shall commit him to prison to await the warrant of the Secretary of State for his surrender; sending immediately to the Secretary of State a certificate of the committal and a report upon the case.

After the expiration of a period from the committal of the prisoner, which shall never be less than 15 days, the Secretary of State shall, by order under his hand and seal, order the fugitive criminal to be sent to such seaport town as shall, in each special case, be selected for his delivery to the Swiss Government.

(b.) In the case of a person convicted—

The course of proceeding shall be the same as in the case of a person accused, except that the warrant to be transmitted by the Diplomatic Representative of Switzerland in support of his requisition shall clearly set forth the crime or offence of which the person claimed has been convicted, and state the place and date of his conviction.

The evidence to be produced shall consist of the penal sentence passed against the convicted person by the competent Court of the State claiming his extradition.

(c.) Persons convicted by judgment in default or *arrêt de contumace* shall be, in the matter of extradition, considered as persons accused, and may, as such, be surrendered.

(d.) After the Police Magistrate shall have committed the accused or convicted person to prison to await the order of a Secretary of State for his surrender, such person shall have the right to apply for a writ of *habeas corpus*; if he should so apply, his surrender must be deferred until after the decision of the Court upon the return to the writ, and even then can only take place if the decision is adverse to the applicant. In the latter case, the Court may at once order his delivery to the person authorized to receive him, without waiting for the order of a Secretary of State for his surrender, or commit him to prison to await such order.

VI. In Switzerland the manner of proceeding shall be as follows:—

The requisition for the extradition of an accused person must be accompanied by an authentic copy of the warrant of arrest, issued by a competent official or Magistrate, clearly setting forth the crime or offence of which he is accused, together with a properly legalized information setting forth the facts and evidence upon which the warrant was granted.

If the requisition relates to a person already convicted, it must be accompanied by an authentic copy of the sentence or conviction, setting forth the crime or offence of which he has been convicted.

The requisition must also be accompanied by a description of the person claimed, and, if it be possible, by other information and particulars which may serve to identify him.

After having examined these documents, the Swiss Federal Council shall communicate them to the Cantonal Government, in whose territory the person charged is found, in order that he may be examined by a judicial or police officer on the subject of their contents.

The Cantonal Government will transmit the *procès-verbal* of the examination, together with all the documents, accompanied, if there be one, by a more detailed report to the Federal Council, who, after having examined them, and there be no opposition on either side, will grant the extradition, and will communicate its decision both to the British Legation and to the Cantonal Government in question, to the latter in order that it may send the person to be surrendered to such place on the frontier, and deliver him to such foreign police authority as the British Legation may name in each special case.

Should the documents furnished with a view of proving the facts, or of establishing the identity of the accused, or the particulars collected by the Swiss authorities appear insufficient, notice shall be immediately given to the Diplomatic Representative of Great Britain, in order that he may furnish further evidence. If such further evidence be not furnished within 15 days the person arrested shall be set at liberty.

In the event of the application of this Treaty being contested, the Swiss Federal Council will transmit the documents (*dossier*) to the Swiss Federal Tribunal, whose duty it is to decide definitely the question whether extradition should be granted or refused.

The Federal Council will communicate the judgment of the Federal Tribunal to the British Legation. If this judgment grants the extradition the Federal Council will order its execution, as in the case when the Federal Council itself grants the extradition. If, on the other hand, the Federal Tribunal refuses the extradition, the Federal Council will immediately order the person accused to be set at liberty.

VII. In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the State applied to shall admit as entirely valid evidence the depositions or statements of witnesses, either sworn or solemnly declared to be true, taken in the other State, or copies thereof, and likewise the warrants and sentences issued therein, or

copies thereof, provided such documents purport to be signed or certified by a Judge, Magistrate, or officer of such State, and are authenticated by the official seal of a British Secretary of State, or of the Chancellor of the Swiss Confederation, being affixed thereto.

The personal attendance of witnesses can be required only to establish the identity of the person who is being proceeded against with that of the person arrested.

VIII. If proof sufficient to warrant the extradition be not furnished within two months from the day of the apprehension, the person arrested shall be discharged from custody.

IX. In cases where it may be necessary, the Swiss Government shall be represented at the English Courts by the Law Officers of the Crown, and the English Government in the Swiss Courts by the competent Swiss authorities.

The respective Governments will give the necessary assistance within their territories to the Representatives of the other State who claim their intervention for the custody and security of the persons subject to extradition.

No claim for the repayment of expenses for the assistance mentioned in this Article shall be made by either of the Contracting Parties.

X. The present Treaty shall apply to crimes and offences committed prior to the signature of the Treaty; but a person surrendered shall not be tried for any crime or offence committed in the other country before the extradition other than the crime for which his surrender has been granted.

XI. A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has, in fact, been made with a view to try and punish him for an offence of a political character.

XII. The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired according to the laws of the State applied to.

XIII. The extradition shall not take place if the person claimed on the part of the Government of the United Kingdom, or the person claimed on the part of the Swiss Government, has already been tried and discharged or punished, or is still under trial, in one of the Swiss Cantons or in the United Kingdom respectively, for the crime for which his extradition is demanded.

XIV. If the person claimed on the part of the Government of the United Kingdom, or if the person claimed on the part of the Swiss Government, should be under examination, or have been condemned for any other crime, in one of the Swiss

Cantons or in the United Kingdom respectively, his extradition may be deferred until he shall have been set at liberty in due course of law.

In case such individual should be proceeded against in the country in which he has taken refuge, on account of obligations contracted towards private individuals, his extradition shall, nevertheless, take place; the injured party retaining his right to prosecute his claims before the competent authority.

XV. If the individual claimed by one of the two High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers, on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that State whose demand is earliest in date.

XVI. All articles seized, which were in the possession of the person to be surrendered at the time of his apprehension, shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place, and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

This delivery shall take place even when the extradition, after having been granted, cannot be carried out by reason of the escape or death of the individual claimed, unless the claims of third parties with regard to the above-mentioned articles render such delivery inexpedient.

XVII. The Contracting Parties renounce any claim for the reimbursement of the expenses incurred by them in the arrest and maintenance of the person to be surrendered, and his conveyance to the frontiers of the State to which the requisition is made; they reciprocally agree to bear such expenses themselves.

XVIII. The stipulations of the present Treaty shall be applicable to the Colonies and foreign Possessions of Her Britannic Majesty.

The requisition for the surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign Possessions shall be made to the Governor or to the supreme authority of such Colony or Possession through the Swiss Consul residing there, or, in case there should be no Swiss Consul, through the recognized Consular Agent of another State charged with the Swiss interests in the Colony or Possession in question.

The Governor or supreme authority above mentioned shall decide with regard to such requisitions as nearly as possible in accordance with the provisions of the present Treaty. He will, however, be at liberty either to consent to the extradition or report the case to his Government.

Her Britannic Majesty shall, however, be at liberty to make



special arrangements in the British Colonies and foreign Possessions for the surrender of such individuals as shall have committed in Switzerland any of the crimes hereinbefore mentioned, who may take refuge within such Colonies and foreign Possessions, on the basis, as nearly as may be, of the provisions of the present Treaty.

The requisition for the surrender of a fugitive criminal from any Colony or foreign Possession of Her Britannic Majesty shall be governed by the rules laid down in the preceding Articles of the present Treaty.

XIX. The present Treaty shall come into force 10 days after its publication in conformity with the forms prescribed by the laws of the High Contracting Parties.

After the Treaty shall have come into force, the Treaty concluded between the High Contracting Parties on the 31st of March, 1874,\* shall be considered as cancelled, except as to any proceedings that may have been already taken or commenced in virtue thereof.

It may be terminated by either of the High Contracting Parties, on giving to the other party six months' notice of its intention to terminate the same, but no such notice shall exceed the period of one year.

The Treaty shall be ratified, and the ratifications shall be exchanged at Berne as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Berne, the 26th day of November, in the year of Our Lord 1880.

(L.S.) C. VIVIAN.

(L.S.) ANDERWERT.

CONVENTION *prolonging the Duration of the Extradition Treaty between Great Britain and Switzerland of the 31st March, 1874,\* till the Treaty signed on the 26th November, 1880,† comes into force. Signed at Berne, December 11, 1880.‡*

THE Swiss Federal Council having denounced by their note of the 22nd December, 1877, the Treaty of Extradition of the 31st March, 1874, existing between the United Kingdom of Great Britain and Ireland and the Swiss Confederation, and the new Treaty of Extradition signed on the 26th November, 1880, not having yet received the necessary ratifications, the High Contracting Parties, being desirous of prolonging the duration of the Treaty which is still in force, have named as their Plenipotentiaries with this object:

\* See Vol. 14. Page 533.

† See Page 384.

‡ Signed also in the French language.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Francis Carew, Esquire, Her Britannic Majesty's Chargé d'Affaires at Berne; and

The Federal Council of the Swiss Confederation, the Federal Councillor, M. Fridolin Anderwert, Chief of the Federal Department of Justice and Police;

Who, after having reciprocally proved their full powers, have concluded the following Convention:—

The duration of the Treaty of Extradition of the 31st March, 1874, between the United Kingdom of Great Britain and Ireland and the Swiss Confederation shall be prolonged from the 22nd December, 1880, until the moment when the new Treaty of Extradition of the 26th November, 1880, shall come into force in the two countries.

Done at Berne, the 11th day of December, 1880.

FRANCIS CAREW.  
ANDERWERT.

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BRITISH ORDER IN COUNCIL, *for carrying into effect the Extradition Treaties, Conventions, and Protocols concluded with Switzerland between 1874 and 1880.* Windsor, December 16, 1880.

*At the Court at Windsor, the 16th day of December, 1880.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Secretary Sir William Vernon

Lord Chamberlain.

Harcourt.

Mr. Gladstone.

WHEREAS by the Extradition Acts of 1870 and 1873, it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the 31st day of March, 1874, between Her Majesty and the Swiss Confederation, for the Mutual Extradition of Fugitive Criminals, which Treaty is in the terms following:—

[Here follows the Treaty of 31st March, 1874. See Vol. 14. Page 533.]

And whereas a Protocol amending Article XVI of the aforesaid Treaty was signed by the Plenipotentiaries of Her Majesty and of the Swiss Confederation on the 28th day of November, 1874, which Protocol is in the following terms:—

[Here follows the Protocol of 28th November, 1874. See Vol. 14. Page 537.]

And whereas the ratifications of the said Treaty and Protocol were exchanged at Berne on the 31st day of December, 1874:

And whereas under and by virtue of the powers in and by Article XVII of the said Treaty reserved and contained, the Swiss Confederation did, on the 22nd day of December, 1877, give notice to Her Majesty's Government of the termination of the said Treaty, subject to the provisions in the said Article contained that the same should remain in force for six months after notice should be given for its termination.

And whereas on the 19th day of June, 1878, a Convention was entered into between Great Britain and Switzerland in the terms following:—

[Here follows the Convention of 19th June, 1878. See Vol. 14. Page 539.]

And whereas on the 13th day of December, 1878, a further Convention was entered into between Great Britain and Switzerland in the terms following:—

[Here follows the Convention of 13th December, 1878. See Vol. 14. Page 1166.]

And whereas on the 8th day of December, 1879, a further Convention was entered into between Great Britain and Switzerland in the terms following:—

[Here follows the Convention of 8th December, 1879. See Vol. 14. Page 1168.]

And whereas on the 11th day of December, 1880, a further Convention was entered into between Great Britain and Switzerland in the terms following:—

[Here follows the Convention of 11th December, 1880. See Page 391.]

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and in virtue of the authority committed to her by the said recited Acts, doth order, and it is hereby

ordered, that the said Acts shall apply in the case of Switzerland, and of the said Treaty and Protocol, and Conventions, with the Swiss Confederation.

C. L. PEEL.

BRITISH ORDER IN COUNCIL, *for carrying into effect the Extradition Treaty with Switzerland of November 26, 1880. Windsor, May 18, 1881.*

*At the Court at Windsor, the 18th day of May, 1881.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President. Lord Steward. Earl of Northbrook.

WHEREAS by the Extradition Acts of 1870 and 1873, it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or other subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the 26th day of November, 1880, between Her Majesty and the Swiss Federal Council, for the Mutual Extradition of Fugitive Criminals, which Treaty is in the terms following:—

[Here follows the Treaty of 26th November, 1880. See Page 384.]

And whereas the ratifications of the said Treaty were exchanged at Berne on the 15th day of March, 1881:

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and in virtue of the authority committed to her by the said recited Acts, doth order, and it is hereby ordered, that from and after the 30th day of May, 1881, the said Acts shall apply in the case of the said Treaty with the Swiss Federal Council.

C. L. PEEL.

AGREEMENT *between the Governments of Great Britain and Switzerland for increasing the Limits of Weight and the Dimensions of Packets of Patterns of Merchandize exchanged through the Post between the two Countries. Signed at Berne, May 15, 1882.\**

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of the Swiss Confederation, being desirous of facilitating the postal relations between the two countries, and in exercise of the power given to them under Article XV of the Convention of the Universal Postal Union concluded in Paris on the 1st June, 1878; †

Have agreed as follows:—

The limits of weight and the dimensions of packets of patterns of merchandize exchanged through the letter post between the United Kingdom of Great Britain and Ireland on the one part, and the Swiss Confederation on the other part, may be increased by the Postal Administration of the country of origin beyond those which have been fixed by Article V of the said Convention, under the express reservation that such limits shall not exceed the following:—

In weight	..	..	..	350 grammes.
In dimensions	..	..	}	30 centim. length.
				20 centim. breadth.
				10 centim. depth.

The present Agreement shall take effect on the day that the Postal Administrations of the two countries shall fix upon. It may be terminated at any time upon notice being given 12 months in advance by either of the two Postal Administrations to the other.

In witness whereof the Undersigned, duly authorized for that purpose, have signed the present Agreement, and have affixed thereto the seal of their arms.

Done in duplicate at Berne, on the 15th day of May, 1882.

(L.S.) F. O. ADAMS.

(L.S.) WELTI.

\* Signed also in the French language.

† See Vol. 14. Page 1013.

## TONGA.

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TREATY of *Friendship, &c.*, between *Great Britain and Tonga*.  
Signed at *Nukualofa*, November 29, 1879.\*

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HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Tonga, being desirous to maintain and strengthen the relations of friendship which happily subsist between their respective dominions and subjects, have resolved to conclude a Treaty for that purpose, and have therefore named as their Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c., the Honourable Sir Arthur Hamilton Gordon, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Her Britannic Majesty's High Commissioner and Consul-General for the Western Pacific, Governor of Fiji; and Alfred Percival Maudslay, Esquire, one of Her Majesty's Deputy Commissioners for the Western Pacific; and

His Majesty the King of Tonga, &c., Wellington Tubou Malohi, Knight of the Order of the Red Eagle of the second class, Governor of Vavau; and George Fatafeki, Governor of Haapai;

Who, after having communicated to each other their respective full powers, have agreed upon and concluded the following Articles:—

ART. I. There shall be perpetual peace and friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, her heirs and successors, and His Majesty the King of Tonga, his heirs and successors, and between their respective dominions and subjects.

II. His Majesty the King of Tonga engages to grant to no other Sovereign or State any rights, powers, authority, or privileges in Tonga in excess of those accorded to Her Britannic Majesty.

The subjects of Her Britannic Majesty shall always enjoy in Tonga, and Tongan subjects shall always enjoy in the territories of Her Britannic Majesty, whatever rights, privileges, and immunities they now possess, or which are now accorded to the subjects of the most favoured nation; and no rights, privileges, or immunities shall be granted hereafter in Tonga to the subjects of any foreign State which shall not equally

\* Ratifications exchanged at Nukualofa, July 3, 1882.

and unconditionally be granted to the subjects of Her Britannic Majesty.

III. (a.) If any subject of Her Britannic Majesty in Tonga is charged with a criminal offence cognizable by British Law, such charge may be tried by the Court of Her Britannic Majesty's High Commissioner for the Western Pacific Islands.

(b.) If any subject of Her Britannic Majesty in Tonga is charged with an offence against the municipal law of Tonga not cognizable as such under British law, he shall be amenable to the jurisdiction of the Tongan Courts, the proceedings of which shall be conducted in public, and the records of which shall be public and accessible.

(c.) If any subject of Her Britannic Majesty in Tonga is charged with a criminal offence cognizable as such both by British law and the laws of Tonga, the party charged may elect whether he will be tried by a Tongan Court or by the Court of Her Britannic Majesty's High Commissioner.

(d.) Every civil suit which may be brought in Tonga against any subject of Her Britannic Majesty in Tonga shall be brought before and tried by the Court of Her Britannic Majesty's High Commissioner.

(e.) Every summons or warrant to appear as a witness before the Court of Her Britannic Majesty's High Commissioner, issued in accordance with British law, and directed to a Tongan subject, shall, if possible, be endorsed by a Judge of the Supreme Court of Tonga, and when so endorsed shall have the same authority, and may be enforced in like manner, as if issued by the Supreme Court of Tonga; but where it shall be made to appear to the Court of Her Majesty's High Commissioner that the delay required to procure such endorsement might lead to the escape or removal of a material witness, such summons or warrant may be issued by the Court without such endorsement, and shall have the same authority, and may be enforced in like manner, as if such summons or warrant had been directed to a subject of Her Britannic Majesty.

(f.) The expression "British law" in this Article includes any Regulations duly made and issued by Her Britannic Majesty's High Commissioner for the Western Pacific Islands for the government of British subjects within his jurisdiction; and the Court of Her Majesty's High Commissioner shall include any British Court or officer for the time being authorized by Her Britannic Majesty to exercise jurisdiction in the Western Pacific.

IV. Her Britannic Majesty agrees to surrender to His Majesty the King of Tonga any Tongan subject who, being accused or convicted of any of the under-mentioned crimes, committed in the territory of the King of Tonga, shall be found within the territory of Her Britannic Majesty.

The crimes for which such surrender may be granted are the following :—

- Murder, or attempt to murder ;
- Embezzlement or larceny ;
- Fraudulent bankruptcy ;
- Forgery.

Her Britannic Majesty may, however, at any time put an end to this Article by giving notice to that effect to His Majesty the King of Tonga. The Article shall, however, remain in force for six months after the notice of its termination.

V. The present Treaty shall come into force and effect from the date of the signature thereof, but shall again become null and void if not ratified within the prescribed period.

VI. The present Treaty shall be ratified, and the ratifications exchanged at Nukualofa within 12 months from the date thereof.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their seals,

Done at Nukualofa, the 29th day of November, in the year of Our Lord 1879.

(L.S.) ARTHUR GORDON.  
 (L.S.) ALFRED P. MAUDSLAY.  
 (L.S.) UELIGATONI TUBOU MALOHI.  
 (L.S.) JIAOJI FATAFEKI.

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DECLARATIONS. *Delay in Exchange of Ratifications.*  
 November 10, 1880.

(Translation.)

THE Undersigned have the honour to declare, that His Majesty the King of Tonga, having heard with regret that circumstances have occurred to delay the preparation of the formal act of ratification of the Treaty concluded between His Majesty the King of Tonga and Her Majesty the Queen of Great Britain and Ireland, Empress of India, at Nukualofa, on the 29th November, 1879, His said Majesty the King of Tonga will not require from Her Majesty the Queen of Great Britain and Ireland, Empress of India, the delivery and exchange of her ratification of the said Treaty, as stipulated by Article VI thereof, on or before the 29th November instant, but extends the term allowed for such ratification to the 4th day of December, 1881,\* or any previous day, in the same manner as if such 4th day of December were expressly mentioned in the said Treaty.

\* Time subsequently extended by mutual agreement between Sir Arthur Gordon and the Government of Tonga.



For and by command of His Majesty the King of Tonga.  
 W. G. TUBOU MALOHI.  
 JIAOJI FATAFEKI.  
 Nukualofa, Tonga, 10th November, 1880.

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CIRCUMSTANCES having occurred to delay the preparation of the final act of ratification of the Treaty concluded between His Majesty the King of Tonga and Her Majesty the Queen of Great Britain and Ireland, Empress of India, at Nukualofa, on the 29th of November, 1879, His said Majesty the King of Tonga has been pleased to assent to the postponement of the delivery and exchange of the ratification by Her Majesty the Queen of Great Britain and Ireland, Empress of India, of the said Treaty, as stipulated by Article VI thereof, on or before the 29th November instant, and extends the term allowed for such ratification to the 4th day of December, 1881,\* or any previous day, in the same manner as if such 4th day of December were expressly mentioned in the said Treaty.

And I, the Undersigned, for and on behalf of his Excellency the Honourable Sir Arthur H. Gordon, G.C.M.G., Governor of Fiji, Her Majesty's High Commissioner for the Western Pacific, &c., and being duly authorized thereto, hereby agree to and accept the extension of the term appointed for the ratification of the said Treaty, as set forth above.

JOHN B. THURSTON, *Her Majesty's Consul for Tonga.*  
 Nukualofa, Tonga, 10th November, 1880.

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PROTOCOL. *Exchange of Ratifications. July 3, 1882.*

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THE Undersigned, in proceeding to the exchange of the ratifications of the Treaty signed at Nukualofa on the 29th November, 1879, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the King of Tonga, have agreed to the present Protocol, which shall have the same force and validity as if it had been inserted in the body of the Treaty itself.

It is agreed that the arrangement contained in Article IV of the said Treaty shall be subject to the restrictions on the surrender of fugitive criminals contained in the Acts respecting extradition which are in force in the dominions of Her Britannic Majesty, and the procedure to be adopted with respect to the surrender of such criminals shall be in conformity with the provisions of the said Acts.

\* See Note. Page 398.

In witness whereof the Undersigned, duly authorized for this purpose, have signed the present Protocol, in duplicate, and have affixed thereto their seals.

Done at Nukualofa, on the 3rd day of July, 1882.

(L.S.) ARTHUR GORDON.

(L.S.) TUBOU MALOHL.

BRITISH ORDER IN COUNCIL *for the Execution of Article IV of the Treaty with Tonga of 29th November, 1879, and the Protocol of 3rd July, 1882, relating to Extradition.* Windsor, November 30, 1882.

*At the Court at Windsor, the 30th day of November, 1882.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness Prince Leopold, Duke of Albany.

Lord Privy Seal.

Lord Steward.

Mr. Gladstone.

Secretary Sir William Vernon Harcourt.

WHEREAS by "The Extradition Acts, 1870 and 1873," it was, amongst other things, enacted that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State, and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in, or suspected of being in, the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the 29th day of November, 1879,\* between Her Majesty and His Majesty the King of Tonga, of which Treaty Article IV, relating to the extradition of fugitive criminals, is in the terms following:—

"Her Britannic Majesty agrees to surrender to His Majesty the King of Tonga any Tongan subject who, being accused or convicted of any of the undermentioned crimes, committed in the territory of the King of Tonga, shall be found within the territory of Her Britannic Majesty. The crimes for which such surrender may be granted are the following: murder, or

\* See Page 396.

attempt to murder, embezzlement or larceny ; fraudulent bankruptcy ; forgery.

“Her Britannic Majesty may, however, at any time put an end to this Article by giving notice to that effect to His Majesty the King of Tonga. The Article shall, however, remain in force for six months after the notice of its termination.”

And whereas previously to the exchange of the ratifications of the said Treaty, a Protocol bearing date the 3rd day of July, 1882,\* was signed and sealed by the Plenipotentiaries of Her Majesty and of His Majesty the King of Tonga respectively, being duly authorized for that purpose, which Protocol is in the terms following :—

“It is agreed that the arrangement contained in Article IV of the said Treaty shall be subject to the restrictions on the surrender of fugitive criminals contained in the Acts respecting extradition, which are in force in the dominions of Her Britannic Majesty, and the procedure to be adopted with respect to the surrender of such criminals shall be in conformity with the provisions of the said Acts :”

And whereas the ratifications of the said Treaty were exchanged at Nukualofa on the 3rd day of July, 1882 :

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and in virtue of the authority committed to her by the said recited Acts, doth order, and it is hereby ordered, that the said Acts shall apply in the case of Tonga and of Article IV of the said Treaty with His Majesty the King of Tonga, and of the said Protocol.

C. L. PEEL.

## TRANSVAAL.

*CONVENTION between Her Majesty's Royal Commissioners and the Representatives of the Transvaal Burghers for the Settlement of the Transvaal Territory. Signed at Pretoria, August 3, 1881.†*

HER Majesty's Commissioners for the Settlement of the Transvaal Territory, duly appointed as such by a Commission passed under the Royal Sign Manual and Signet, bearing date the 5th of April, 1881, do hereby undertake and guarantee, on behalf of Her Majesty, that from and after the 8th day of August, 1881, complete self-government, subject to the suzerainty of Her Majesty, her heirs and successors, will be accorded to the inhabitants of the Transvaal Territory, upon

\* See Page 399.

† A new Convention was signed at London, February 27, 1884.

the following terms and conditions, and subject to the following reservations and limitations:—

ART. I. The said Territory, to be hereinafter called the Transvaal State, will embrace the land lying between the following boundaries, to wit:

Beginning from the point where the north-eastern boundary line of Griqualand West meets the Vaal River, up the course of the Vaal River to the point of junction with it of the Klip River; thence up the course of the Klip River to the point of junction with it of the stream called Gansvlei; thence up the Gansvlei stream to its source in the Drakensberg; thence to a beacon in the boundary of Natal, situated immediately opposite and close to the source of the Gansvlei stream; thence in a north-easterly direction along the ridge of the Drakensberg, dividing the waters flowing into the Gansvlei stream from the waters flowing into the sources of the Buffalo, to a beacon on a point where this mountain ceases to be a continuous chain; thence to a beacon on a plain to the north-east of the last-described beacon; thence to the nearest source of a small stream called "Division Stream;" thence down this division stream, which forms the southern boundary of the farm Sandfontein, the property of Messrs. Meek, to its junction with the Coldstream; thence down the Coldstream to its junction with the Buffalo or Umzinyati River; thence down the course of the Buffalo River to the junction with it of the Blood River; thence up the course of the Blood River to the junction with it of Lyn Spruit or Dudusi; thence up the Dudusi to its source; thence 80 yards to Bea. I, situated on the spur of the N'Qaba-Ka-hawana Mountains; thence 80 yards to the N'Sonto River; thence down the N'Sonto River to its junction with the White Umvulozi River; thence up the White Umvulozi River to a white rock where it rises; thence 800 yards to Kambula Hill (Bea. II); thence to the source of the Pemvana River, where the road from Kambula Camp to Burghers' Lager crosses; thence down the Pemvana River to its junction with the Bivana River; thence down the Bivana River to its junction with the Pongolo River; thence down the Pongolo River to where it passes through the Libombo Range; thence along the summits of the Libombo Range to the northern point of the N'Yawos Hill in that range (Bea. XVI); thence to the northern peak of the Inkwakweni Hills (Bea. XV); thence to Sefunda, a rocky knoll detached from and to the north-east end of the White Koppies, and to the south of the Musana River (Bea. XIV); thence to a point on the slope near the crest of Matanjeni, which is the name given to the south-eastern portion of the Mahamba Hills (Bea. XIII); thence to the N'gwangwana, a double-pointed hill (one point is bare, the

other wooded, the beacon being on the former), on the left bank of the Assegai River and upstream of the Dadusa Spruit (Bea. XII); thence to the southern point of Bendita, a rocky knoll in a plain between the Little Hlozane and Assegai Rivers (Bea. XI); thence to the highest point of Suluka Hill, round the eastern slopes of which flows the Little Hlozane, also called Ludaka or Mudspruit (Bea. X); thence to the beacon known as "Viljoen's," or N'Duko Hill; thence to a point north-east of Derby House, known as Magwazidili's Beacon; thence to the Igaba, a small knoll on the Ungwempisi River, also called "Joubert's Beacon," and known to the natives as "Piet's Beacon" (Bea. IX); thence to the highest point of the N'Dhlovudwalili or Houtbosch, a hill on the northern bank of the Umqwempisi River (Bea. VIII); thence to a beacon on the only flat-topped rock, about 10 feet high and about 30 yards in circumference at its base, situated on the south side of the Lamsamane range of hills, and overlooking the valley of the great Usuto River; this rock being 45 yards north of the road from Camden and Lake Benagher to the forests on the Usuto River (sometimes called Sandhlanas Beacon (Bea. VII)); thence to the Gulungwana or Ibubulundi, four smooth bare hills, the highest in that neighbourhood, situated to the south of the Umtuli River (Bea. VI); thence to a flat-topped rock, 8 feet high, on the crest of the Busuku, a low rocky range south-west of the Impulazi River (Bea. V); thence to a low bare hill on the north-east of and overlooking the Impulazi River, to the south of it being a tributary of the Impulazi, with a considerable waterfall, and the road from the river passing 200 yards to the north-west of the beacon (Bea. IV); thence to the highest point of the Mapumula range, the watershed of the Little Usuto River on the north, and the Umpulazi River on the south, the hill, the top of which is a bare rock, falling abruptly towards the Little Usuto (Bea. III); thence to the western point of a double-pointed rocky hill, precipitous on all sides, called Makwana, its top being a bare rock (Bea. II); thence to the top of a rugged hill of considerable height falling abruptly to the Komati River, this hill being the northern extremity of the Isilotwani range, and separated from the highest peak of the range Inkomokazi (a sharp cone) by a deep neck (Bea. I). (On a ridge in a straight line between Beacons I and II is an intermediate beacon.) From Beacon I the boundary runs to a hill across the Komati River, and thence along the crest of the range of hills known as the Makongwa, which runs north-east and south-west, to Kamhlabana Peak; thence in a straight line to Mananga, a point in the Libombo range, and thence to the nearest point in the Portuguese frontier on the Libombo range; thence along the summits of the Libombo range to the middle of the poort where the

Komati River passes through it, called the lowest Komati Poort; thence in a north by easterly direction to Pokioens Kop, situated on the north side of the Olifant's River, where it passes through the ridges; thence about north-north-west to the nearest point of Serra di Chicundo; and thence to the junction of the Pafuri River with the Limpopo or Crocodile River; thence up the course of the Limpopo River to the point where the Marique River falls into it. Thence up the course of the Marique River to "Derde Poort," where it passes through a low range of hills, called Sikwane, a beacon (No. 10) being erected on the spur of said range near to and westward of the banks of the river; thence, in a straight line, through this beacon to a beacon (No. 9), erected on the top of the same range, about 1,700 yards distant from beacon No. 10; thence in a straight line to a beacon (No. 8) erected on the highest point of an isolated hill, called Dikgagong, or "Wildebeest Kop," situated south-eastward of, and about  $3\frac{1}{4}$  miles distant from a high hill called Moripe; thence, in a straight line, to a beacon (No. 7) erected on the summit of an isolated hill or "koppie" forming the eastern extremity of the range of hills called Moshweu, situated to the northward of, and about two miles distant from, a large isolated hill called Chukudu-Chochwa; thence, in a straight line, to a beacon (No. 6) erected on the summit of a hill forming part of the same range, Moshweu; thence, in a straight line, to a beacon (No. 5) erected on the summit of a pointed hill in the same range; thence, in a straight line, to a beacon (No. 4) erected on the summit of the western extremity of the same range; thence, in a straight line, to a beacon (No. 3) erected on the summit of the northern extremity of a low, bushy hill, or "koppie," near to and eastward of the Notwane River; thence, in a straight line to the junction of the stream called Metsi-Mashwane with the Notwane River (No. 2); thence up the course of the Notwane River to Sengoma, being the Poort where the river passes through the Dwarsberg range; thence, as described in the Award given by Lieutenant-Governor Keate, dated October 17, 1871, by Pitlanganyane (narrow place), Deboaganka or Schaapkuil, Sibatoul (bare place), and Maclase, to Ramatlabama, a pool on a spruit north of the Molopo River. From Ramatlabama the boundary shall run to the summit of an isolated hill, called Leganka; thence in a straight line, passing north-east of a native station, near "Buurman's Drift," on the Molopo River, to that point on the road from Mosiega to the old drift where a road turns out through the native station to the new drift below; thence to "Buurman's Old Drift;" thence in a straight line, to a marked and isolated clump of trees near to and north-west of the dwelling-house of C. Austin, a tenant on the farm "Vleifontein," No. 117; thence, in a straight line, to the north-

western corner beacon of the farm "Mooimeisjesfontein," No. 30; thence, along the western line of the said farm "Mooimeisjesfontein," and in prolongation thereof, as far as the road leading from "Ludik's Drift," on the Molopo River, past the homestead of "Mooimeisjesfontein," towards the Salt Pans near Harts River; thence, along the said road, to a point thereon eight miles north of the dwelling of Gouws; at the Salt Pan, thence, in a straight line, to a point one mile due west of the more northerly Pan, measured from its western edge; thence in a straight line, to the most westerly beacon of the farm Rietpan, No. 150; thence along the line of the said farm to the drift on the Harts River near the ruined house known as "Liedenberg's;" thence down the Harts River to the drift about two and a half miles below Mamusa and opposite the dwelling-house of Theodor Doms; thence, in a straight line, to the summit of an isolated hill, known as "Koppie Enkel," situated between the Vaal and Harts Rivers, and about 36 miles from Mamusa, and about 18 miles north of the village of Christiana; thence, in a straight line, to that point on the north-east boundary of Griqualand West as beaconed by Mr. Surveyor Ford, where two farms, registered as Nos. 72 and 75, do meet, about midway between the Vaal and Harts Rivers, measured along the said boundary of Griqualand West; thence to the first point where the north-east boundary of Griqualand West meets the Vaal River.

II. Her Majesty reserves to herself, her heirs and successors, (a) the right from time to time to appoint a British Resident in and for the said State, with such duties and functions as are hereinafter defined; (b) the right to move troops through the said State in time of war, or in case of the apprehension of immediate war between the Suzerain Power and any foreign State, or native tribe in South Africa; and (c) the control of the external relations of the said State, including the conclusion of Treaties, and the conduct of diplomatic intercourse with foreign Powers, such intercourse to be carried on through Her Majesty's Diplomatic and Consular Officers abroad.

III. Until altered by the Volksraad or other competent authority, all laws, whether passed before or after the annexation of the Transvaal territory to Her Majesty's dominions, shall, except in so far as they are inconsistent with or repugnant to the provisions of this Convention, be and remain in force in the said State, in so far as they shall be applicable thereto: Provided that no future enactment specially affecting the interests of natives shall have any force or effect in the said State without the consent of Her Majesty, her heirs and successors, first had and obtained and signified to the Government of the said State through the British Resident: Provided further, that in no case will the repeal or amendment of any

laws which have been enacted since the annexation have a retrospective effect so as to invalidate any acts done or liabilities incurred by virtue of such laws.

IV. On the 8th day of August, 1881, the Government of the said State, together with all rights and obligations thereto appertaining, and all State property taken over at the time of Annexation, save and except munitions of war, will be handed over to Messrs. Stephanus Johannes Paulus Kruger, Martinus Wessel Pretorius, and Petrus Jacobus Joubert, or the survivor or survivors of them, who will forthwith cause a Volksraad to be elected and convened; and the Volksraad thus elected and convened will decide as to the further administration of the Government of the said State.

V. All sentences passed upon persons who may be convicted of offences contrary to the rules of civilized warfare, committed during the recent hostilities, will be duly carried out, and no alteration or mitigation of such sentences will be made or allowed by the Government of the Transvaal State without Her Majesty's consent, conveyed through the British Resident. In case there shall be any prisoners in any of the gaols of the Transvaal State, whose respective sentences of imprisonment have been remitted in part by Her Majesty's Administrator, or other officer administering the government, such remission will be recognized and acted upon by the future Government of the said State.

VI. Her Majesty's Government will make due compensation for all losses or damage sustained by reason of such acts as are in Article VIII hereinafter specified, which may have been committed by Her Majesty's forces during the recent hostilities, except for such losses or damage as may already have been compensated for; and the Government of the Transvaal State will make due compensation for all losses or damage sustained by reason of such acts as are in Article VIII hereinafter specified, which may have been committed by the people who were in arms against Her Majesty during the recent hostilities, except for such losses or damage as may already have been compensated for.

VII. The decision of all claims for compensation, as in the last preceding Article mentioned, will be referred to a Sub-Commission, consisting of the Honourable George Hudson, the Honourable Jacobus Petrus de Wet, and the Honourable John Gilbert Kotzé.

In case one or more of such Sub-Commissioners shall be unable or unwilling to act, the remaining Sub-Commissioner or Sub-Commissioners will, after consultation with the Government of the Transvaal State, submit for the approval of Her Majesty's High Commissioner the names of one or more persons to be appointed by him, to fill the place or places thus vacated.



The decision of the said Sub-Commissioners, or of a majority of them, will be final.

The said Sub-Commissioners will enter upon and perform their duties with all convenient speed. They will, before taking evidence, or ordering evidence to be taken, in respect of any claim, decide whether such claim can be entertained at all under the rules laid down in the next succeeding Article.

In regard to claims which can be so entertained, the Sub-Commissioners will, in the first instance, afford every facility for an amicable arrangement as to the amount payable in respect of any claim, and only in cases in which there is no reasonable ground for believing that an immediate amicable arrangement can be arrived at, will they take evidence, or order evidence to be taken.

For the purpose of taking evidence and reporting thereon, the Sub-Commissioners may appoint deputies, who will without delay submit records of the evidence and their reports to the Sub-Commissioners.

The Sub-Commissioners will arrange their sittings, and the sittings of their deputies, in such a manner as to afford the greatest convenience to the parties concerned and their witnesses. In no case will costs be allowed to either side, other than the actual and reasonable expenses of witnesses whose evidence is certified by the Sub-Commissioners to have been necessary. Interest will not run on the amount of any claim except as is hereafter provided for.

The said Sub-Commissioners will forthwith, after deciding upon any claim, announce their decision to the Government against which the award is made, and to the claimant.

The amount of remuneration payable to the Sub-Commissioners and their deputies will be determined by the High Commissioner after all the claims have been decided upon. The British Government and the Government of the Transvaal State will pay proportionate shares of the said remuneration, and of the expenses of the Sub-Commissioners and their deputies, according to the amounts awarded against them respectively.

VIII. For the purpose of distinguishing claims to be accepted from those to be rejected, the Sub-Commissioners will be guided by the following rules, viz : Compensation will be allowed for losses or damage sustained by reason of the following acts committed during the recent hostilities, viz. : (a) commandeering, seizure, confiscations, or destruction of property, or damage done to property ; (b) violence done or threats used by persons in arms.

In regard to acts under (a), compensation will be allowed for direct losses only.

In regard to acts falling under (b), compensation will be

allowed for actual losses of property, or actual injury to the same, proved to have been caused by its enforced abandonment.

No claims for indirect losses, except such as are in this Article specially provided for, will be entertained.

No claims which have been handed in to the Secretary of the Royal Commission after the 1st day of July, 1881, will be entertained, unless the Sub-Commissioners shall be satisfied that the delay was reasonable.

When claims for loss of property are considered, the Sub-Commissioners will require distinct proof of the existence of the property, and that it neither has reverted nor will revert to the claimant.

IX. The Government of the Transvaal State will pay and satisfy the amount of every claim awarded against it within one month after the Sub-Commissioners shall have notified their decision to the said Government, and in default of such payment the said Government will pay interest at the rate of 6 per cent. per annum from the date of such default; but Her Majesty's Government may, at any time before such payment pay the amount, with interest, if any, to the claimant in satisfaction of his claim, and may add the sum thus paid to any debt which may be due by the Transvaal State to Her Majesty's Government, as hereinafter provided for.

X. The Transvaal State will be liable for the balance of the debts for which the South African Republic was liable at the date of Annexation, to wit: the sum of 48,000*l.* in respect of the Cape Commercial Bank Loan, and 85,667*l.* in respect of the Railway Loan, together with the amount due on the 8th August, 1881, on account of the Orphan Chamber debt which now stands at 27,226*l.* 15*s.*, which debts will be a first charge upon the revenues of the State. The Transvaal State will moreover be liable for the lawful expenditure lawfully incurred for the necessary expenses of the Province since annexation, to wit: the sum of 265,000*l.*, which debt, together with such debts as may be incurred by virtue of Article 9, will be a second charge upon the revenues of the State.

XI. The debts due as aforesaid by the Transvaal State to Her Majesty's Government will bear interest at the rate of 3½ per cent., and any portion of such debt as may remain unpaid on the 8th August, 1882, shall be repayable by a payment for interest and sinking fund of 6*l.* 0*s.* 9*d.* per 100*l.* per annum, which will extinguish the debt in 25 years. The said payment of 6*l.* 0*s.* 9*d.* per 100*l.*, shall be payable half-yearly, in British currency, on the 8th February and 8th August in each year: Provided always that the Transvaal State shall pay, in reduction of the said debt, the sum of 100,000*l.* before the 8th August, 1882, and shall be at liberty at the close of any

half-year to pay off the whole or any portion of the outstanding debt.

XII. All persons holding property in the said State on the 8th day of August, 1881, will continue to enjoy the rights of property which they have enjoyed since the Annexation. No person who has remained loyal to Her Majesty during the recent hostilities shall suffer any molestation by reason of his loyalty, or be liable to any criminal prosecution or civil action for any part taken in connection with such hostilities; and all such persons will have full liberty to reside in the country, with enjoyment of all civil rights, and protection for their persons and property.

XIII. Natives will be allowed to acquire land, but the grant or transfer of such land will in every case be made to and registered in the name of the Native Location Commission, hereinafter mentioned, in trust for such natives.

XIV. Natives will be allowed to move as freely within the country as may be consistent with the requirements of public order, and to leave it for the purpose of seeking employment elsewhere, or for other lawful purposes, subject always to the Pass Laws of the said State, as amended by the Legislature of the Province, or as may hereafter be enacted, under the provisions of Article III of this Convention.

XV. The provisions of Article IV of the Sand River Convention\* are hereby reaffirmed, and no slavery or apprenticeship partaking of slavery will be tolerated by the Government of the said State.

XVI. There will continue to be complete freedom of religion and protection from molestation for all denominations, provided the same be not inconsistent with morality and good order; and no disability shall attach to any person in regard to rights of property by reason of the religious opinions which he holds.

XVII. The British Resident will receive from the Government of the Transvaal State such assistance and support as can by law be given to him for the due discharge of his functions. He will also receive every assistance for the proper care and preservation of the graves of such of Her Majesty's forces as have died in the Transvaal; and if need be, for the expropriation of land for the purpose.

XVIII. The following will be the duties and functions of the British Resident:—

(1.) He will perform duties and functions analogous to those discharged by a *Chargé d'Affaires* and *Consul-General*.

(2.) In regard to natives within the Transvaal State he will, (a) report to the High Commissioner, as representative of the Suzerain, as to the working and observance of the provisions of

\* See State Papers. Vol. 54. Page 1112.

this Convention; (b) report to the Transvaal authorities any cases of ill-treatment of natives, or attempts to incite natives to rebellion, that may come to his knowledge; (c) use his influence with the natives in favour of law and order; and (d) generally perform such other duties as are by this Convention entrusted to him, and take such steps for the protection of the persons and property of natives as are consistent with the laws of the land.

(3.) In regard to natives not residing in the Transvaal, (a) he will report to the High Commissioner and the Transvaal Government any encroachments reported to him as having been made by Transvaal residents upon the land of such natives, and in case of disagreement between the Transvaal Government and the British Resident, as to whether an encroachment has been made, the decision of the Suzerain will be final; (b) the British Resident will be the medium of communication with native chiefs outside the Transvaal, and, subject to the approval of the High Commissioner, as representing the Suzerain, he will control the conclusion of Treaties with them; and (c) he will arbitrate upon every dispute between Transvaal residents and natives outside the Transvaal (as to acts committed beyond the boundaries of the Transvaal) which may be referred to him by the parties interested.

(4.) In regard to communications with foreign Powers, the Transvaal Government will correspond with Her Majesty's Government through the British Resident and the High Commissioner.

XIX. The Government of the Transvaal State will strictly adhere to the boundaries defined in Article I of this Convention, and will do its utmost to prevent any of its inhabitants from making any encroachment upon lands beyond the said State. The Royal Commission will forthwith appoint a person who will beacon off the boundary line between Ramatlabama and the point where such line first touches the Griqualand West boundary, midway between the Vaal and Hart Rivers. The person so appointed will be instructed to make an arrangement between the owners of the farms "Grootfontein" and "Valleifontein" on the one hand and the Barolong authorities on the other, by which a fair share of the water supply of the said farms shall be allowed to flow undisturbed to the said Barolongs.

XX. All grants or titles issued at any time by the Transvaal Government in respect of land outside the boundary of the Transvaal State, as defined in Article I, shall be considered invalid and of no effect, except in so far as any such grant or title relates to land that falls within the boundary of the Transvaal State; and all persons holding any such grant so considered invalid and of no effect will receive from the Government of the Transvaal State such compensation, either

in land or in money, as the Volksraad shall determine. In all cases in which any native chiefs or other authorities outside the said boundaries have received any adequate consideration from the Government of the former South African Republic for land excluded from the Transvaal by Article I of this Convention, or where permanent improvements have been made on the land, the British Resident will, subject to the approval of the High Commissioner, use his influence to recover from the native authorities fair compensation for the loss of the land thus excluded, or of the permanent improvements thereon.

XXI. Forthwith, after the taking effect of this Convention, a Native Location Commission will be constituted, consisting of the President (or in his absence the Vice-President) of the State, or some one deputed by him, the Resident, or some one deputed by him, and a third person to be agreed upon by the President (or the Vice-President, as the case may be) and the Resident; and such Commission will be a standing body for the performance of the duties hereinafter mentioned.

XXII. The Native Location Commission will reserve to the native tribes of the State such locations as they may be fairly and equitably entitled to, due regard being had to the actual occupation of such tribes. The Native Location Commission will clearly define the boundaries of such locations, and for that purpose will, in every instance, first of all ascertain the wishes of the parties interested in such land. In case land already granted in individual titles shall be required for the purpose of any location, the owners will receive such compensation, either in other land or in money, as the Volksraad shall determine. After the boundaries of any location have been fixed, no fresh grant of land within such location will be made, nor will the boundaries be altered without the consent of the Location Commission. No fresh grants of land will be made in the districts of Waterberg, Zoutpansberg, and Lydenburg, until the locations in the said districts respectively shall have been defined by the said Commission.

XXIII. If not released before the taking effect of this Convention, Sikukuni, and those of his followers who have been imprisoned with him, will be forthwith released, and the boundaries of his location will be defined by the Native Location Commission in the manner indicated in the last preceding Article.

XXIV. The independence of the Swazis, within the boundary line of Swaziland, as indicated in Article I of this Convention, will be fully recognized.

XXV. No other or higher duties will be imposed on the importation into the Transvaal State of any article, the produce or manufacture of the dominions and possessions of Her Majesty, from whatever place arriving, than are or may be

payable on the like article, the produce or manufacture of any other country, nor will any prohibition be maintained or imposed on the importation of any article, the produce or manufacture of the dominions and possessions of Her Majesty, which shall not equally extend to the importation of the like articles, being the produce or manufacture of any other country.

XXVI. All persons other than natives conforming themselves to the laws of the Transvaal State (a) will have full liberty, with their families, to enter, travel, or reside in any part of the Transvaal State; (b) they will be entitled to hire or possess houses, manufactories, warehouses, shops, and premises; (c) they may carry on their commerce either in person or by any agents whom they may think fit to employ; (d) they will not be subject, in respect of their persons or property, or in respect of their commerce or industry, to any taxes, whether general or local, other than those which are or may be imposed upon Transvaal citizens.

XXVII. All inhabitants of the Transvaal shall have free access to the Courts of Justice for the prosecution and defence of their rights.

XXVIII. All persons, other than natives, who established their domicile in the Transvaal between the 12th day of April, 1877, and the date when this Convention comes into effect, and who shall within twelve months after such last-mentioned date have their names registered by the British Resident, shall be exempt from all compulsory military service whatever. The Resident shall notify such registration to the Government of the Transvaal State.

XXIX. Provision shall hereafter be made by a separate instrument for the mutual extradition of criminals, and also for the surrender of deserters from Her Majesty's forces.

XXX. All debts contracted since the Annexation will be payable in the same currency in which they may have been contracted.

All uncanceled postage and other revenue stamps issued by the Government since the Annexation will remain valid, and will be accepted at their present value by the future Government of the State. All licences duly issued since the Annexation will remain in force during the period for which they may have been issued.

XXXI. No grants of land which may have been made, and no transfers or mortgages which may have been passed since the date of Annexation, will be invalidated by reason merely of their having been made or passed after such date.

All transfers to the British Secretary for Native Affairs in trust for natives will remain in force, the Native Location Commission taking the place of such Secretary for Native Affairs.

XXXII. This Convention will be ratified by a newly-elected Volksraad within the period of three months after its execution, and in default of such ratification this Convention shall be null and void.

XXXIII. Forthwith after the ratification of this Convention, as in the last preceding Article mentioned, all British troops in Transvaal Territory will leave the same, and the mutual delivery of munitions of war will be carried out.

Signed at Pretoria, this 3rd day of August, 1881.

HERCULES ROBINSON, *President and High Commissioner*;

EVELYN WOOD, *Major-General, Officer administering the Government*;

J. H. DE VILLIERS;

*Royal Commissioners.*

We, the undersigned, Stephanus Johannes Paulus Kruger, Martinus Wessel Pretorius, and Petrus Jacobus Joubert, as representatives of the Transvaal Burghers, do hereby agree to all the above conditions, reservations, and limitations, under which self-government has been restored to the inhabitants of the Transvaal Territory, subject to the suzerainty of Her Majesty,\* her heirs and successors, and we agree to accept the government of the said Territory, with all rights and obligations thereto appertaining, on the 8th day of August, 1881, and we promise and undertake that this Convention shall be ratified by a newly-elected Volksraad of the Transvaal State within three months from this date.

Signed at Pretoria, this 3rd day of August, 1881.

S. J. P. KRUGER.

M. W. PRETORIUS.

P. J. JOUBERT.

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\* See Protocol signed between the British and Portuguese Governments on the 7th October, 1882. Page 296

## TUNIS.

BRITISH ORDER IN COUNCIL *for the Regulation of British Consular Jurisdiction within the Regency of Tunis.* Windsor, May 18, 1881.\*

*At the Court at Windsor, the 18th day of May, 1881.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President. Lord Steward. Earl of Northbrook.

WHEREAS by Treaty, capitulation, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has power and jurisdiction in relation to Her Majesty's subjects and others in the Ottoman dominions:

And whereas there are in force, for regulating the exercise of the power and jurisdiction aforesaid, an Order of Her Majesty in Council made at Windsor, the 12th day of December, 1873† (in this Order referred to as the Ottoman Order of 1873), and several amending Orders in Council:

And whereas there are also in force two Conventions between Her Majesty's Government and that of the Regency of Tunis, namely, a General Convention, dated the 19th day of July, 1875‡ (in this Order referred to as the General Convention of 1875), and a Convention relative to the holding of real property by British subjects, dated the 10th day of October, 1863§ (in this Order referred to as the Convention of 1863):

And whereas it has now seemed good to Her Majesty in Council to make further regulation respecting the exercise of the power and jurisdiction aforesaid, in the Regency of Tunis, and for that purpose to further amend the Ottoman Order of 1873:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1878, or otherwise, in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

*Short Title.*

1. This Order may be cited as "The Ottoman (Tunis) Order in Council of 1881."

*Interpretation.*

2. In this Order terms have the same meaning as in the Ottoman Order of 1873.

\* British Consular Jurisdiction in Tunis was abolished by Order in Council of December 31, 1883.

† See Vol. 14. Page 557.

‡ See Vol. 14. Page 541.

§ See Vol. 11. Page 1118.



*Repeal.*

3. Articles 95 and 270 of the Ottoman Order of 1873 are hereby repealed, but not so as to affect the validity or effect of any deputation granted before the passing of this Order under either of those Articles, or of anything done thereunder, and without prejudice to the continuance of any proceedings taken under or by virtue of any such deputation, and pending at the passing of this Order.

*Consular Court for Tunis.*

4. There shall be a Court styled Her Britannic Majesty's Court for Tunis (which Court is in this Order referred to as the Court for Tunis, or as the Court).

Her Majesty's Consul at Tunis for the time being shall be the Judge of the Court, but he shall be appointed to the office of Judge by Her Majesty by a separate warrant under Her Royal sign-manual.

He shall be at the time of his appointment a member of the bar of England, Scotland, or Ireland, of seven years' standing, or a British subject who is a member of the bar of Malta of seven years' standing, or has filled the office of Assistant Judge, or Legal Vice-Consul, or Law Secretary in the Ottoman dominions.

5. During a vacancy in the office of Judge or on emergency a fit person approved by the Secretary of State may temporarily be Acting Judge. The Acting Judge shall have all the jurisdiction, power, and authority of Judge.

6. There shall be attached to the Court so many officers and clerks as the Secretary of State from time to time think fit.

7. The Court shall have a seal; and summonses, orders, and other documents issued from the Court shall be sealed therewith; but, until the seal is provided, a stamp, with the inscription, "H.B.M. Consular Court for Tunis," may be used.

*General Application of Order of 1873.*

8. The Court for Tunis shall be deemed to be comprised in the term "the Court" in the Ottoman Order of 1873, or to be a Court within that Order, as the case may require; and the following Articles of that Order are hereby applied to the Court for Tunis, with the substitution of Tunis for Egypt, that is to say,—

Articles 28, 32, 39, 40, 41, 42, 88, 91, 137, 138, 239, 265, 267, 268, 269, 299, 306, 309, and 311;

Subject to these qualifications, as regards the Court for Tunis, namely, first, that, Article 267 shall operate, with the alteration aforesaid, notwithstanding the exception of Egypt

only in Article 266; and, secondly, that in Articles 309 and 311 Gibraltar shall be deemed to be omitted.

*Jurisdiction of Court.*

9. All jurisdiction, powers, and authorities exercisable on Her Majesty's behalf by any Consular Officer of Her Majesty, or other British authority, under the following Articles of the General Convention of 1875 (namely):

Article 24.—Criminal cases where prosecutor and prisoner are British subjects, and civil cases between British subjects or between British subjects and other foreign subjects.

Article 25.—Civil cases between British and Tunisian subjects.

Article 26.—Crimes committed by British subjects and contraventions of police and other regulations,—  
and under the following Articles of the Convention of 1863 (namely):

Article 4.—Cases between British subjects respecting immovable property, or the ownership or occupation of houses or lands.

Article 7. Administration on death of a British subject intestate of his lands, houses, and tenements.

Article 8.—Immovable property of a British subject insolvent,—

and by virtue of any provision in either of those Conventions giving a right to the treatment of the most favoured or other nation,—

shall be exercised by the Court for Tunis and the Supreme Court, according to their respective jurisdiction and authority, and not by any other Consular or other authority on behalf of Her Majesty.

10. All Her Majesty's jurisdiction, civil and criminal, exercisable in the Regency of Tunis, otherwise than under the two Conventions aforesaid, and not by the Ottoman Order of 1873, vested exclusively in the Supreme Court, shall, to the extent and in the manner provided by this Order, be vested in the Court for Tunis.

11. The Court shall observe the provisions of Article 27 of the General Convention of 1875 relating to quittances or receipts.

12. The criminal jurisdiction of the Court is hereby extended to all such contraventions of Police Regulations, and other Regulations, from time to time in force, as are within Article 26 of the General Convention of 1875; and every such contravention shall be deemed an offence making the person doing the act amenable to punishment: provided, first, that no punish-

ment shall be imposed under this Article, unless the Regulation a contravention whereof is charged has been adopted with the concurrence or approval of Her Majesty's Consul-General for Tunis, and, secondly, that no punishment shall be imposed under this Article other than a fine not exceeding 5*l.*, with or without imprisonment, for not exceeding 14 days, with or without hard labour.

13. The criminal jurisdiction of the Court is hereby extended to such procuring of false evidence as is within Article 28 of the General Convention of 1875; and the same shall be deemed an offence making the person doing the act amenable to punishment; and a person convicted of that offence shall be liable to the punishment to which a person convicted in England of subornation of perjury is liable.

*Continuance of Order of 1873.*

14. Subject to the express provisions of this Order, the Ottoman Order of 1873, and the several Orders in Council amending the same, shall continue to apply to and be in force in the Regency of Tunis as if this Order had not been passed.

And the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

## TURKEY.

CONVENTION *between Great Britain and Turkey for the Suppression of the African Slave Trade.\* Signed at Constantinople, January 25, 1880.†*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the Ottomans, being mutually animated by a sincere desire to co-operate for the extinction of the Traffic in African Slaves, have resolved to conclude a Convention for the purpose of attaining this object, and with this view have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Austen Henry

\* Signed also in the French language.

† Ratiications exchanged at Constantinople, April 17, 1880.

Layard, Her Majesty's Ambassador Extraordinary and Plenipotentiary at the Sublime Porte; and

His Majesty the Emperor of the Ottomans, Sawas Pasha, His Majesty's Minister for Foreign Affairs;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ART. I. His Imperial Majesty the Emperor of the Ottomans, whilst renewing absolutely the prohibition of the Slave Trade, engages to forbid from henceforward the importation of African slaves into any part of the Ottoman dominions or its dependencies, or their transit through Ottoman territories by sea; and to punish, in the manner provided by Ottoman law, and in conformity with the provisions of the Firman of the year A.H. 1273 (A.D. 1857),\* any person or persons amenable to Ottoman jurisdiction who may be found engaged, directly or indirectly, in the Traffic in African Slaves. His Majesty further engages to prohibit the exportation of black slaves from the Ottoman Empire to foreign parts, except when accompanying their masters or mistresses as domestic servants, in which case each slave, man or woman, shall be furnished with a certificate stating his or her age, and otherwise describing them, and stating the particular capacity in which they accompany their master or mistress; and in the event of their not being furnished with such certificates they shall be set free, and the parties attempting to export them shall be liable to punishment; and all free blacks leaving the Ottoman territories shall, on application to the Ottoman authorities, be furnished with passports certifying that they are free and at liberty to dispose of themselves without restriction or reserve.

II. Any person or persons, not being Ottoman subjects, who may be found engaged in the African Slave Traffic, either directly or indirectly, within the Ottoman dominions, or on board Ottoman vessels, shall, together with their accomplices, if any, be handed over for trial according to the laws of the country with the depositions (*procès-verbaux*) drawn up by the Ottoman superior authority of the place where the traffic has been proved, and all other documents or evidence (*éléments de conviction*) handed over by the said authority, and destined to serve as proofs at the trial of the offenders, so far as those laws may admit of such proof.

All African slaves found in the possession of a dealer in slaves shall be liberated and dealt with in conformity with the provisions of Article III of the present Convention.

III. Taking into consideration the impossibility of sending back to their homes African slaves who may be captured from slave-dealers and liberated, without exposing them to the risk

\* See Vol. 10. Pages 1014, 1097.

of perishing from fatigue or want, or from falling again into slavery, the Ottoman Government engages to adopt adequate measures to insure the freedom of such captured Africans, and to see that they are properly cared for.

IV. His Imperial Majesty engages to pursue as criminals all persons who may be found engaged in the mutilation of, or traffic in, children. If such persons are amenable to Ottoman jurisdiction they shall be handed over to the Ottoman Tribunals and punished according to Ottoman law; if they are not amenable to Ottoman jurisdiction, that is to say, if the criminals are not Ottoman subjects and the crime has not been committed on Ottoman territory, then they shall be handed over to the competent tribunals, to be dealt with according as the law of their country directs, together with the depositions (*procès-verbaux*) and other documents or evidence (*éléments de conviction*), as laid down in Article II.

V. With the view to the more effectual suppression of the Traffic in African Slaves in the Red Sea, His Majesty the Emperor of the Ottomans agrees that British cruizers may visit, search, and, if necessary, detain, in order to hand over to the nearest or most convenient Ottoman authority or to the competent authorities according to Article IV, for trial, any Ottoman vessel which may be found engaged in the Traffic in African Slaves, as well as any Ottoman vessel which may fairly be suspected of being intended for that traffic, or which may have been engaged in it on the voyage during which she has been met with.

This right of visit and detention may be exercised in the Red Sea, in the Gulf of Aden, on the coast of Arabia, in the Persian Gulf, and on the East Coast of Africa, and in Ottoman maritime waters where no constituted authorities exist; and any vessel which may be detained by a British cruiser under the provisions of this Convention shall, together with her cargo and crew, be handed over for trial to the nearest or most convenient Ottoman authority, or to the competent authorities according to Article IV.

Should there be good reason for believing that vessels sailing under the Ottoman flag which may be found in Ottoman harbours or waters have African slaves on board for purposes of traffic, or have been employed in the African Slave Traffic during the voyage on which they have been last engaged, such vessels, on being denounced by the commander or other commissioned officer of a British cruiser, or by a British Consular Officer, shall be immediately searched by the Ottoman authorities, and any slaves who may be found on board shall be released and manumitted, and the vessel, her master, officers, and all persons who shall be proved to have acted in connivance with them, handed over to the competent Ottoman authorities, to be dealt

with in accordance with Ottoman laws for the suppression of Slave Traffic.

All African slaves captured by a British cruizer on board an Ottoman vessel shall be at the disposal of the Ottoman authorities, or of the nearest authorities in the event of there being no Ottoman authorities in the vicinity, with a view of securing to such slaves their freedom; and the vessel and her cargo shall be handed over for trial to the nearest or most convenient Ottoman authority, or to the competent authorities, according to Article IV.

Her Majesty the Queen of Great Britain and Ireland agrees, on her part, that all vessels navigating under the British flag in the Red Sea, in the Gulf of Aden, on the coast of Arabia, in the Persian Gulf, and on the East Coast of Africa, [or in the inland waters of the Ottoman Empire and its dependencies,]\* which may be found engaged in the Traffic in African Slaves, or which may fairly be suspected of being intended for that traffic, or which may have been engaged in it on the voyage during which she has been met with, may be visited, seized, and detained by the Ottoman authorities or cruizers; but it is agreed that the vessel and its cargo shall, together with its crew, be handed over to the nearest British authority for trial.

The captured slaves shall be released by the Ottoman authorities, and shall remain at their disposal.

If the competent tribunal should decide that the seizure, detention, or prosecution was unjustifiable, the Government of the cruizer making the capture will be liable to pay to the Government of the prize a compensation appropriate to the circumstances of the case.

It is expressly and formally understood that none of the foregoing provisions apply to the ships-of-war of either country, which cannot in any case, nor under any pretext, be searched.

VI. With the view to avoid any undue interference on the part of British cruizers engaged in the suppression of the Slave Trade with Ottoman vessels whose crews may be composed in whole or in part of African slaves, it is hereby agreed that every Ottoman vessel manned wholly or partly by African slaves shall be furnished with papers stating the voyage or employment on which she is engaged, and the number and description of the slaves on board, and any larger number of African slaves found on board than is authorized by the ship's papers shall render the vessel liable to detention and to be sent for adjudication before a competent tribunal.

VII. His Majesty the Emperor of the Ottomans engages to take the necessary measures and to issue the necessary orders for giving effect to the present Convention.

VIII. The present Convention shall be ratified, and the

\* The words within brackets were struck out by Declaration signed at Constantinople, March 3, 1883.

ratifications shall be exchanged at Constantinople as soon as possible.

The present Convention shall come into operation six months after the date of its signature.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Constantinople, this 25th day of January, 1880.

(L.S.) A. H. LAYARD.

(L.S.) SAWAS.

CONVENTION *between Great Britain, Austria-Hungary, France, Germany, Italy, Russia, and Turkey, for the Settlement of the Frontier between Greece and Turkey; so far as relates to the Navigation of the Gulf of Arta, Property, Religion, Nationality, &c. Signed at Constantinople, May 24, 1881.\**

ART. I. Les nouvelles frontières de la Turquie et de la Grèce sont fixées ainsi qu'il suit :—

La nouvelle ligne-frontière commençant près du défilé de Karalik-Dervend entre l'embouchure du Salamvrias et Platamona, à 4 kilom. environ au sud de ce dernier point, se dirige vers l'ouest en suivant la crête des montagnes, passe d'abord entre Krania et Avarnitsa, puis entre Nezeros et Analipsis, arrive au sommet du Mont Godaman, descend ensuite vers le sud en suivant la crête de l'Olympe, gagne le sommet de Kokkinopetra, et, prenant la direction de l'ouest à partir de ce point sans quitter la même crête, passe entre Ligara et Derveni-Melona, et arrive au sommet du Mont Kritiri. Se dirigeant de là vers le sud, la ligne atteint la rive droite du Xeraghis, et suivant la ligne de partage des eaux vers le sud-ouest, gagne le sommet des hauteurs situées au nord du village de Zarko, tourne ensuite vers le nord-ouest dans la direction de Diminitza, et se maintient toujours sur la ligne de partage des eaux en laissant à la Turquie le village d'Elevtherokhorion. Avant d'arriver à Diminitza, à une distance d'environ 18 kilom. de cette localité, la ligne-frontière tourne vers l'ouest toujours sur la ligne de partage des eaux, et passe par les villages de Flamouristi, Gavronon, et Georgitza, pour gagner le sommet du Mont Kratchovo. Se dirigeant ensuite vers le sud par la crête, elle passe par les sommets des Monts Zygos, Dokini, et Peristeri, et atteint la Rivière d'Arta, en suivant le ruisseau qui conduit par la plus courte distance les eaux pluviales du sommet du Peristeri à ce cours d'eau, et en

\* Ratifications exchanged at Constantinople, June 14, 1881.

passant près des villages de Kalarrhytes et de Mikalitzî. Au delà de ces derniers points elle suit le thalweg de la Rivière d'Arta jusqu'à son embouchure.

Cette délimitation sera fixée sur les lieux par une Commission composée des Délégués des Six Puissances et des deux parties intéressées.

La Commission de Délimitation prendra ses résolutions à la majorité des voix, chaque Puissance n'ayant qu'une voix.

Elle devra se réunir dans un délai de huit jours à partir de la ratification de la présente Convention, ou plus tôt si faire se peut, afin de commencer ses travaux.

II. Punta et son territoire, tel qu'il a été déterminé par l'Article I de l'Acte signé à Constantinople le 21 Juillet, 1832,\* seront cédés à la Grèce.

Toutes les fortifications qui commandent l'entrée du Golfe d'Arta, tant du côté de Preveza que de celui de Punta, seront désarmées dans un délai de trois mois à partir de la signature de cette Convention, et demeureront désarmées en temps de paix entre les deux États.

La navigation du Golfe d'Arta sera libre.

III. La vie, les biens, l'honneur, la religion, et les coutumes de ceux des habitants des localités cédées à la Grèce qui resteront sous l'administration Hellénique seront scrupuleusement respectés. Ils jouiront entièrement des mêmes droits civils et politiques que les sujets Hellènes d'origine.

IV. Le droit de propriété sur les fermes ainsi que sur les pâturages, prairies, pacages ("kechlak"), forêts, et toute espèce de terrains ou autres immeubles possédés par des particuliers et des communes en vertu de firmans, hodjets, tapous, et autres titres, ou bien de par la loi Ottomane, dans les localités cédées à la Grèce, sera reconnu par le Gouvernement Hellénique.

Les titres de propriété des biens dits vacoufs qui servent à l'entretien des mosquées, collèges, écoles, et autres établissements de piété ou de bienfaisance, seront également reconnus.

V. Sa Majesté le Sultan pourra disposer comme par le passé des propriétés Impériales dont les revenus sont perçus pour le compte de Sa Majesté ou de la famille Impériale.

En cas de contestation sur la nature et la destination de ces biens, la question sera soumise à l'examen de la Commission dont l'institution est prévue par l'Article IX de la présente Convention, et, éventuellement, aux termes du même Article, à la décision des Puissances Médiatrices.

VI. Nul ne peut être privé de sa propriété que pour cause d'utilité publique dûment constatée dans les cas et de la manière établis par la loi, moyennant une juste et préalable indemnité.

Aucun propriétaire ne pourra être forcé à vendre ses biens

\* See State Papers. Vol. 22. Page 934.



aux cultivateurs ou à des tiers, ni à leur en céder une partie, de même qu'aucune modification ne sera introduite dans les rapports des propriétaires et des cultivateurs, si ce n'est par une loi générale applicable à tout le Royaume.

Les propriétaires établis hors du Royaume et qui posséderaient des immeubles dans les territoires cédés, pourront affermer leurs immeubles ou les faire administrer par des tiers.

VIII. La liberté ainsi que la pratique extérieure du culte sont assurées aux Musulmans dans les territoires cédés à la Grèce.

Aucune atteinte ne sera portée à l'autonomie et à l'organisation hiérarchique des communautés Musulmanes existantes ou qui pourraient se former, ni à l'administration des fonds et des immeubles qui leur appartiennent.

Aucune entrave ne pourra être apportée aux rapports de ces communautés avec leurs chefs spirituels en matière de religion.

Les tribunaux du Chéri locaux continueront à exercer leur juridiction en matière purement religieuse.

IX. Une Commission Turco-Hellénique sera chargée de régler, dans le courant de deux années, toutes les affaires concernant les propriétés de l'État, ainsi que les questions relatives aux intérêts des particuliers qui pourraient s'y trouver engagés. Cette Commission aura à statuer sur l'indemnité que la Grèce devra payer à la Turquie pour les bien-fonds qui seraient reconnus appartenir *bonâ fide* à l'État Ottoman et lui donner un revenu annuel.

Les questions sur lesquelles une entente n'aura pas pu intervenir seront soumises à la décision des Puissances Médiatrices.

X. La Grèce devra supporter une part de la dette publique Ottomane proportionnelle aux revenus des territoires cédés. Cette part sera déterminée ultérieurement entre la Sublime Porte et les Représentants des Puissances Médiatrices à Constantinople.

XIII. Les individus originaires des territoires cédés à la Grèce ou actuellement domiciliés dans ces provinces qui entendront conserver la nationalité Ottomane jouiront, pendant l'espace de trois ans à partir de l'échange des ratifications et moyennant une déclaration préalable faite à l'autorité compétente, de la faculté de transporter leur domicile dans l'Empire Ottoman et de s'y fixer, auquel cas la qualité de sujet Ottoman leur sera conservée.

Ceux qui émigreront dans le délai précité de trois ans continueront à jouir du bénéfice stipulé dans le troisième paragraphe de l'Article VI de la présente Convention en faveur des propriétaires établis hors du Royaume.

XIV. La Commission créée en vertu de l'Article IX de la présente Convention est chargée de régler, dans le plus bref délai possible, les questions relatives aux impôts arriérés dans les

territoires cédés qui seraient dûs au Gouvernement Ottoman, ainsi que celles qui pourraient surgir de la perception des impôts pendant l'année courante.

XIX. La présente Convention sera ratifiée, et les ratifications en seront échangées à Constantinople dans l'espace de trois semaines, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée et y ont apposé le sceau de leurs armes.

Fait à Constantinople, le 24 Mai, 1881.

(L.S.)	GEORGE J. GOSCHEN.	(L.S.)	NOVIKOW.
(L.S.)	v. HATZFELDT.	(L.S.)	SERVER.
(L.S.)	CALICE.	(L.S.)	MOUKHTAR.
(L.S.)	TISSOT.	(L.S.)	ALY.
(L.S.)	L. CORTI.	(L.S.)	ARTIN DADIAN.

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ADDITIONAL ACT to the Public Act of the 2nd November, 1865,\* relative to the Navigation of the Mouths of the Danube. Signed at Galatz, May 28, 1881.†

LES Puissances représentées au sein de la Commission Européenne du Danube, en vertu du Traité de Paris du 30 Mars, 1856,‡ et la Roumanie, qui a été appelée à en faire partie par l'Article LIII du Traité de Berlin du 13 Juillet, 1878,§

Désirant mettre l'Acte-Public du 2 Novembre, 1865, relatif à la navigation des embouchures du Danube, en harmonie avec les stipulations du Traité de Berlin portant que la dite Commission Européenne "exercera dorénavant ses fonctions jusqu'à Galatz, dans une complète indépendance de l'autorité territoriale, et que tous les Traités, arrangements, actes et décisions relatifs à ses droits, privilèges, prérogatives et obligations sont confirmés;"

Ont nommé pour leurs Plénipotentiaires, savoir :

[Here follow the names of the Plenipotentiaries of Great Britain, Austria-Hungary, France, Germany, Italy, Roumania, Russia, and Turkey.]

Lesquels, après avoir produit leurs pleins pouvoirs trouvés en bonne et due forme et dont une copie certifiée est restée déposée dans les archives de la Commission Européenne, sont convenus des dispositions additionnelles suivantes au susdit Acte-Public du 2 Novembre, 1865 :—

\* See Vol. 12. Page 884.

† The ratifications of all the signatory Powers were deposited in the archives of the European Commission of the Danube at Galatz, on the 20th May, 1882, in conformity with the provisions of Article 10.

‡ See Vol. 10. Page 533.

§ See Vol. 14. Page 1175.

ART. 1. Les droits, attributions et immunités de la Commission Européenne du Danube, tels qu'ils résultent des Traités de Paris du 30 Mars, 1856, et de Londres du 13 Mars, 1871,\* de l'Acte-Public du 2 Novembre, 1865, ainsi que des actes et décisions antérieurs au Traité de Berlin du 13 Juillet, 1878, continueront à régir ses rapports avec les nouveaux États Riverains, et leur effet s'étendra jusqu'à Galatz, sauf les modifications ci-après spécifiées.

2. L'agent spécialement préposé à la police du fleuve, en aval de Galatz et à l'exclusion du port de Soulina, portera dorénavant le titre d'Inspecteur de la Navigation du Bas-Danube, et sera, comme par le passé, assisté d'un Chancelier et de surveillants répartis sur les différentes sections fluviales de son ressort, et tous placés sous ses ordres.

L'Inspecteur de la Navigation, le Chancelier de l'Inspection, ainsi que les surveillants des sections fluviales, le Capitaine du Port de Soulina et tout le personnel placé sous les ordres de ce dernier, sont nommés par la Commission, à la simple majorité des voix et sans distinction de nationalité. Ils peuvent également être révoqués par elle.

L'Inspecteur de la Navigation et le Capitaine du Port de Soulina remplissent leurs fonctions sous l'autorité directe de la Commission, qui les rétribue, et entre les mains de laquelle ils prêtent, ainsi que leurs subordonnés, le serment d'office.

Ils prononcent, en qualité de Juges de Première Instance, sur les contraventions commises dans l'étendue de leurs ressorts respectifs, en matière de police de la navigation, et leurs jugements sont rendus au nom de la Commission Européenne du Danube.

3. Le contrôle des opérations de la Caisse de Navigation de Soulina ne sera plus confié à un agent spécial: il sera exclusivement exercé par la Commission Européenne ou par l'autorité qui la succédera, et ce dans la forme qui est ou sera déterminée par la dite Commission ou autorité.

Le mode de perception des taxes et l'administration de la Caisse de Navigation de Soulina pourront être modifiés par décision prise à l'unanimité des voix, en séance plénière.

4. La disposition finale de l'Article 14 de l'Acte-Public de 1865 est modifiée en ce sens, que l'interdiction d'employer aucune partie des sommes produites par les taxes prélevées sur les bâtiments de mer ou des emprunts réalisés au moyen de l'affectation de ces taxes, pour couvrir les frais de travaux ou des dépenses administratives se rapportant à une section fluviale située en amont d'Isaktcha, est restreinte à la partie du fleuve située en amont de Galatz.

5.† La Commission Européenne est chargée de l'entretien et

\* See Vol. 13. Page 744.

† See Reservations in Protocol of May 28, 1881. Page 427.

de l'administration de tous les phares composant le système d'éclairage des embouchures du Danube : par suite, la quote-part représentant les droits de phare dans le montant des taxes perçues à Soulina restera intégralement acquise à la Caisse de Navigation.

6.\* Les Règlements sanitaires applicables aux embouchures du Danube, y compris les tarifs des taxes sanitaires, seront élaborés et modifiés, de concert avec la Commission Européenne, par le Conseil International qui sera institué à Bucarest.

Les Règlements actuels resteront en vigueur jusqu'à nouvel ordre sous la réserve du droit de la Commission Européenne de demander l'abrogation immédiate de ceux qui seraient en opposition avec les intérêts de la navigation et avec les principes énoncés dans les Articles 18, 19, et 20 de l'Acte-Public du 2 Novembre, 1865.

Dans le but de déterminer plus exactement la portée des stipulations du dit Article 20, relatives aux mesures de quarantaine proprement dites, mises en vigueur en temps d'épidémie, il est expressément entendu et convenu que ces mesures sont exclusivement applicables aux navires et aux voyageurs de provenance brute et dans les ports non-contaminés, et que toute mesure exceptionnelle et restrictive doit être supprimée, pour l'intercourse entre les ports du fleuve, dès que l'épidémie est devenue générale sur ses rives.

Et afin de faciliter en temps d'épidémie le maintien de la police fluviale, il est convenu, de plus, que l'Inspecteur de la Navigation, le Chancelier de l'Inspection et les surveillants des sections continueront, comme par le passé, à circuler librement sur le fleuve, sous la seule condition de se soumettre, en cas de compromission, aux mesures réglementaires auxquelles sont soumis les Agents de la Santé. Les mêmes immunités seraient, en cas de besoin, accordées aux Ingénieurs, employés et ouvriers de la Commission Européenne.

7.\* En ce qui concerne spécialement l'administration du service Sanitaire à Soulina, le Conseil International de Bucarest s'entendra avec la Commission sur la nomination et la rétribution du personnel de la Santé, sur l'installation et le fonctionnement des bureaux, sur l'établissement et l'entretien d'un lazaret, sur le mode de perception des taxes sanitaires et sur la destination de leur produit, lequel formera un fonds spécial.

8. Pour assurer, en tout temps, au personnel ainsi qu'aux propriétés et ouvrages de la Commission Européenne le bénéfice de la neutralité qui leur est garantie par les Articles 21 de l'Acte-Public du 2 Novembre, 1865, et 7 du Traité de Londres, du 13 Mars, 1871, les Ingénieurs, employés et ouvriers de la Commission Européenne pourront être munis d'un brassard portant, sur fond bleu, les lettres blanches "C. E. D." De plus,

\* See Reservations in Protocol of May 28, 1881. Page 427.

elle ne sera pas tenue d'arborer sur ses établissements de toute nature et sur ses embarcations d'autre pavillon que le sien, lequel est composé de cinq bandes parallèles, perpendiculaires à la hampe, disposées dans l'ordre suivant de leurs couleurs : rouge, blanc, bleu, blanc et rouge, la bande bleue ayant une hauteur double de celle de chacune des autres bandes, et portant en blanc les lettres "C. E. D."

9. Toutes les dispositions de l'Acte-Public du 2 Novembre, 1865, auxquelles il n'est pas expressément dérogé par le présent Acte Additionnel, conservent toute leur force et valeur.

Le Règlement de Navigation et de Police et le Tarif des Droits de Navigation seront révisés ultérieurement par la Commission Européenne, pour être mis d'accord avec l'état de choses créé par le Traité de Berlin.

10. Le présent Acte sera ratifié.

Chacune des Hautes Parties Contractantes ratifiera en un seul exemplaire. Les instruments de ratification seront déposés, dans le délai d'une année, ou plus tôt si faire se peut, dans les archives de la Commission Européenne du Danube.\*

En foi de quoi les Délégués Plénipotentiaires respectifs ont signé le présent Acte-Additionnel et y ont apposé leur sceau.

Fait à Galatz, le 28 Mai, 1881.

(L.S.) H. T. SIBORNE.	(L.S.) N. REVEST.
(L.S.) J. ARENDT.	(L.S.) PENCOVICI.
(L.S.) DE HAAN.	(L.S.) A. ROMANENKO.
(L.S.) CAMILLE BARRÈRE.	(L.S.) CONST. ET. CARATHÉODORY.

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*Extract from the Protocol recording the Sitting of the European Commission of the Danube, held on the 28th May, 1881.*

*(Reservations. Russia and Roumania. Left Bank of Kilia Branch. Lighthouse and Sanitary Dues.)*

AU moment de signer l'Acte Additionnel, le Délégué de Russie déclare, par ordre de son Gouvernement, qu'il signe l'Acte dont il s'agit sous la réserve suivante : les dispositions des Articles 5 et 6 de l'Acte Additionnel ne seront pas applicables à la rive gauche du bras de Kilia, c'est-à-dire au territoire Russe ; bien entendu que cette réserve ne saurait changer en rien les stipulations des Traités concernant la Commission Européenne du Danube.

Le Délégué de Roumanie déclare, de son côté, par ordre de son Gouvernement, qu'il signe l'Acte Additionnel sous la réserve de la parité des droits des États Riverains quant aux dispositions des Articles 5, 6, et 7 du dit Acte : il est entendu, toutefois, que les dispositions de l'Article 5 seront applicables, pendant la durée de la Commission Européenne, aux seuls

\* See Note. Page 424.

phares existants, et que celles de l'Article 7 sont maintenues, en ce qui concerne exclusivement la perception des taxes sanitaires et la gestion du fonds qui sera formé, au moyen du produit de ces taxes.

Les Délégués prennent et se donnent respectivement acte de ces déclarations et réserves, et il est constaté, que postérieurement à la rédaction du texte de l'Article 7, une entente est survenue entre le Gouvernement Roumain et la Commission Européenne, en ce sens, que la perception des taxes sanitaires et la gestion du fonds à former au moyen de leur produit passent entre les mains de la Commission.

Les Délégués d'Allemagne, d'Autriche-Hongrie, de France, de la Grande-Bretagne, d'Italie, de Roumanie, de Russie, et de Turquie apposent à l'Acte Additionnel leurs signatures et le sceau de leurs armes.

Le présent Protocole est rédigé et signé en neuf originaux, dont l'un est déposé aux archives de la Commission conjointement avec l'instrument paraphé de l'Acte Additionnel.

Fait à Galatz, le 28 Mai, 1881.

ARENDT.

E. DE HAAN.

CAMILLE BARRÈRE.

H. T. SIBORNE.

N. REVEST.

PENCOVICI.

A. ROMANENKO.

CONST. ET. CARATHÉODORY.

BRITISH ORDER IN COUNCIL, *for the Execution of the Slave Trade Convention with Turkey of January 25, 1880. Holyrood, August 26, 1881.*

*At the Court at Holyrood Palace, the 26th day of August, 1881.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness the Duke of  
Connaught and Strathearne.  
Lord President.

Earl of Rosebery.  
Mr. Secretary Childers.

WHEREAS by an Act passed in the 37th year of Her Majesty's reign, chapter 88, intituled "The Slave Trade Act, 1873,"\* it was, amongst other things, provided that, where any Treaty in relation to the Slave Trade is made after the passing of that Act, by or on behalf of Her Majesty with any foreign State, Her Majesty may, by Order in Council, direct that as from such date, not being earlier than the date of the Treaty, as may be specified in the Order, such Treaty shall

\* 36 & 37 Vict. c. 88. See Vol. 14. Page 717.

be deemed to be an existing Slave Trade Treaty within the meaning of the Act, and it was further provided that thereupon (as from the said date, or, if no date should be specified, as from the date of such Order) all the provisions of the Act should apply and be construed accordingly :

And whereas on the 25th day of January, 1880, a Treaty or Convention for the suppression of the African Slave Trade was concluded between Her Majesty and His Majesty the Emperor of the Ottomans, in the following terms, that is to say :

[Here follows the Convention of January 25, 1880. See Page 417.]

And whereas it is expedient that the said Treaty or Convention should be brought within the operation of "The Slave Trade Act, 1873:"

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf as aforesaid, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows :—

The said Treaty or Convention hereinbefore recited shall, from the said 25th day of January, 1880, being the day of the date thereof, be deemed to have been and to be an existing Slave Trade Treaty within the meaning of "The Slave Trade Act, 1873."

And the Lords Commissioners of Her Majesty's Treasury, the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

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BRITISH ORDER IN COUNCIL, *for the better Regulation of British Consular Jurisdiction in the Ottoman Dominions.*  
Windsor, May 3, 1882.

*At the Court at Windsor, the 3rd day of May, 1882.*

PRESENT : THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by Treaty, capitulation, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has power and jurisdiction in relation to Her Majesty's subjects and others in the Ottoman dominions :

Now, therefore, Her Majesty, by virtue and in exercise of

the powers in this behalf by "The Foreign Jurisdiction Acts, 1843 to 1878," or otherwise, in Her Majesty vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows :—

*Short Titles.*

1. (a.) This Order may be cited as "The Ottoman Order in Council, 1882."

(b.) The Order in Council made at Windsor, the 12th day of December, 1873,\* for the regulation of Consular jurisdiction in the Ottoman dominions, may be cited as "The Ottoman Order in Council, 1873."

(c.) That Order and this Order may be cited together as "The Ottoman Orders in Council, 1873 and 1882."

*Commencement.*

2. This Order shall commence and have effect from and immediately after the 31st day of May, 1882.

*Interpretation.*

3. In this Order—

"Her Majesty's Ambassador" includes Her Majesty's Chargé d'Affaires, or other chief diplomatic representative in the Ottoman dominions for the time being.

"Administration" means letters of administration, including the same with will annexed, or granted for special or limited purposes.

"Ship" includes any vessel used in navigation, howsoever propelled, with her tackle, furniture, and apparel, and any boat or other craft.

"Ottoman waters" means the territorial waters of the Ottoman dominions.

Other words have the same meaning as in "The Ottoman Order in Council, 1873."

*Repeal.*

4. The following parts of "The Ottoman Order in Council, 1873," are hereby repealed :—

(a.) Article 11.—The last two paragraphs.

(b.) Article 12.—The last paragraph.

(c.) Article 13.—The words "and for that purpose shall have the like jurisdiction and authority as the Assistant Judge."

(d.) Article 93.

(e.) Article 266.—In the first paragraph the words "the Judge of;" and the last paragraph.

\* See Vol. 14. Page 557.



*Assistant Judge of Supreme Court.*

5. (a.) The Assistant Judge of the Supreme Court shall be, at the time of his appointment, a member of the Bar of England, Scotland, or Ireland, of seven years' standing.

(b.) The Assistant Judge shall hear and determine such causes and matters, civil and criminal, and transact such other business of the Supreme Court as the Judge of the Supreme Court from time to time, by general order or otherwise, directs.

(c.) For that purpose the Assistant Judge shall have all the like jurisdiction, power, and authority as the Judge.

(d.) Any party to a civil suit or proceeding, wherein any matter or question is heard and determined by the Assistant Judge, and any party to a criminal proceeding, other than a proceeding by summary trial, wherein any question of law is heard and determined by the Assistant Judge, shall be entitled, as of course, to a re-hearing of the matter or question aforesaid before the Judge, sitting with the Assistant Judge, or, in the unavoidable absence of the Assistant Judge, alone; providing that an application for the re-hearing be made within three days after the day of the decision of the Assistant Judge.

(e.) If, on such re-hearing, there is a difference of opinion between the Judge and the Assistant Judge, the opinion of the Judge shall prevail.

*Acting Judge or Acting Assistant Judge of Supreme Court.*

6. In case of the death or illness, or the absence or intended absence from the district of the Consulate-General of Constantinople, of the Judge or Assistant Judge of the Supreme Court, Her Majesty's Ambassador may appoint a fit person to be the Acting Judge or to be the Acting Assistant Judge, as the case may require; but unless in any case the Secretary of State otherwise directs, the Assistant Judge, if present, and able to act, shall always be appointed to be the Acting Judge.

*Offences on board Ship.*

7. Section 11 of "The Merchant Shipping Act, 1867,"\* is hereby extended to the Ottoman dominions, with such adaptations and modifications that the same will, as regards those dominions, read as follows (namely):—

If in the Mediterranean Sea or the Sea of Azoff, or if in the Adriatic, Ægean, or Black Sea, out of Ottoman waters, a British subject commits an offence on board a British ship, or on board a foreign ship to which he does not belong, the Supreme Court, sitting within the district of the Consulate-General of Constantinople, shall have jurisdiction to hear and determine the case as if the offence had been committed on board a British ship in

\* 30 & 31 Vict. c. 124. See Vol. 14. Page 704.

Ottoman waters; and the Supreme Court may exercise that jurisdiction accordingly if in any case the Court in its discretion, having regard to all the circumstances, thinks it fit and expedient so to do.

*Detention of Ship.*

8. Where the Supreme Court issues a summons or warrant against any person on a charge of an offence committed on board of or in relation to a British ship, then, if it appears to the Court that the interests of public justice so require, the Supreme Court may issue a warrant or order for the detention of the ship, being within the district of the Consulate-General of Constantinople, and may cause the ship to be detained accordingly, until the charge is heard and determined, and the order of the Court thereon is fully executed, or for such shorter time as the Court thinks fit; and the Supreme Court shall have power to make from time to time all such orders as appear to it necessary or proper for carrying this provision into effect.

*Offences partly out of Jurisdiction.*

9. "The Admiralty Offences Colonial Act, 1860,"\* is hereby extended to the Ottoman dominions, with such adaptations and modifications that the same will, as regards those dominions and the jurisdiction of the Court, read as follows (namely):—

Where a person, being feloniously stricken, poisoned, or otherwise hurt, in the Ottoman dominions, dies of such stroke, poisoning, or hurt, on the sea, or out of the Ottoman dominions, then every offence committed in respect of any such case, whether amounting to murder or to manslaughter, or to the being accessory before the fact to murder, or after the fact to murder or to manslaughter, may be dealt with, inquired of, tried, determined, and punished in the Ottoman dominions, in all respects as if such offence had been wholly committed in the Ottoman dominions.

*Fugitive Offenders.*

10. "The Fugitive Offenders Act, 1881,"† except Part II thereof, or so much thereof except that part as is for the time being in force, and any enactment for the time being in force amending or substituted for the same, are hereby extended to the Ottoman dominions, with the adaptations following (namely):—

(i.) Her Majesty's Ambassador is hereby substituted for the Governor of a British Possession;

(ii.) The Supreme Court, or the Court for Egypt, or the Court for Tunis (as the case requires), is hereby substituted for a Superior Court in a British Possession;

(iii.) Each Court under "The Ottoman Order in Council, 1873,"

\* 23 & 24 Vict. c. 122. See Vol. 11. Page 266.

† 45 & 46 Vict. c. 69. See Page 635.

according to its jurisdiction, is substituted for a Magistrate of any part of Her Majesty's dominions.

*Coroners' Inquests.*

11. (a.) The Supreme Court shall, for and within the district of the Consulate-General of Constantinople, and the Court for Egypt shall, for and in Egypt, and the Court for Tunis shall for and in Tunis, have and discharge all the powers, rights, and duties appertaining to the office of Coroner in England, in relation not only to deaths of British subjects happening in that respective district or country, but also to deaths of any persons having happened at sea on board British ships arriving in that respective district or country, and to deaths of British subjects having happened at sea on board foreign ships so arriving.

(b.) Every inquest shall be held with a jury of not less than three persons comprised in the jury list of the Court summoned for that purpose.

(c.) If any person fails to attend according to such summons, he shall be liable to the like fine, to be levied in the like manner as is in "The Ottoman Order in Council, 1873," provided with respect to juries in civil and criminal proceedings.

*Jurisdiction as regards Embassy.*

12. The Court shall not exercise any jurisdiction in any proceeding whatsoever over Her Majesty's Ambassador, or his official or other residences, or his official or other property; nor shall the Court, except with the consent of Her Majesty's Ambassador, signified in writing to the Court, exercise any jurisdiction in a civil action or proceeding over any person attached to or being a member of Her Majesty's Embassy, or being a domestic servant of Her Majesty's Ambassador.

*Evidence.*

13. If in any case it is made to appear to the Court that the attendance of Her Majesty's Ambassador, or of any person attached to or being a member of Her Majesty's Embassy, or being a domestic servant of Her Majesty's Ambassador, to give evidence before the Court, is requisite in the interest of justice, the Court shall address to Her Majesty's Ambassador a request in writing for such attendance.

14. A person attending to give evidence before the Court shall not be compellable to give any evidence or to produce any document if, in the opinion of Her Majesty's Ambassador, signified by him personally or in writing to the Court, the giving or production thereof would be injurious to Her Majesty's Service.

15. Sections 7 and 11 of "The Evidence Act, 1851,"\* are hereby extended to the Ottoman dominions.

\* 14 & 15 Vict., c. 99. See Vol. 9. Page 329.

16. The following Acts (namely): "The Foreign Tribunals Evidence Act, 1856,"\* "The Evidence by Commission Act, 1859,"† or so much thereof as is for the time being in force, and any enactment for the time being in force amending or substituted for the same, are hereby extended to the Ottoman dominions, with the adaptations following (namely):—

The Supreme Court, or the Court for Egypt, or the Court for Tunis (as the case requires) is hereby substituted for a Supreme Court in a Colony.

*Ascertainment of Law.*

17. The following Acts (namely): "The British Law Ascertainment Act, 1859,"‡ "The Foreign Law Ascertainment Act, 1861,"§ or so much thereof as is for the time being in force, and any enactment for the time being in force amending or substituted for the same, are hereby extended to the Ottoman dominions, with the adaptations following (namely):—

The Supreme Court, or the Court for Egypt, or the Court for Tunis (as the case requires), is hereby substituted for a Superior Court in a Colony.

*Probate.*

18. (a.) Where probate, administration, or confirmation is granted in England, Ireland, or Scotland, and therein, or by a memorandum thereon signed by an officer of the Court granting the same, the testator or intestate is stated to have died domiciled in England, Ireland, or Scotland (as the case may be), and the probate, administration, or confirmation is produced to, and a copy thereof is deposited with, the Supreme Court, the Court shall write thereon a certificate of that production and deposit; and thereupon, notwithstanding anything in "The Ottoman Order in Council, 1873," the probate, administration, or confirmation shall, with respect to the personal property in the Ottoman dominions of the testator or intestate, have the like effect as if he had been resident in those dominions at his death, and probate or administration to his personal property there had been granted by the Supreme Court.

(b.) Any person who, in reliance on an instrument purporting to be a probate, administration, or confirmation granted in England, Ireland, or Scotland, and to bear such a certificate of the Supreme Court as in this Article prescribed, makes or permits any payment or transfer, in good faith, shall be, by virtue of this Order, indemnified and protected in respect thereof, in the Ottoman dominions, notwithstanding anything affecting the validity of the probate, administration, or confirmation.

\* 19 & 20 Vict., c. 113. See Vol. 10. Page 441.

† 22 Vict., c. 20. See Vol. 11. Page 236.

‡ 22 & 23 Vict., c. 63. See Vol. 11. Page 249.

§ 24 Vict., c. 11. See Vol. 11. Page 268.

(c.) The following shall be the terms of the certificate of the Supreme Court in this Article prescribed (namely) :—

This probate has [or these letters of administration have, or this confirmation has] been produced to this Court, and a copy thereof has been deposited with this Court.

19. Section 51 of "The Conveyancing (Scotland) Act, 1874,"\* and any enactment for the time being in force amending or substituted for the same, are hereby extended to the Ottoman dominions, with the adaptation following (namely) :—

The Supreme Court is hereby substituted for a Court of Probate in a Colony.

*Recovery against Ships.*

20. Where money ordered by the Court to be paid is due for seamen's wages, or is other money recoverable under the Merchant Shipping Acts or other law relating to ships, and the person ordered to pay is master or owner of a ship, and the money is not paid as ordered, the Court, in addition to other powers for compelling payment, shall have power to direct that the amount unpaid be levied by seizure and sale of that ship.

*Judicial Notice.*

21. Judicial notice shall be taken of "The Ottoman Order in Council, 1873," and of the several Orders in Council amending the same, passed or to be passed, and of this Order, and of the appointment of all Judges, officers, and persons acting thereunder, and of their signatures, and of all seals used thereunder, and no proof thereof shall be necessary.

And the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

## UNITED STATES.

POSTAL CONVENTION *between the United States and Canada.*  
March 25, 1851.

*Articles of Agreement between the Post Office Department of the United States and the Post Office Department of Canada.*

FOR the purpose of establishing and regulating the interchange of mails between the United States and Canada, it is

\* 37 & 38 Vict., c. 94.

agreed between the Post Office Department of the United States and the Post Office Department of Canada:—

ART. I. That there shall be an exchange of mails between the United States and Canada, at the following points, viz.:

On the side of the United States, at	On the side of Canada, at
Port Huron, Michigan.....	Port Sarnia.
Detroit           "       .....	Windsor.
Black Rock, New York.....	Waterloo.
Lewiston           "       .....	Queenstown.
Youngstown       "       .....	Niagara.
Rochester         "       .....	Coburg.
Cape Vincent     "       .....	Kington.
Morristown       "       .....	Brockville.
Ogdensburg       "       .....	Prescot.
Whitehall         "       .....	St. Johns.
Plattsburg        "       .....	"
Rouse's Point    "       .....	"
Burlington, Vermont.....	"
Derby Line        "       .....	Stanstead.
Buffalo, New York.....	Montreal, Toronto.
Albany            "       .....	"       "
New York         "       .....	"       "
Boston, Massachusetts.....	"       "
Fort Covington, New York....	Dundee.       "

[For names of places since added see State Papers. Vol. 67. Page 1165.]

II. The mails exchanged between the offices of New York, Albany, Buffalo, and Boston, on the one side, and Toronto, Kingston, and Montreal, on the other, are to pass each way as *through-mails*—not to be opened at any intermediate frontier office.

III. The postage to be charged in the United States, on a letter not exceeding half an ounce in weight, to or from Canada, shall be 5 cents for any distance within the United States, not exceeding 3,000 miles; and exceeding 3,000 miles, within the United States, 10 cents the single letter. Every additional weight of half an ounce, or additional weight of less than half an ounce, to be charged as one additional rate: the rates in this section mentioned, having been adopted and agreed upon by the Postmaster-General of the United States, by and with the advice and consent of the President.\*

\* Note from United States' Statutes at large. By subsequent arrangement, letters originating at either of the following line offices and destined for the corresponding line office, as hereafter named, the distance being short, are allowed to go at a postage of 2 cents each, without regard to weight, viz. :—

Between Sault St. Marie, Michigan, and Sault St. Marie, Canada.
"   Port Huron,                   "   "   Port Sarnia,                   "
"   Detroit,                       "   "   Windsor,                   "
"   Black Rock, New York,       "   "   Fort Erie,                   "

IV. The postage to be charged in Canada on a letter not exceeding half an ounce in weight, to or from the United States, shall be 5 cents for any distance in Canada. Every additional weight of half an ounce, or additional weight of less than half an ounce, to be charged as an additional weight.

V. Upon all letters posted in the United States to be delivered in Canada, or posted in Canada to be delivered in the United States, these rates shall be combined into one rate, of which payment in advance shall be optional in either country. Less than the whole combined rate cannot be prepaid.

VI. The Post Office Department of the United States will collect and keep all the postages on the unpaid letters from Canada, as well as the postage on letters to Canada, prepaid in the United States, and the Post Office Department of Canada will collect and keep all the postages on the unpaid letters from the United States, as well as the postages on letters prepaid in Canada to the United States.

VII. Each mail despatched from one country to the other shall be accompanied by a letter or post bill, showing the number of letters so posted, and distinguishing the paid from the unpaid, with their postage in separate columns.

VIII. The postage on newspapers, pamphlets, magazines, and all other printed matter, must be prepaid, or sent free to the line in the country where posted; and any postage afterwards accruing thereon, beyond the line, is to be collected and retained by the Post Office Department of the country in which it accrues.

IX. The offices designated for the despatch and receipt of Canada mails, on the side of the United States, will stamp "U. States" upon all letters sent into Canada for delivery; and the offices designated for the despatch and receipt of United States' mails, on the side of Canada, will stamp "Canada" upon all letters sent into the United States for delivery.

X. The Post Office Department of the United States and Canada shall each return to the other all dead letters, unopened and without charge, every three months, or oftener, as may best suit the general regulations of each Department.

XI. The expense of transporting the mails between the frontier exchange offices, where the conveyance is by water, shall be borne equally by the two Departments; but when the transportation is by land, the expense shall be borne by each in

Between Lewiston, New York, and Queenstown, Canada.

"	Youngstown,	"	"	Niagara,	"
"	Cape Vincent,	"	"	Kingston,	"
"	Morristown,	"	"	Brockville,	"
"	Ogdensburg,	"	"	Prescot,	"
"	Fort Covington,	"	"	Dundee,	"
"	Derby Line, Vermont,	"	"	Stanstead,	"

proportion to the distance travelled over the territory of each country. All contracts for such transportation shall, before they go into operation, be approved by the Post Office Department of each country.

XII. This arrangement shall go into operation on the 6th of April next, and it may be modified from time to time, as may be agreed upon by the parties thereto; and it may be annulled at the desire of either party, upon three months' notice.

In witness whereof the Postmaster-General of the United States and the Postmaster-General of Canada have hereunto set their hands and affixed their seals respectively, this 25th day of March, in the year of Our Lord 1851.

(L.S.) N. K. HALL.

(L.S.) J. MORRIS.

ADDITIONAL ARTICLES *between the Post Office Department of the United States and the Post Office Department of Canada, providing for the Exchange of Registered Letters between the two Countries. August 25 and 28, 1856.*

ART. I. Letters, alleged to be valuable, posted at any post office in the United States or its territories, and addressed to Canada, or posted in Canada and addressed to the United States, and deliverable at any of the respective offices of exchange to be thence conveyed to their destination, shall be registered at the office of mailing, on the application of the person posting the same: Provided, that the full postage chargeable thereon to destination, together with a registration fee of 5 cents on each letter, be prepaid at each mailing office: And provided, also, that such registration shall not be compulsory, and shall not render the respective Post Office Departments of the United States or Canada, or their revenues, liable for the loss of such letters or packets, or the contents thereof.

II. All such letters or packets mailed in the interior of the United States or Canada, respectively, shall be received, registered, and receipted for, as directed in the general regulations issued in each country in regard to the registration of valuable letters, and shall be sent to the respective exchange offices for the purpose of being forwarded thence by the first mail.

III. The respective exchange offices shall make a separate letter bill for each registered letter, or parcel of registered letters, originally mailed at said exchange offices, or sent to them to be forwarded, as prescribed by the regulations referred to in Article II, and shall enter therein the name of the person addressed and the post office to which it is to be mailed for delivery. The postmaster of said exchange office will then



mail each such letter, or parcel of letters, in the usual manner in a separate package from the registered letters. The letter bills of such registered letters shall not be inclosed in the packages containing them, but shall be inclosed in a separate wrapper or envelope, sealed, and addressed to the postmaster of the corresponding exchange office.

IV. On receipt of registered letters for delivery or distribution at either of the respective exchange offices, the postmaster of such receiving office will compare the letters with the bill, and endorse it "correct," if it is found so, or will note the error, if there be one, in the manner prescribed with regard to registered letters received from an inland post office. He will then fill up the corresponding return bill, noting upon it whether correct or otherwise, and will see that it is returned by the first mail thereafter to the exchange office of mailing.

V. Registered letters received at either of the exchange offices, and declined for an inland post office, shall be forwarded in the same manner as other registered letters originally mailed at such office.

VI. The registration fee of 5 cents shall accrue to the United States' Post Office Department upon all registered letters sent from the United States to Canada, and to the Canadian Post Office Department upon all registered letters sent from Canada to the United States.

VII. The present Articles shall be considered additional to those agreed upon between the two offices on the 25th day of March, A.D. 1851,\* and shall come into operation on the 1st day of October, A.D. 1856.

In witness whereof the Postmaster-General of the United States and the Postmaster-General of Canada have hereto set their hands and affixed their seals, at the date set opposite to each respectively.

(L.S.) JAMES CAMPBELL, *Postmaster-General*.  
August 25, 1856.

(L.S.) ROBERT SPENCE, *Postmaster-General*.  
August 28, 1856.

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*ACT of Congress of the United States, to amend the Naturalization Laws and to punish Crimes against the same, and for other purposes.*

[Chap. 254.]

[July 14, 1870.]

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that in all cases where any oath, affirmation, or affidavit shall be made or taken under or by virtue of any Act or Law relating to the

\* See Page 435.

naturalization of aliens, or in any proceedings under such Acts or Laws, and any person or persons taking or making such oath, affirmation, or affidavit, shall knowingly swear or affirm falsely, the same shall be deemed and taken to be perjury, and the person or persons guilty thereof shall upon conviction thereof be sentenced to imprisonment for a term not exceeding five years and not less than one year, and to a fine not exceeding 1,000 dollars.

§ 2. And be it further enacted, that if any person applying to be admitted a citizen, or appearing as a witness for any such person, shall knowingly personate any other person than himself, or falsely appear in the name of a deceased person, or in an assumed or fictitious name, or if any person shall falsely make, forge, or counterfeit any oath, affirmation, notice, affidavit, certificate, order, record, signature, or other instrument, paper, or proceeding required or authorized by any Law or Act relating to or providing for the naturalization of aliens; or shall utter, sell, dispose of, or use as true or genuine, or for any unlawful purpose, any false, forged, antedated, or counterfeit oath, affirmation, notice, certificate, order, record, signature, instrument, paper, or proceeding as aforesaid; or sell or dispose of to any person other than the person for whom it was originally issued, any certificate of citizenship, or certificate showing any person to be admitted a citizen; or if any person shall in any manner use for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise, unlawfully, any order, certificate of citizenship, or certificate, judgment, or exemplification, showing such person to be admitted to be a citizen, whether heretofore or hereafter issued or made, knowing that such order or certificate, judgment, or exemplification has been unlawfully issued or made; or if any person shall unlawfully use, or attempt to use, any such order or certificate, issued to or in the name of any other person, or in a fictitious name, or the name of a deceased person; or use, or attempt to use, or aid, or assist, or participate in the use of any certificate of citizenship, knowing the same to be forged or counterfeit, or antedated, or knowing the same to have been procured by fraud, or otherwise unlawfully obtained; or if any person, and without lawful excuse, shall knowingly have or be possessed of any false, forged, antedated, or counterfeit certificate of citizenship, purporting to have been issued under the provisions of any law of the United States relating to naturalization, knowing such certificate to be false, forged, antedated, or counterfeit, with intent unlawfully to use the same; or if any person shall obtain, accept, or receive any certificate of citizenship known to such person to have been procured by fraud or by the use of any false name, or by means of any false statement made with intent to procure, or to aid in procuring,

the issue of such certificate, or known to such person to be fraudulently altered or antedated; or if any person who has been or may be admitted to be a citizen shall, on oath or affirmation, or by affidavit, knowingly deny that he has been so admitted, with intent to evade or avoid any duty or liability imposed or required by law,—every person so offending shall be deemed and adjudged guilty of felony, and, on conviction thereof, shall be sentenced to be imprisoned and kept at hard labour for a period not less than one year nor more than five years, or be fined in a sum not less than 300 dollars nor more than 1,000 dollars, or both such punishments may be imposed, in the discretion of the Court. And every person who shall knowingly and intentionally aid or abet any person in the commission of any such felony, or attempt to do any act hereby made felony, or counsel, advise, or procure, or attempt to procure, the commission thereof, shall be liable to indictment and punishment in the same manner and to the same extent as the principal party guilty of such felony, and such person may be tried and convicted thereof without the previous conviction of such principal.

§ 3. And be it further enacted, that any person who shall knowingly use any certificate of naturalization heretofore granted by any Court, or which shall hereafter be granted, which has been, or shall be, procured through fraud or by false evidence, or has been or shall be issued by the clerk, or any officer of the Court without any appearance and hearing of the applicant in Court and without lawful authority; and any person who shall falsely represent himself to be a citizen of the United States, without having been duly admitted to citizenship, for any fraudulent purpose whatever, shall be deemed guilty of a misdemeanour, and upon conviction thereof, in due course of law, shall be sentenced to pay a fine of not exceeding 1,000 dollars, or be imprisoned not exceeding two years, either or both, in the discretion of the Court taking cognizance of the same.

§ 4. And be it further enacted, that the provisions of this Act shall apply to all proceedings had or taken, or attempted to be had or taken, before any Court in which any proceeding for naturalization shall be commenced, had, or taken, or attempted to be commenced; and the Courts of the United States shall have jurisdiction of all offences under the provisions of this Act, in or before whatsoever Court or tribunal the same shall have been committed.

§§ 5 and 6.\*

§ 7. And be it further enacted, that the naturalization laws are hereby extended to aliens of African nativity and to persons of African descent.

Approved July 14, 1870.

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\* Repealed by Act of Congress of February 28, 1871.

POSTAL CONVENTION *between the United States of America and the Provinces of Vancouver's Island and British Columbia. Signed at Washington, June 9, 1870; and at Victoria, July 25, 1870.*

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THE Undersigned, being thereunto duly authorized by their respective Governments, have agreed upon the following Articles, establishing and regulating the exchange of correspondence between the United States of America and the Provinces of Vancouver's Island and British Columbia:—

ART. I. There shall be an exchange of mails between the United States and the Provinces of Vancouver's Island and British Columbia, at the following points, viz.: on the side of the United States, at Boston, New York, San Francisco, Portland (Oregon), Olympia; on the side of Vancouver's Island and British Columbia, Victoria. The two Post Departments may at any time discontinue either of said offices of exchange, or establish others, by mutual consent.

II. The mails exchanged between the offices of Boston, New York, San Francisco, and Portland on the one side, and Victoria on the other, are to pass each way as through-mails, not to be opened at any intermediate office.

III. The authorized weight of a single international letter shall be 15 grammes (by the metrical scale) in the United States, and half an ounce in Vancouver's Island and British Columbia. The postage on a single international letter shall be 6 cents if prepaid at the mailing office in either country, and 10 cents if posted unpaid; and for other than single letters the same charges shall be made for each additional 15 grammes (or half ounce), or fraction thereof. Letters insufficiently paid shall be transmitted as wholly unpaid. But, if one or more full rates shall be prepaid, the number of rates fully prepaid shall be always allowed, and the deficient postage only rated up for collection on delivery.

IV. No accounts shall be kept between the Post Departments of the United States and of Vancouver's Island and British Columbia, on the international letters exchanged between them, but each shall retain to its own use the postages which it collects.

V. Newspapers, pamphlets, magazines, and all other printed matter posted in the United States and sent to the Provinces of Vancouver's Island or British Columbia, or posted in those Provinces and sent to the United States, shall be chargeable with the regular domestic rates of postage, both to and from the frontier line in each country; which postage shall be collected at the office of mailing, on matter sent, and at

the office of delivery, on matter received; and each country shall retain to its own use the postages which it thus collects.

VI. Each mail despatched from one country to the other shall be accompanied by a letter or post bill, showing the number of each of the articles comprising the mail, and distinguishing the paid letters from the unpaid and insufficiently paid letters, with their postage in separate columns.

VII. Prepaid letters despatched from one country to the other shall be plainly stamped with the words "Paid all," in red ink, in the right hand upper corner of the address, in addition to the date stamp of the office of origin; and in like manner and place, the letters insufficiently paid shall be stamped in black ink with the words "Short paid," in addition to the date stamp of the office of origin; and the number of rates unpaid shall also be expressed in black figures on the face of the same.

VIII. Dead letters, which cannot be delivered from whatever cause, shall be mutually returned, without charge, monthly, or as frequently as the regulations of the respective countries will permit. But newspapers, and all other articles of printed matter, which from any cause cannot be delivered, shall be retained at the disposition of the receiving country.

IX. Letter alleged to be valuable, posted at any office in the United States or their territories, and addressed to Vancouver's Island or British Columbia, or posted in Vancouver's Island or British Columbia, and addressed to the United States or their territories, and deliverable at any of the respective offices of exchange, to be thence conveyed to their destination, shall be registered at the office of mailing on the application of the person posting the same; provided that the full postage chargeable thereon to destination, together with a registration fee of 5 cents on each letter, be prepaid at such mailing office; and provided also that such registration shall not be compulsory, and shall not render the respective Post Office Departments, or their revenues, either jointly or separately, liable for the loss of such letters or packets, or the contents thereof.

X. All such letters mailed in the interior of the United States or Vancouver's Island or British Columbia, respectively, shall be received, registered, and receipted for as directed in the general regulations issued in each country in regard to the registration of valuable letters, and shall be sent to the respective exchange offices for the purpose of being forwarded thence by the first mail.

XI. The respective exchange offices shall make a separate letter bill for each registered letter or parcel of registered letters originally mailed at said exchange offices, or sent to them, to be forwarded, as prescribed by the regulations referred to in the

preceding Article, and shall enter therein the name of the person addressed, and the post office to which it is to be mailed for delivery. The postmaster of said exchange office will then inclose each such letter, or parcel of letters, in a separate package, which shall be conspicuously marked and plainly inscribed with the word "registered." The letter-bills of such registered letters shall not be inclosed in the packages containing them, but shall be forwarded in a separate wrapper or envelope sealed and addressed to the postmaster of the office to which such registered letters were sent.

XII. On receipt of registered letters for delivery or distribution at either of the respective exchange offices, the postmaster of such receiving office will compare the letters with the bill, and indorse it "correct," if found so; or will note the error, if there be one, in the manner prescribed with regard to registered letters received from an inland post office. He will then fill up the corresponding return-bill, noting upon it whether correct or otherwise, and will see that it is returned by the first mail thereafter to the exchange office of mailing.

XIII. Registered letters received at either of the exchange offices and destined for an inland post office shall be forwarded in the same manner as other registered letters originally mailed at such office.

XIV. The registration fee of 5 cents shall accrue to the United States' Post Office Department upon all registered letters sent from the United States to Vancouver's Island or British Columbia, and in like manner the registration fee of 5 cents shall accrue to the Post Office Department of Vancouver's Island and British Columbia upon all registered letters sent from Vancouver's Island or British Columbia to the United States.

XV. The two Departments may, by mutual consent, make such detailed regulations as shall be found necessary to carry out the objects of this Convention, and may modify the same from time to time, as the exigencies of the service may require; such regulations to terminate at any time on a reasonable notice by either Department.

XVI. This Convention shall go into operation on the 1st of July, 1870, and it may be annulled at the desire of either Department upon six months' previous notice.

Done in duplicate, and executed in Washington the 9th day of June, 1870, and in Victoria the 25th day of July, 1870.

(L.S.) JNO. A. J. CRESWELL, *Postmaster-General  
of the United States.*

(L.S.) ARTHUR T. BUSHBY, *Postmaster-General  
of British Columbia.*

I hereby approve the foregoing Convention, and in testi-

mony thereof I have caused the seal of the United States to be affixed.

(L.S.) U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

Washington, October 5, 1870.

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POSTAL CONVENTION *between the United States of America and the Colony of New Zealand. Signed at Wellington, New Zealand, August 3, 1870; and at Washington, October 5, 1870.*

THE Undersigned, being thereunto duly authorized by their respective Governments, have agreed upon the following Articles establishing and regulating the exchange of correspondence between the United States of America and the Colony of New Zealand:—

ART. I. There shall be an exchange of correspondence between the United States of America and New Zealand, by means of the direct line of colonial mail-packets plying between San Francisco and said Colony, as well as by such other means of direct mail steam-ship transportation between the United States and New Zealand as shall hereafter be established, with the approval of the respective Post Departments of the two countries, comprising letters, newspapers, and printed matter of every kind, originating in either country, and addressed to and deliverable in the other country, as well as correspondence in closed mails originating in New Zealand and destined for foreign countries by way of the United States.

II. The post offices of New York, Boston, and San Francisco shall be the United States' offices of exchange, and Auckland and Wellington the offices of exchange of the Colony of New Zealand, for all mails transmitted under this arrangement.

III.\*

IV. The United States' office engages to grant the transit through the United States, as well as the conveyance by United States' mail-packets, of the correspondence in closed mails which the New Zealand Post Office may desire to transmit, viâ the United States, to British Columbia, the British North American Provinces, the West Indies, Mexico, Central and South America, and at the following rates of United States' transit postage, viz.:

For the United States' territorial transit of closed mails from New Zealand for Mexico, British Columbia, Canada, or other British North American Provinces, when transmitted entirely by land routes, 6 cents per ounce for letter mails and 16 cents per pound for all kinds of printed matter;

For the United States' territorial and sea transit of closed

\* Replaced by amended Article signed at Washington, August 28, 1877, and at Wellington, October 11, 1877. See Page 468.

mails from New Zealand for British Columbia or other British North American Provinces, Mexico, Central and South America, or the West India Islands, when transmitted from the United States by sea, 25 cents per ounce for letter mails and 20 cents per pound for all kinds of printed matter.

The New Zealand Post Office shall render an account to the United States' Post Office, upon letter-bills to accompany each mail, of the weight of the letters, and also of the printed matter contained in such closed mails forwarded to the United States for transmission to either of the above-named countries and Colonies; and the accounts arising between the two offices on this class of correspondence shall be stated, adjusted, and settled quarterly, and the amounts of the United States' transit charges found due on such closed mails shall be promptly paid over by the New Zealand Post Office to the United States' Post Office, in such manner as the Postmaster-General of the United States shall prescribe.

V. Prepaid letters from foreign countries received in and forwarded from the United States to New Zealand, shall be delivered in said Colony free of all charges whatsoever, and letters received in New Zealand from the United States addressed to New South Wales, or Australia, will be forwarded to destination, subject to the same conditions as are applicable to correspondence originating in New Zealand and addressed to those countries.

VI. In the event of any of the Australian Colonies not agreeing with New Zealand to contribute to the maintenance of any line of mail-packets plying between New Zealand and the United States of America, and subsidized by New Zealand, the New Zealand Post Office may require the United States' Post Office not to forward by such subsidized packets any mails, letters, newspapers, or other articles addressed to such Colony; and the New Zealand Post Office may refuse to transmit to their destination all mails, letters, newspapers, or other printed matter addressed to such Colony, and received in New Zealand from the United States by such subsidized packets, and may refuse to forward to their destination by such subsidized packets, all mails, letters, newspapers, or other printed matter received in New Zealand from such Colony, and addressed to the United States of America, or elsewhere.

VII. 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 for each article shall be 10 cents in the United States, and ——— in New Zealand.

VIII. 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.

IX. Every fully prepaid letter despatched from one country to the other shall be plainly stamped with the words "Paid all" in red ink, on the right-hand upper corner of the address, in addition to the date stamp of the office at which it was posted; and on insufficiently paid letters the amount of the deficient postage shall be inscribed in black ink.

X. Dead letters, which cannot be delivered from whatever cause, shall be mutually returned without charge, monthly, or as frequently as the regulations of the respective offices will permit.

XI. This Convention shall come into operation on the 1st day of December, 1870, and shall be terminable at any time, on a notice by either office of six months.

Done in duplicate, and signed in Washington the 5th day of October, 1870, and in Wellington, New Zealand, on the 3rd day of August, in the same year.

(L.S.) JNO. A. J. CRESWELL, *Postmaster-General of the United States.*

(L.S.) JULIUS LOYD, *Postmaster-General of New Zealand.*

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

(L.S.) U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*  
Washington, October 5, 1870.

**POSTAL CONVENTION** *between the United States and Newfoundland. Signed at St. John's, November 13, 1872; and at Washington, November 20, 1872.*

THE Undersigned, being thereunto duly authorized by their respective Governments, have agreed upon the following Articles establishing and regulating the exchange of correspondence between the United States of America and Newfoundland:—

ART. I. There shall be an exchange of mails between the United States of America and Newfoundland by such means of transportation as are now, or shall hereafter be, established with the approval of the respective Post Departments of the two countries, comprising letters, newspapers, books, printed matter of every kind, and patterns, or samples of merchandize originating in either country and addressed to and deliverable in the other country.

II. The post offices of Boston and New York shall be the exchange offices on the side of the United States, and the post office of St. John's shall be the sole office of exchange on the side of Newfoundland, 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. Each mail shall be accompanied by letter or post bill, showing in separate columns the number of letters, newspapers, and other articles embraced therein and the postages thereon.

III. No accounts shall be kept between the Post Departments of the two countries upon the international correspondence, written or printed, exchanged between them, but each Department shall retain to its own use all the postages which it collects thereon.

[The single rate of international letter postage, in full, to destination, shall be 6 cents on each letter weighing half an ounce (15 grams) or less, and an additional rate of 6 cents for each additional weight of half an ounce (15 grams) or fraction thereof, the prepayment of which shall be compulsory at the office of mailing in either country.]\*

The United States' Post Office shall levy and collect to its own use a postage-charge of 2 cents on each newspaper mailed in the United States and addressed to Newfoundland; and a postage-charge of 2 cents for each two ounces or fraction thereof on pamphlets, periodicals, books, other articles of printed matter, and patterns or samples of merchandize addressed to or received from Newfoundland.

The Post Office of Newfoundland shall levy and collect to its own use a postage-charge of 2 cents on each newspaper mailed in Newfoundland and addressed to the United States, and the established rates of domestic postage chargeable in Newfoundland, on pamphlets, periodicals, books, other articles of printed matter, and patterns or samples of merchandize addressed to or received from the United States.

Every international letter or newspaper shall be plainly stamped with the words "Paid all," in red ink, by the despatching office of exchange, and shall be delivered free of any charge whatever in the country of destination.

Newspapers, and all other kinds of printed matter shall be subject to the laws and regulations of each country respectively in regard to their liability to be rated with letter postage when containing written matter, or for any other cause specified in said laws and regulations, as well as in regard to their liability to Customs' duty under the revenue laws.

\* Rescinded by Additional Article signed September 22, and October 6, 1876. See Page 467.

IV. The two Post Departments shall establish by agreement, and in conformity with arrangements in force at the time, the conditions upon which the two offices may reciprocally exchange in open mails the correspondence originating in or destined to other foreign countries to which they may respectively serve as intermediaries.

Either country forwarding or receiving such correspondence through the open mails of the other shall account to such other country for such postage rates as are chargeable thereon for exterior service by its laws and regulations, or the requirements of its foreign postal arrangements.

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

VI. Dead letters which cannot be delivered, from whatever cause, shall be mutually returned without charge, monthly, or more frequently, as the regulations of the respective offices will permit.

VII. This Convention shall come into operation the 1st day of December, 1872, and shall be terminable at any time on a notice, by either party, of six months.

Done in duplicate, and signed, at Washington the 20th day of November; and at St. John's the 13th day of November, 1872.

J. W. MARSHALL, *Acting Postmaster-General.*  
JOHN DELANEY, *Postmaster-General.*

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

(L.S.) U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*  
Washington, November 20, 1872.

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ADDITIONAL ARTICLES OF AGREEMENT *between the Post Office Departments of the United States of America and of the Dominion of Canada, establishing an Exchange of Postal Cards between the two Countries. June 19 and 26, 1873.*

ART. I. For the purposes of providing additional facilities of mail communication between the United States and Canada, it is hereby mutually agreed that United States' postal cards

mailed at any post office in the United States and addressed to Canada, and Canadian postal cards mailed at any post office in Canada and addressed to the United States, when prepaid an additional postage of 1 cent, by affixing thereto an ordinary 1 cent postage stamp of the country of origin, in addition to the stamp printed or impressed on the card, shall be reciprocally forwarded and delivered in the country of destination free of charge. Postal cards not so prepaid will not be forwarded in the mails between the two countries.

II. The regulations and instructions governing the use and treatment of postal cards in the domestic mails of the United States and of Canada respectively shall apply equally to the postal cards mailed in either country and addressed to the other country.

III. Each country will retain to its own use the postage it collects, at the prescribed rate on postal cards forwarded to the other country.

IV. The present Articles shall be considered additional to those agreed upon between the two offices on the 25th of March, A.D. 1851,\* and on the 25th and 28th of August, 1856,† and shall come into operation on the 1st day of July, A.D. 1873.

In witness whereof the Postmaster-General of the United States of America and the Postmaster-General of the Dominion of Canada have hereto set their hands and affixed their seals, at the date set opposite to each respectively.

(L.S.) JNO. A. J. CRESWELL, *Postmaster-General of the United States.*

June 19, 1873.

(L.S.) A. CAMPBELL, *Postmaster-General of Canada.*  
June 26, 1873.

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

(L.S.) U. S. GRANT.

By the President :

HAMILTON FISH, *Secretary of State.*  
Washington, June 19, 1873.

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ADDITIONAL ARTICLES OF AGREEMENT *between the Post Office Departments of the United States of America and of Newfoundland, establishing an Exchange of Postal Cards between the two Countries.—August 21 and September 15, 1873.*

ART. I. For the purpose of providing additional facilities of mail communication between the United States and Newfound-

\* See Page 435.

† See Page 438.

land, it is hereby mutually agreed that United States' postal cards mailed at any post office in the United States and addressed to Newfoundland, and Newfoundland postal cards mailed at any post office in Newfoundland and addressed to the United States, when prepaid an additional postage of 1 cent, by affixing thereto an ordinary 1 cent postage stamp of the country of origin in addition to the stamp printed or impressed on the card, shall be reciprocally forwarded and delivered in the country of destination, free of charge. Postal cards not so prepaid will not be forwarded in the mails between the two countries.

II. The regulations and instructions governing the use and treatment of postal cards in the domestic mails of the United States and of Newfoundland respectively shall apply equally to the postal cards mailed in either country and addressed to the other country.

III. Each country will retain to its own use the postage it collects at the prescribed rate on postal cards forwarded to the other country.

IV. The present Articles shall be considered additional to those agreed upon between the two offices on the 11th November, A.D. 1872,\* and shall come into operation on the 1st of October, 1873.

In witness whereof the Postmaster-General of the United States of America and the Postmaster-General of Newfoundland have hereunto set their hands and affixed their seals at the date set opposite to each respectively.

(L.S.) JNO. A. J. CRESWELL, *Postmaster-General of the United States.*

August 21, 1873.

(L.S.) JOHN DELANEY, *Postmaster-General of Newfoundland.*

September 15, 1873.

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

(L.S.) U. S. GRANT.

By the President:

W. HUNTER, *Acting Secretary of State.*  
Washington, September 26, 1873.

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\* See Page 447.

*ACT of Congress of the United States, to ascertain the Possessory Rights of the Hudson's Bay Company and other British Subjects within the Limits which were the subject of the Award of His Majesty the Emperor of Germany under the Treaty of Washington of May 8, 1871,\* and for other purposes.*

[Chap. 346.]

[June 20, 1874.]

WHEREAS it was stipulated by Article I of the Treaty concluded at Washington on the 15th day of June, 1846,† between the United States and Great Britain, that the line of boundary between the territories of the United States and Her Britannic Majesty, from the point on the 49th parallel of north latitude, up to which it had already been ascertained, should be continued westward along the said parallel of north latitude “to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of said channel, and of Fuca Straits to the Pacific Ocean;”

And whereas by Article III of the Treaty aforesaid, it was stipulated that “in the future appropriation of the territory south of the 49th parallel of north latitude, as provided in Article I of this Treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be in the occupation of land or other property lawfully acquired within the said territory, shall be respected;”

And whereas by Article XXXIV of the Treaty concluded at Washington on the 8th day of May, 1871,\* the question of where “the boundary which runs southerly through the middle of the channel aforesaid” should be located, was submitted to His Majesty the Emperor of Germany, whose decision was to be final, and without appeal; and whereas by the Award of His Majesty the Emperor of Germany, of October 21, 1872,‡ said boundary was established, and it now devolves upon the United States to discharge its Treaty obligations: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that a Commissioner be appointed by the President of the United States, to make, and report to the Secretary of the Interior, a list of all British subjects who, on the 15th day of June, 1846, were in the occupation of land, lawfully acquired, within the limits which were the subject of the Award of His Majesty the Emperor of Germany, together with a description of the land actually occupied by each at said date; and said Commissioner shall proceed to the vicinity of the land in question, and there receive proof of the occupancy of such land, and of the mode

\* See Vol. 13. Page 970.

† See Vol. 8. Page 930.

‡ See Vol. 13. Page 530.

by which such occupancy was acquired, after first giving reasonable notice as to the said matters to be so reported by him. Such proof shall consist of oral testimony, under oath, and such documentary proofs as the said occupants may present. The testimony of all witnesses shall be reduced to writing, and all documentary proof offered by the parties and received by the Commissioner shall be attached to the deposition of the party offering such proofs, which testimony and proofs shall be submitted by said Commissioner with his report, and such report shall be subject to review by the Secretary of the Interior, whose action thereon shall be final. For the purposes of this Act, the said Commissioner shall have authority to subpoena witnesses and to administer oaths and take testimony.

§ 2. That said Commissioner shall receive for his services 10 dollars per diem, together with travelling expenses, at the rate of 10 cents per mile for the distance actually travelled in the execution of said commission; and the sum of 1,000 dollars is hereby appropriated from any unappropriated money in the Treasury to defray such expenses.

§ 3. That all British subjects whose claims shall be approved by the Secretary, as provided in § 1 of this Act, shall be allowed to purchase from the United States the land so designated at any time within one year from such approval, at the ordinary minimum price per acre where the lands are situated outside railroad limits, and at a double minimum price where the lands are within railroad limits.

§ 4. That such entries shall be according to legal subdivisions, so as to include the improvements of such occupants; and where two or more parties shall have improvements on the same smallest legal subdivision, they may make a joint entry thereof: Provided, that in case entry and payment are not made within one year from the date of such approval by the Secretary of the Interior, then all possessory rights named in Article III of the Treaty of June 15, 1846, shall be considered as forfeited, and the lands shall thereafter be deemed and treated as part of the public domain, to be disposed of as other lands.

§ 5. That it shall be the duty of the Secretary of the Interior to make all needful regulations to give effect to the provisions of this Act.

Approved, June 20, 1874.

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POSTAL ARRANGEMENT' *between the United States and the Dominion of Canada. Signed at Ottawa, January 27, 1875; and at Washington, February 1, 1875.*

THE Post Office Department of the United States of America, and the Post Office Department of the Dominion of Canada, being desirous of effecting, by means of a new Arrangement, the unification of the postal systems of the United States and Canada, in respect to correspondence exchanged between them, the Undersigned, duly authorized for that purpose by their respective Governments, have agreed upon the following Articles:—

ART. I.\* Correspondence of every kind, written and printed, embracing letters, postal cards, newspapers, pamphlets, magazines, books, maps, plans, engravings, drawings, photographs, lithographs, sheets of music, &c., and patterns and samples of merchandize, including grains and seeds, mailed in the United States and addressed to Canada, or, *vice versa*, mailed in Canada and addressed to the United States, shall be fully prepaid at the domestic postage rates of the country of origin, and the country of destination will receive, forward, and deliver the same free of charge.

II. Each country will transport the domestic mails of the other by its ordinary mail routes, in closed pouches, through its territory free of charge.

III. Patterns and samples of merchandize not exceeding the weight of 8 ounces may be exchanged in the mails between the two countries, under such regulations in regard to the forwarding and delivery of the same as either of the Post Office Departments shall prescribe, to prevent violations of the revenue laws. They must never be closed against inspection, but must always be so wrapped or inclosed that they may be readily and thoroughly examined by postmasters. The postage on each pattern or sample shall be 10 cents, prepayment obligatory.

IV. No accounts shall be kept between the Post Office Departments of the two countries in regard to international correspondence of any kind exchanged between them, but each Department will retain to its exclusive use all the postage it collects on mail matter of every kind sent to the other for delivery.

V. The Post Office Departments of the United States and Canada shall each return to the other all dead letters, unopened and without charge, monthly or oftener, as may best suit the regulations of each Department.

\* See Additional Articles of <sup>April 28</sup> ~~May 3~~, 1881. Page 487.



VI. The expense of transporting the mails between the frontier exchange offices, where the conveyance is by water, shall be borne equally by the two Departments; but when the transportation is by land, the expense shall be borne by each in proportion to the distance travelled over the territory of each country. All contracts for such transportation shall, before they go into operation, be approved by the Post Office Department of each country.

VII. All offices now exchanging mails shall continue to act as offices of exchange under this Convention. The two Departments may at any time, by mutual agreement, discontinue any of said offices of exchange or establish others.

VIII. The existing arrangement for the exchange of registered letters between the two countries shall continue in full force; but the registration fee on registered letters sent from the United States to Canada shall be the same as the registration fee charged in the United States on domestic registered letters.

IX. This Arrangement, except so far as it relates to letter postage, shall take effect from the 1st day of January, 1875. The reduced letter-rate will come into operation on the 1st of February, 1875. It shall continue in force until terminated by mutual agreement; and it may be annulled at the desire of either Department upon six months' previous notice given to the other.

Done in duplicate, and signed, at Washington the 1st day of February, 1875; and at Ottawa the 27th day of January, 1875.

(L.S.) MARSHALL JEWELL, *Postmaster-General of the United States.*

(L.S.) D. A. MACDONALD, *P. M. G., Canada.*

I hereby approve the foregoing Postal Arrangement, and in testimony thereof I have caused the seal of the United States to be affixed.

(L.S.) U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*  
Washington, February 1, 1875.

CONVENTION for the Exchange of Money Orders between the Postal Department of the United States of America and the Postal Department of the Dominion of Canada. Signed at Washington, June 8, 1875; and at Ottawa, June 23, 1875.

THE Postal Department of the United States of America and the Postal Department of the Dominion of Canada, being

desirous of establishing an exchange of money orders between the two countries, the Undersigned, duly authorized for that purpose, have agreed upon the following Articles :—

ART. I.\*

II. The Postal Department of the Dominion of Canada shall have the power to fix the rates of commission on all money orders issued in the Dominion of Canada, and the Postal Department of the United States shall have the same power in regard to all money orders issued in the United States.

Each Postal Department shall communicate to the other its tariff of charges or rates of commission, and these rates shall, in all cases, be paid in advance by the remitter, who shall not be entitled to repayment thereof. It is understood, moreover, that each Department is authorized to suspend temporarily, after having given 60 days' notice of such intention to the other, the exchange of money orders, in case the course of exchange, or any other circumstances, should give rise to abuses or cause detriment to the postal revenue.

III. Each country shall keep the commission charged on all money orders issued within it, but shall pay to the other country one-half of 1 per cent. on the total amount of such orders.

IV. The service of the postal money order system between the two countries shall be performed exclusively through the agency of offices of exchange, which shall be established in the United States by the Postmaster-General of that country. Eight such offices are hereby designated, viz. :—Bangor, Me.; Boston, Mass.; New York, Ogdensburgh, and Buffalo, N.Y.; Detroit, Mich.; Saint Paul, Min., and Portland, Oreg.; and the number and location of these offices may be changed from time to time by said Postmaster-General as the interests of the service may require.

V. Any person in the United States desiring to remit to the Dominion of Canada a sum of money within the limits prescribed by Article I hereof, may pay it into any post office in the United States designated from time to time by the Postmaster-General of that country for the transaction of Canadian money order business. Such person shall, at the same time, give the name and address of the person to whom the amount is to be paid in said Dominion, and also his own name and address.

Any person in the Dominion of Canada desiring to remit to the United States a sum of money within the said limits may pay it into any money order office of said Dominion, designated by the Postmaster-General thereof for said purpose, giving at the same time the name and address of the person to whom

\* Replaced by Article signed at Washington, May 21, 1879, and at Ottawa, May 31, 1879. See Page 475.

the amount is to be paid in the United States, and also his own name and address.

The receiving postmaster in either country shall, in accordance with the rules established by its Postal Department, forward a coupon, an advice, and a money order to the exchange office in the United States most convenient to the residence of the beneficiary for whom the money is intended, the postmaster of which exchange office shall, immediately after the receipt thereof, certify upon the coupon, the advice, and the order, the value of the same in the currency of the country in which payment is to be made, and he shall likewise enter therein the name of the inland office at which the same is to be paid, and shall at once forward the advice to said office, and the order to the beneficiary for whom the money is intended, retaining the coupon on file in his office as a voucher for his own protection and information.

VI. The money orders, advices, and coupons issued in each country shall have printed thereon consecutive local or inland numbers, the number upon each advice and coupon being the same as upon its corresponding order; and, in addition thereto, all such orders, advices, and coupons shall be numbered consecutively at the exchange office at which they are certified, which numbers shall be in the order of their receipt and certification, and shall be designated as "international numbers."

The discovery, by an inland postmaster, of any error in a money order or advice shall be by him promptly reported to the exchange office through which the same was certified, and any error coming to the notice of an exchange office shall at once be reported to the money order office at Washington, D.C., in order that an explanation or correction may be given or asked for, as the case may be, which explanation or correction shall be afforded with the least possible delay.

VII. List of all orders issued during each week by postmasters in either country for payment in the other shall, at the close of the week, or as soon thereafter as practicable, be transmitted by the Postal Department of the issuing to that of the paying country, and at the close of each fiscal quarter two copies of an account shall be prepared and transmitted to the Postal Department of the United States by the Postal Department of the Dominion of Canada, exhibiting the balance found due on the exchanges of money orders during the quarter, one copy of which, after proper verification and acknowledgment, shall be returned to the Postal Department of the Dominion of Canada. If this verified account shows a balance in favour of the Postal Department of the Dominion of Canada, that of the United States will transmit, with such verified copy of the quarterly account, a bill of exchange on Montreal, Canada, for the amount of said balance, payable to the Postal Department of

the Dominion of Canada. The latter will then send an acknowledgment of receipt to the Postal Department of the United States. If, on the other hand, said account, after verification and acknowledgment as aforesaid, shows a balance in favour of the Postal Department of the United States, then the Postal Department of the Dominion of Canada will, upon receipt of the certified copy of the same, transmit to that of the United States a bill of exchange for the amount thereof on New York. The United States' Postal Department will then send in return an acknowledgment of receipt.

If, pending the settlement of an account, one of the two Postal Departments shall ascertain that it owes the other a balance exceeding 5,000 dollars, the indebted Administration shall promptly remit the approximate amount of such balance to the credit of the other. The expenses attending the remittance of bills of exchange shall invariably be borne by the Postal Department having to make the payment.

This account and the letters which accompany such intermediate remittances shall be in accordance with the Forms (A), (B), and (C),\* hereto annexed.

VIII. Until the two Postal Departments shall consent to an alteration, it is agreed that, in all matters relative to money orders which shall result from the execution of the present Convention, the Canadian dollar shall be considered equivalent to one dollar of the gold coin of the United States, and the exchange offices in the United States shall certify all orders upon the basis of gold.

IX. The value, in gold coin, of deposits made in the United States in paper money, for payment to beneficiaries in the Dominion of Canada, and the value, in United States' paper money, of deposits made in the Dominion of Canada in gold coin, or currency of par value, for payment in the United States, shall be determined according to the rate of premium on gold in New York, N.Y., in the following manner, viz. :— The postmaster at New York shall, at 3 o'clock P.M. of each day, except Sunday, telegraph to each of the above-named exchange offices in the United States the rate of premium on gold at that hour, which rate shall, when received by such exchange office, be taken as the basis of conversion of money values for the next and for all subsequent orders and advices despatched and received, until the receipt of the next telegram from the postmaster at New York.

X. A duplicate order shall only be issued by the Postal Department of the country on which the original order was drawn, and in conformity with the regulations established or to be established in that country.

XI. A money order returned, on application by a de-

\* For Forms, see State Papers. Vol. 67. Pages 1175 to 1179.

spatching exchange office, to the inland issuing postmaster, as "not certified for payment," may be repaid by said postmaster to the remitter, in the same manner as a domestic order.

XII. An order which shall not have been paid within 12 calendar months after the month of its issue shall become void. and the sum received therefor shall accrue to and remain at the disposal of the country of origin, and the advice shall be returned, by the inland postmaster holding the same, to his Postal Department, to be by it returned to the Postal Department of the country in which it originated. The Postal Department of the Dominion of Canada shall, therefore, enter, to the credit of the United States, in the quarterly account, all sums certified from the latter country which remain unpaid at the end of the period specified. On the other hand, the United States' Postal Department shall, at the close of each month, transmit to the Postal Department of the Dominion of Canada, for entry in the quarterly account, a detailed statement of all orders despatched from said Dominion which, under this Article, become void.

XIII. Repayment of an order, not void, to a remitter, shall not be made until an authorization thereof shall first have been obtained by the Postal Department of the country of issue from the Postal Department of the country where such order was made payable; and the amount of the repaid order shall be duly credited to the former country in the quarterly account. It is the province of each Postal Department to determine the manner in which repayment to the remitter is to be made.

XIV. The orders drawn by each country upon the other shall be subject, as regards payment, to the regulations which govern the payment of domestic orders in the country on which they are drawn.

XV. The Postal Department of each country shall be authorized to adopt any additional rules, not repugnant to the foregoing, for greater security against fraud, or for the better working of the system generally. All such additional rules, however, must be promptly communicated to the Postal Department of the other country.

XVI. The present Convention shall take effect on Monday, the 2nd day of August, 1875, and shall continue in force until 12 months after the date at which one of the Contracting Parties shall have notified to the other its intention to terminate it.

Done in duplicate, and signed, at Washington, on the 8th day of June, in the year of Our Lord 1875; and at Ottawa, Canada, on the 23rd day of June, in the year of Our Lord 1875.

(L.S.) MARSHALL JEWELL, *Postmaster-General*  
of the United States.

(L.S.) T. FOURNIER, *Postmaster-General*  
of the Dominion of Canada.

I hereby approve the foregoing Convention, and in testimony thereof I have caused the seal of the United States to be hereto affixed.

(L.S.) U. S. GRANT.

By the President :

JOHN L. CADWALADER, *Acting*  
*Secretary of State.*

July 7, 1875.

*ACT of Congress of the United States, to amend the Revised Statutes relating to Naturalization.*

[Chap. 5].

[February 1, 1876.]

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the declaration of intention to become a citizen of the United States, required by § 2,165 of the Revised Statutes of the United States, may be made by an alien before the clerk of any of the Courts named in said § 2,165; and all such declarations heretofore made before any such clerk are hereby declared as legal and valid as if made before one of the Courts named in said section.

Approved, February 1, 1876.

*POSTAL CONVENTION between the United States of America and the Colony of Queensland. Signed at Brisbane, December 8, 1875; and at Washington, February 2, 1876.*

THE Undersigned, being thereunto duly authorized by their respective Governments, have agreed upon the following Articles, establishing and regulating the exchange of correspondence between the United States of America and the Colony of Queensland :—

ART. I. There shall be an exchange of correspondence between the United States of America and Queensland by means of the direct line of Colonial mail-packets plying between San Francisco and New South Wales, as well as by such other means of direct mail steam-ship transportation between the United States and New South Wales as shall hereafter be established with the approval of the respective Post Departments of the countries concerned, comprising letters, newspapers, printed matter of every kind, and patterns and samples of merchandize, originating in either country, and addressed to and deliverable in the other country, as well as correspondence

in closed mails originating in Queensland and destined for foreign countries by way of the United States.

II. The Post Office of San Francisco shall be the United States' office of exchange, and Brisbane the office of exchange of the Colony of Queensland, for all mails transmitted under this arrangement.

III. No accounts shall be kept between the Post Departments of the two countries upon the international correspondence, written or printed, exchanged between them, but each country shall retain to its own use the postages which it collects.

The single rate of international letter postage shall be 12 cents in the United States, and 6*d.* in Queensland on each letter weighing half an ounce or less, and an additional rate of 12 cents (6*d.*) for each single weight of half an ounce or fraction thereof, which shall in all cases be prepaid at least one single rate by means of postage stamps at the office of despatch in either country. Letters unpaid, or prepaid less than one full rate of postage, shall not be forwarded; but insufficiently paid letters, on which a single rate or more has been prepaid, shall be forwarded, charged with the deficient postage to be collected and retained by the Post Department of the country of destination.

The United States' Post Office shall levy and collect to its own use on newspapers addressed to Queensland a postage charge of 2 cents, and on all other articles of printed matter, patterns, and samples of merchandize addressed to Queensland, a postage charge of 4 cents per each weight of 4 ounces or fraction of 4 ounces.

The Post Office of Queensland shall levy and collect to its own use on newspapers addressed to the United States a postage charge of 2 cents, and on other articles of printed matter, patterns, and samples of merchandize addressed to the United States, a postage charge of 4 cents per each weight of 2 ounces or fraction of 2 ounces.

Letters, newspapers, and other articles of printed matter, patterns, and samples of merchandize, fully prepaid, which may be received in either country from the other, shall be delivered free of all charge whatsoever.

Newspaper and all other kinds of printed matter, and patterns and samples of merchandize, are to be subject to the laws and regulations of each country, respectively, in regard to their liability to be rated with letter postage when containing written matter, or for any other cause specified in said laws and regulations, as well as in regard to their liability to Customs' duty under revenue laws.

IV. The United States' office engages to grant the transit through the United States, as well as the conveyance by United

States' mail-packets, of the correspondence in closed mails which the Queensland Post Office may desire to transmit *viâ* the United States to British Columbia, the British North American Provinces, the West Indies, Mexico, Central and South America, and at the following rates of United States' transit postgage, viz :—

For the United States' territorial transit of closed mails from Queensland for Mexico, British Columbia, Canada, or other British North American Provinces, when transmitted entirely by land routes, 6 cents per ounce for letter mails, and 16 cents per pound for all kinds of printed matter ;

For the United States' territorial and sea transit of closed mails from Queensland for British Columbia or other British North American Provinces, Mexico, Central and South America, or the West India Islands, when transmitted from the United States by sea, 25 cents per ounce for letter mails, and 20 cents per pound for all kinds of printed matter.

The Queensland Post Office shall render an account to the United States' Post Office, upon letter-bills to accompany each mail, of the weight of the letters, and also of the printed and other matter contained in such closed mails, forwarded to the United States for transmission to either of the above-named countries and Colonies, and the accounts arising between the two offices on this class of correspondence shall be stated, adjusted, and settled quarterly, and the amounts of the United States' transit charges found due on such closed mails shall be promptly paid over by the Queensland Post Office to the United States' Post Office in such manner as the Postmaster-General of the United States shall prescribe.

V. Prepaid letters from foreign countries received in and forwarded from the United States to Queensland shall be delivered in said Colony free of all charges whatsoever, and letters received in Queensland from the United States addressed to other Colonies of Australia will be forwarded to destination, subject to the same conditions as are applicable to correspondence originating in Queensland and addressed to those countries.

VI. 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 for each article shall be 10 cents in the United States and 4*d.* in Queensland.

VII. 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.

VIII. Every fully prepaid letter despatched from one



country to the other shall be plainly stamped with the words "Paid all" in red ink, on the right hand upper corner of the address, in addition to the date-stamp of the office at which it was posted, and on insufficiently paid letters the amount of the deficient postage shall be inscribed in black ink.

IX. Dead letters, which cannot be delivered from whatsoever cause, shall be mutually returned, without charge, monthly, or as frequently as the regulations of the respective offices will permit.

X. This Convention shall come into operation on the 1st day of January, 1876, and shall be terminable at any time on a notice, by either office, of six months.

Done in duplicate, and signed, in Brisbane the 8th day of December, in the year of Our Lord 1875; and in Washington on the 2nd day of February, 1876.

MARSHALL JEWELL, *Postmaster-General of the United States.*

GEORGE THORN, Junior, *Postmaster-General of Queensland.*

Approved,  
EWD. CAIRNS.

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

(L.S.) U. S. GRANT.

By the President :  
HAMILTON FISH, *Secretary of State.*  
Washington, February 5, 1876.

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POSTAL CONVENTION *between the United States and Bermuda. Signed at Hamilton, August 9, 1876; and at Washington, August 29, 1876.*

THE Undersigned, being thereunto duly authorized by their respective Governments, have agreed upon the following Articles, establishing and regulating the exchange of correspondence between the United States of America and Bermuda :—

ART. I. There shall be an exchange of mails between the United States of America and Bermuda, by such means of transportation as are now, or shall hereafter be, established with the approval of the respective Post Departments of the

two countries, comprising letters and manuscripts subject by the laws of either countries to letter rate of postage, newspapers, books, printed matter of every kind, sheets of music, engravings, lithographs, photographs, drawings, maps, and plans originating in either country and addressed to and deliverable in the other country.

Each office shall make its own arrangements for, and at its own cost pay the expense of, the intermediate sea-transportation of the mails which it despatches to the other.

II. New York shall be the office of exchange on the side of the United States, and Hamilton shall be the office of exchange on the side of Bermuda, 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.

The two Post Departments may at any time discontinue either of said offices of exchange or establish others.

III. The standard weight for the single weight of postage and rule of progression shall be:—

1. For letters or manuscripts subject by law to letter rate of postage, 15 grammes (one half-ounce avoirdupois).

2. For all other correspondence mentioned in Article I, that which each country shall adopt for the mails which it despatches 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 despatching exchange office shall always be accepted, except in cases of manifest error.

IV. No accounts shall be kept between the Post Office 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 rate of postage to be charged and collected in the United States on each prepaid letter or manuscript subject to letter postage, addressed to Bermuda, shall be 5 cents United States' currency, for each weight of 15 grammes or fraction thereof; and the rate of postage to be charged and collected in Bermuda on each prepaid letter or manuscript subject to letter postage, addressed to the United States of America, shall be 2*d.*, the same to be in each case in full of all charges whatever, to the place of destination in either country.

The charge on unpaid letters shall be double the rate levied in the country of destination on prepaid letters.

2. On all other articles of correspondence mentioned in Article I, the Post Departments of the United States and Bermuda 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; which rates shall, in like manner, be in full of all charges whatever, to the place of destination in either country. But each office shall give notice to the other of the rates it adopts for such correspondence, and of any subsequent change thereof. The maximum weight of such correspondence is fixed at 4 pounds.

Newspapers and other correspondence of the class referred to in the preceding paragraph shall be sent in narrow bands, or covers open at the sides or ends, so that they may be easily examined; and packages of such correspondence shall be subject to the laws and regulations of each country in regard to their liability to pay Customs duty, if containing dutiable goods; or to be rated with letter postage when containing written matter, or for any other cause specified in said laws and regulations.

V. Prepayment of postage of every description of articles can be effected only by means of postage stamps or stamped envelopes valid in the country of origin.

The correspondence to be reciprocally exchanged shall be impressed on the upper part of the address with a stamp indicating the place of origin and date of posting.

Unpaid or insufficiently paid letters, or manuscripts subject by law to letter rate of postage, shall, in addition, be impressed with the stamp T (tax to be paid), the application of which shall devolve upon the exchange office of the country of origin.

Every international letter, or manuscript subject to letter postage, which does not bear the stamp T, shall be considered as fully paid to destination, and treated accordingly, unless there be an obvious error.

When a letter, or any manuscript subject by law to letter postage, unpaid or insufficiently paid, shall be liable, by reason of its weight, to more than a single rate of postage, the despatching office shall indicate in the upper right-hand corner of the address, in ordinary figures, the number of rates to which it is liable.

When a letter shall be insufficiently prepaid by means of postage stamps, the despatching office shall indicate, in figures in black ink, placed by the side of the postage stamps, their total value expressed in the currency of the country of destination.

In case postage stamps may be used which are not of any value in the country of origin, no account shall be taken of

them. This fact shall be indicated by the figure "0," placed by the side of the postage stamps.

The office of the country of destination shall charge the insufficiently paid letters with the amount of the deficient postage calculated at the rate of an unpaid letter of the same weight.

In case of need, fractions may be raised to the necessary unit of charge in force in the country of destination.

VI. Letters, and other communications in manuscript, which, from any cause, cannot 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 Post Office Department of the despatching 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 despatching office without charge.

VII. To accommodate the Bermuda Government, and at the same time maintain the condition that postage accounts shall not be kept between the two countries, the Post Office Department of the United States will forward, without charge, to the Canada frontier and *vice versa*, such correspondence, in sealed bags of small weight and bulk, as the Bermuda Post Office may exchange directly with the Dominion of Canada, through the United States; but should the weight and bulk of such mails at any time be deemed too great to justify this concession, the Post Office Department of the United States reserves the right to withdraw it, upon giving notice to that effect.

VIII. Letters originating in foreign countries and addressed to the United States or to Bermuda 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.

Official correspondence between the two Post Departments relating exclusively to the postal service shall be exempt from postage charges.

IX. 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.

X. The two Post Departments may provide for the transmission of registered articles in the mails exchanged between the two countries.

The registration fee for each article shall be 10 cents in the United States and 6*d.* in Bermuda.

XI. 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.

XII. This Convention shall come into operation on the 1st day of October, and shall be terminable at any time on a notice, by either office, of six months.

Done in duplicate, and signed, in Washington on the 29th day of August, 1876; and in Hamilton on the 9th day of August, 1876.

JAS. N. TYNER, *Postmaster-General of the United States.*

J. H. LEFROY, *Major-General, Governor and Commander-in-Chief of the Bermudas.*

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

(L.S.) U. S. GRANT.

By the President :

W. HUNTER, *Acting Secretary of State.*  
Washington, September 4, 1876.

ADDITIONAL ARTICLE OF AGREEMENT *between the Post Office Departments of the United States of America and Newfoundland. September 22 and October 6, 1876.*

### SOLE ARTICLE.

IT is agreed that the single rate of international letter-postage, in full to destination, shall be 5 cents on each letter weighing half an ounce (15 grammes) or less, and an additional rate of 5 cents for each additional weight of half an ounce (15 grammes) or fraction thereof, the prepayment of which shall be compulsory at the office of mailing in either country.

This Article shall take effect immediately, superseding the provisions of the second paragraph of Article III of the Postal Convention of 11th November, 1872,\* which paragraph is hereby rescinded.

In witness whereof the Postmaster-General of the United States of America and the Postmaster-General of Newfound-

\* See Page 448.

land have hereto set their hands and affixed their seals at the date set opposite to each respectively.

(L.S.) JAS. N. TYNER, *Postmaster-General of the United States of America.*

October 6, 1876.

(L.S.) JOHN DELANEY, *Postmaster-General of Newfoundland.*

September 22, 1876.

I hereby approve the foregoing Additional Article, and in testimony thereof I have caused the seal of the United States to be affixed.

(L.S.) U. S. GRANT.

By the President:

JOHN L. CADWALADER, *Acting Secretary of State.*  
Washington, October 6, 1876.

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AMENDED ARTICLE *between the United States and New Zealand, to replace Article III of the Postal Convention of <sup>August 3</sup>/<sub>October 3</sub> 1870.\* Signed at Washington, August 28, 1877; and at Wellington, October 11, 1877.*

THE Undersigned, being thereunto duly authorized by their respective Governments, have agreed to replace Article III of the Postal Convention of <sup>August 3</sup>/<sub>October 3</sub> 1870, by the following Article:—

ART. III. No accounts shall be kept between the Post Departments of the two countries upon the international correspondence, written or printed, exchanged between them, but each country shall retain to its own use the postage which it collects.

The single rate of international letter postage shall be 12 cents in the United States and 6*d.* in New Zealand on each letter weighing half an ounce or less, and an additional rate of 12 cents (6*d.*) for each single weight of half an ounce, or fraction thereof, which shall, in all cases, be prepaid, at least one single rate, by means of postage stamps, at the office of mailing in either country. Letters unpaid, or prepaid less than one full rate of postage, shall not be forwarded; but insufficiently paid letters, on which a single rate or more has been prepaid, shall be forwarded charged with the deficient postage to be collected and retained by the Post Department of the country of destination.

The United States' Post Office shall levy and collect to its

\* See Page 445.

own use, on newspapers addressed to New Zealand, a postage charge of 2 cents; on all other articles of printed matter, patterns, and samples of merchandize addressed to New Zealand, a postage charge of 4 cents per each weight of 4 ounces or fraction of 4 ounces.

The Post Office of New Zealand shall levy and collect to its own use, on newspapers and other articles of printed matter, patterns, and samples of merchandize addressed to the United States, the regular rates of domestic postage chargeable thereon by the laws and regulations of the Colony of New Zealand.

Letters, newspapers, and other articles of printed matter, patterns, and samples of merchandize, fully prepaid, which may be received in either country from the other, shall be delivered free of all charge whatever.

Newspapers, and all other kinds of printed matter, and patterns and samples of merchandize, are to be subject to the laws and regulations of each country, respectively, in regard to their liability to be rated with letter-postage when containing written matter, or for any other causes specified in said laws and regulations, as well as in regard to their liability to Customs duty under the revenue laws.

The provisions of this Amended Article shall be carried into operation on the 1st of December, A.D. 1877.

Done in duplicate, and signed, at Washington the 28th day of August; and at Wellington the 11th day of October, 1877.

(L.S.) D. M. KEY, *Postmaster-General of the United States.*

GEO. MCLEAN, *Postmaster-General of New Zealand.*

I hereby approve the foregoing Amended Article, and in testimony thereof I have caused the seal of the United States to be affixed hereto.

(L.S.) R. B. HAYES.

By the President:

F. W. SEWARD, *Acting Secretary of State.*  
Washington, August 28, 1877.

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ADDITIONAL ARTICLE *between the Post Office Department of the United States and the Dominion of Canada. (Money Orders.) Signed at Ottawa, October 22, 1877; and at Washington, October 26, 1877.*

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SOLE ARTICLE.

To facilitate the exchange of money orders between the United States and the Dominion of Canada, it is agreed that all money orders mailed at the exchange offices in the United States and addressed to payees in the Dominion of Canada shall be transmissible in the mails between the two countries free of postage.

This Article shall take effect immediately, and shall have equal duration with the postal arrangement in force between the United States and the Dominion of Canada.

Done in duplicate, and signed, in Washington the 26th day of October, 1877; and at Ottawa the 22nd day of October, 1877.

(L.S.) D. M. KEY, *Postmaster-General of the United States.*

(L.S.) L. S. HUNTINGTON, *Postmaster-General of the Dominion of Canada.*

I hereby approve the foregoing Additional Article, and in testimony thereof I have caused the seal of the United States to be affixed.

(L.S.) R. B. HAYES.

By the President:

WM. M. EVARTS, *Secretary of State.*  
Washington, October 26, 1877.

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ADDITIONAL ARTICLE OF AGREEMENT *between the Post Office Departments of the United States of America and Newfoundland. (Money Orders.) Signed at St. John's, October 23, 1877; and at Washington, November 6, 1877.*

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SOLE ARTICLE.

To facilitate the exchange of money orders between the United States and Newfoundland, it is agreed that all money orders mailed at the exchange offices of the United States and addressed to payees in the Colony of Newfoundland shall be transmissible in the mails between the two countries free of postage.

This Article shall take effect immediately, and shall have equal duration with the Postal Convention of the 30th



November, 1872,\* and with the Additional Articles of Agreement concluded thereto.

Done in duplicate, and signed, at Washington, the 6th day of November, 1877; and at St. John's the 23rd day of October, 1877.

(L.S.) D. M. KEY, *Postmaster-General of the United States.*

JOHN DELANY, *Postmaster-General of Newfoundland.*

I hereby approve the foregoing Additional Article, and in testimony thereof I have caused the seal of the United States to be affixed.

(L.S.) R. B. HAYES.

By the President:

WM. M. EVARTS, *Secretary of State.*  
Washington, November 6, 1877.

POSTAL CONVENTION *between the United States and the Colony of Victoria. Signed at Washington, January 28, 1878.*

THE Undersigned, David M. Key, Postmaster-General of the United States of America, by virtue of the powers vested in him by law, and Mr. George Collins Levey, specially empowered for that purpose by the Postmaster-General of the Colony of Victoria, have agreed upon the following Articles, subject to approval by the President of the United States, and ratification by the Government of the Colony of Victoria, viz. :—

ART. I. There shall be an exchange of correspondence between the United States of America and the Colony of Victoria by means of the direct line of colonial mail-packets plying to and from San Francisco, as well as by such other means of direct mail-steamship transportation between the United States and Victoria as shall hereafter be established with the approval of the respective Post Departments of the two countries, comprising letters, newspapers, printed matter of every kind, and patterns and samples of merchandize, originating in either country and addressed to and deliverable in the other country, as well as correspondence in closed mails originating in Victoria and destined for foreign countries by way of the United States.

II. The Post Office of San Francisco shall be the United States' office of exchange, and Melbourne the office of exchange of the Colony of Victoria for all mails transmitted under this arrangement.

\* *Sic.* Should be 13th November, 1872. See Pages 447 and 467.

III. No accounts shall be kept between the Post Departments of the two countries upon the international correspondence, written or printed, exchanged between them, but each country shall retain to its own use the postage which it collects.

The single rate of international letter postage shall be 12 cents in the United States, and 6*d.* in Victoria, on each letter weighing half an ounce or less, and an additional rate of 12 cents (6*d.*) for each additional weight of half an ounce or fraction thereof, which shall in all cases be prepaid at least one single rate by means of postage stamps at the office of mailing in either country. Letters unpaid, or prepaid less than one full rate of postage, shall not be forwarded, but insufficiently paid letters, on which a single rate or more has been prepaid, shall be forwarded, charged with the deficient postage, to be collected and retained by the Post Department of the country of destination.

The United States' Post Office shall levy and collect to its own use on newspapers addressed to Victoria a postage charge of 2 cents, and on all articles of printed matter, patterns and samples of merchandize addressed to Victoria, a postage charge of 4 cents per each weight of 4 ounces or fraction of 4 ounces.

The Post Office of Victoria shall levy and collect to its own use on newspapers and other articles of printed matter, patterns and samples of merchandize addressed to the United States, the regular rates of domestic postage chargeable thereon by the laws and regulations of the Colony of Victoria.

Letters, newspapers, and other articles of printed matter, patterns and samples of merchandize, fully prepaid, which may be received in either country from the other, shall be delivered free of all charge whatever.

Newspapers and all other kinds of printed matter, patterns and samples of merchandize, are to be subject to the laws and regulations of each country, respectively, in regard to their liability to be rated with letter postage when containing written matter, or for any other cause specified in said laws and regulations, as well as in regard to their liability to Customs duty under the revenue laws.

IV. The United States' office engages to grant the transit through the United States, as well as the conveyance by United States' mail-packets, of the correspondence in closed mails which the Victoria Post Office may desire to transmit via the United States to British Columbia, the British North American Provinces, the West Indies, Mexico, Central and South America, and at the following rates of United States transit postage, viz.:

For the United States' territorial transit of closed mails from Victoria for Mexico, British Columbia, Canada, or other British

North American Provinces, when transmitted entirely by land routes, 6 cents per ounce for letter mails, and 16 cents per pound for all kinds of printed matter;

For the United States' territorial and sea transit of closed mails from Victoria for British Columbia or other British North American Provinces, Mexico, Central and South America, or the West India Islands, when transmitted from the United States by sea, 25 cents per ounce for letter mails, and 20 cents per pound for all kinds of printed matter.

The Victoria Post Office shall render an account to the United States' Post Office, upon letter bills to accompany each mail, of the weight of the letters, and also of the printed and other matter contained in such closed mails, forwarded to the United States for transmission to either of the above-named countries and Colonies; and the accounts arising between the two offices on this class of correspondence shall be stated, adjusted, and settled quarterly, and the amounts of the United States' transit charges found due on such closed mails shall be promptly paid over by the Victoria Post Office in such manner as the Postmaster-General of the United States shall prescribe.

V. Prepaid letters from foreign countries received in and forwarded from the United States to Victoria shall be delivered in said Colony free of all charges whatsoever, and letters received in Victoria from the United States addressed to other Colonies of Australia will be forwarded to destination, subject to the same conditions as are applicable to correspondence originating in Victoria and addressed to those Colonies.

VI. 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 for each article shall be 10 cents in the United States and 6*d.* in Victoria.

VII. 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.

VIII. Every fully prepaid letter despatched from one country to the other shall be plainly stamped with the words "Paid all," in *red ink*, on the right-hand upper corner of the address, in addition to the date-stamp of the office at which it was posted; and on insufficiently paid letters the amount of the deficient postage shall be inscribed in *black ink*.

IX. Dead letters, which cannot be delivered from whatever cause, shall be mutually returned, without charge, monthly, or as frequently as the regulations of the respective offices will permit.

X. This Convention shall come into operation on the 1st day of July, 1878, and shall be terminable at any time on a notice, by either office, of six months.

Done in duplicate, and signed in Washington, the 28th day of January, in the year of Our Lord 1878.

(L.S.) D. M. KEY, *Postmaster-General of the United States.*

GEORGE COLLINS LEVEY.

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

(L.S.) R. B. HAYES.

By the President :

WM. M. EVARTS, *Secretary of State.*  
Washington, January 28, 1878.

I hereby approve of the foregoing Postal Convention, and have caused to be affixed hereto the seal of the Colony of Victoria.

(L.S.) G. F. BOWEN, *Governor.*

GRAHAM BERRY, *Chief Secretary.*  
Melbourne, March 26, 1878.

*ACT of Congress of the United States, to aid Vessels Wrecked or Disabled in the Waters conterminous to the United States and the Dominion of Canada.*

[Chap. 324.]

[June 19, 1878.]

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that Canadian vessels of all descriptions may render aid or assistance to Canadian or other vessels wrecked or disabled in the waters of the United States contiguous to the Dominion of Canada: Provided, that this Act shall not take effect until proclamation by the President declaring that the privilege of aiding American or other vessels wrecked or disabled in Canadian waters contiguous to the United States has been extended by the Government of the Dominion of Canada and declaring this Act to be in force: And provided further, that this Act shall cease to be in force from and after the date of proclamation by the President to the effect that said reciprocal privilege has been withdrawn or revoked by the said Government of the Dominion of Canada.

Approved June 19, 1878.

AMENDED ARTICLE *between the United States and Canada for the Exchange of Money Orders. Signed at Washington, May 21, 1879; and at Ottawa, May 31, 1879.*

*Modification of Article I of "the Convention between the Postal Department of the United States of America and the Postal Department of the Dominion of Canada, signed on the 8th and 23rd of June, 1875, and approved by the President of the United States on the 7th of July, 1875."\**

FOR the purpose of establishing uniformity in the maximum amounts for which money orders may be issued in the United States and in the Dominion of Canada, the Undersigned, duly authorized for that purpose, have agreed upon the following:—

(1.) Article I of the "Convention between the Postal Department of the United States of America and the Postal Department of the Dominion of Canada," is replaced by the following new Article:

ART. I. There shall be a regular exchange of money orders between the two countries for sums received from remitters in one country for payment in the other.

The maximum amount of any money order issued in either country is fixed at 50 dollars in the lawful money of the country in which the order originates; but no money order shall include the fractional part of a cent.

(2.) The provisions of this new Article shall take effect on the 1st day of June, 1879.

Done in duplicate, and signed, at Washington on the 21st day of May, in the year of Our Lord 1879; and at Ottawa on the 31st day of May, in the year of Our Lord 1879.

(L.S.) D. M. KEY, *Postmaster-General of the United States.*

(L.S.) A. CAMPBELL, *Postmaster-General of the Dominion of Canada.*

I hereby approve the foregoing Convention, and in testimony thereof have caused the seal of the United States to be hereto affixed.

(L.S.) R. B. HAYES.

By the President:

WM. M. EVARTS, *Secretary of State.*  
June 4, 1879.

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\* See Page 455.

AMENDED CONVENTION *between the General Post Office of the United Kingdom of Great Britain and Ireland and the Post Office Department of the United States of America. (Money Orders.) Signed at London, December 2, 1879; and at Washington, December 18, 1879.*

THE General Post Office of the United Kingdom of Great Britain and Ireland and the Post Office Department of the United States of America being desirous of modifying the present system of exchange of money orders between the two countries, the Undersigned, duly authorized for that purpose, have agreed upon the following Articles:—

ART. I. There shall be a regular exchange of money orders between the two countries.

The maximum of each order is fixed at 10*l.* sterling when issued in the United Kingdom of Great Britain and Ireland; and when issued in the United States, at 50 dollars, in the money of the latter country.

No money order shall include a fractional part of a penny or of a cent.

II. The British Post Office shall have power to fix the rates of commission on all money orders issued in the United Kingdom; and the Post Office Department of the United States shall have the same power in regard to all money orders issued in the United States.

Each office shall communicate to the other its tariff of charges or rates of commission which shall be established under this Convention, and these rates shall in all cases be payable in advance by the remitters, and shall not be repayable.

It is understood, moreover, that each office is authorized to suspend temporarily the exchange of money orders, in case the course of exchange, or any other circumstance, should give rise to abuses, or cause detriment to the postal revenue.

III. Each country shall keep the commission charged on all money orders within its jurisdiction, but shall pay to the other country three-fourths of 1 per cent. on the amount of such orders.

IV. The service of the postal money order system between the two countries shall be performed exclusively by the agency of offices of exchange. On the part of the United States, the office of exchange shall be New York; and on the part of the United Kingdom, London.

Orders shall be drawn only on the authorized money order offices of the respective countries, and each Postal Administration shall furnish to the other a list of such offices, and shall from time to time notify any addition to or change in the said list.

V. No money order shall be issued unless the applicant furnish the name and address of the person to whom the amount is to be paid, and his own name and address, or the name of the firm or company who are the remitters and payees, together with the addresses of each.

The money orders issued in either country shall be forwarded by the remitters to the payees at their own expense.

VI. The advices of all money orders issued upon the United Kingdom by the post offices in the United States shall be sent to the office of exchange at New York, where they shall be impressed with a dated stamp (Form A), showing the amount to be paid in sterling money, and transmitted by the next mail to the Chief Office at London, accompanied by a list in duplicate, drawn up on the model of Form B.

The advices, on their arrival in London, shall be compared with the entries in the list, and afterwards despatched to the paying offices.

In like manner the advices of money orders drawn on the United States by postmasters in the United Kingdom shall be sent to the Chief Office at London, shall there be impressed with a dated stamp (Form A) showing the amount to be paid in United States' money, and be despatched, accompanied by a list, in duplicate (Form C) to the office of exchange at New York, by the next mail.

The advices, on their receipt at New York, shall be compared with the entries in the list, and afterwards despatched to the paying offices.

The advices of orders issued in the United States in the month of December, which may arrive at the office of exchange at New York in the earlier days of the following month, shall be entered on lists supplementary to that of the last day of the month of December; and in like manner the advices of orders issued in the United Kingdom in the month of June which may arrive at the Chief Office, London, in the earlier days of the following month, shall be entered on lists supplementary to that of the last day of the month of June.

Each exchange office shall certify its orders to the other in amounts designated in the denominations of the money, both of the despatching and receiving country, at the rate of conversion established by Article XIII of this Convention.

The amounts so converted shall be checked at the receiving office of exchange.

VII. The lists despatched from each office of exchange shall be numbered consecutively, commencing with No. 1 at the beginning of the month of July in each year, and the entries in these lists shall also have consecutive numbers.

Of each list despatched a duplicate shall be sent, which duplicate, after being verified by the receiving office of ex-

change, shall be returned to the despatching office of exchange.

Each office of exchange shall promptly communicate to the other the correction of any simple error which it may discover in the verification of the lists. When the lists shall show irregularities which the receiving office shall not be able to rectify, that office shall apply for an explanation to the despatching office, and such explanation shall be afforded without delay.

Should any list fail to be received in due course, the despatching office, on receiving information to that effect, shall transmit without delay a duplicate of the list duly certified as such.

VIII. Duplicate orders shall only be issued by the Postal Administration of the country on which the original orders were drawn, and in conformity with the regulations established or to be established in that country.

IX. The orders issued by each country on the other shall be subject, as regards payment, to the regulations which govern the payment of inland orders of the country on which they were drawn.

The paid orders shall remain in the possession of the country of payment.

X. Repayment of orders to remitters shall not be made until an authorization for such repayment shall first have been obtained by the country of issue from the country where such orders are payable; and the amounts of the repaid orders shall be duly credited to the former country in the quarterly account. (Article XII.)

It is the province of each Postal Administration to determine the manner in which repayment to the remitters is to be made.

XI. Orders which shall not have been paid within 12 calendar months from the month of issue shall become void, and the sums received shall accrue to and be at the disposal of the country of origin. The British Office shall, therefore, enter to the credit of the United States, in the quarterly account, all money orders entered in the lists received from the United States which remain unpaid at the end of the period specified. (Article XII.)

On the other hand, the Post Office Department of the United States shall, at the close of each month, transmit to the British Office, for entry in the quarterly account, a detailed statement of all orders included in the lists despatched from the latter office, which under this Article becomes void.

XII. At the close of each quarter an account shall be prepared at the Chief Office, London, showing in detail the totals of the lists containing the particulars of orders issued in either country during the quarter, and the balance resulting from such transactions.



Three copies of this account shall be transmitted to the Post Office Department of the United States at Washington, and the balance, after proper verification, shall, if due by the Post Office Department of the United States, be paid at London; but if due by the British Post Office, it shall be paid at New York; and always in the money of the country to which the payment is made.

If, pending the settlement of an account, one of the two Postal Administrations shall ascertain that it owes the other a balance exceeding 1,000*l.* sterling, the indebted Administration shall promptly remit the approximate amount of such balance to the credit of the other.

This account, and the letters which accompany such intermediate remittances, shall be in accordance with the Forms D, E, F, G, and H, annexed to this Convention.

XIII. Until the two Postal Administrations shall consent to an alteration, it is agreed that in all matters of account relative to money orders which shall result from the execution of the present Convention, the pound sterling of Great Britain shall be considered as equivalent to 4 dollars 87 cents of the money of the United States.

XIV. The Postal Administration in each country shall be authorized to adopt any additional rules (if not repugnant to the foregoing) for the greater security against fraud, or for the better working of the system generally.

All such additional rules, however, must be promptly communicated to the post office of the other country.

XV. This present Convention shall be substituted for, and shall take effect in lieu of, all previous Conventions or Arrangements relative to the exchange of money orders between the two countries on the 1st day of April, 1880, and shall continue in force until 12 months after either of the Contracting Parties shall have notified to the other its intention to terminate it.

Done in duplicate, and signed, in London on the 2nd day of December, in the year of Our Lord 1879; and in Washington on the 18th day of December, in the year of Our Lord 1879.

(L.S.) JOHN MANNERS, *Postmaster-General of the United Kingdom.*

(L.S.) D. M. KEY, *Postmaster-General of the United States.*

I hereby approve the foregoing amended Convention, and in testimony thereof I have caused the seal of the United States to be hereto affixed.

(L.S.) R. B. HAYES.

By the President:

WM. M. EVARTS, *Secretary of State.*  
December 19, 1879.

AMENDED CONVENTION *between the Post Office Department of the United States of America and the Post Office Department of the Dominion of Canada, for amending the System of Exchange of Money Orders. Signed at Ottawa, May 29, 1880; and at Washington, June 4, 1880.*

THE Post Office Department of the United States of America, and the Post Office Department of the Dominion of Canada, being desirous of amending the system of exchange of money orders between the two countries, the Undersigned, duly authorized for that purpose, have agreed upon the following Articles amending the existing Convention:—

ART. I. The transfer of sums of money may be made by means of postal money orders from the Dominion of Canada to the United States, and from the United States to the Dominion of Canada.

II. 1. The money orders issued in the Dominion of Canada for payment in the United States shall conform, as nearly as practicable, to model "A," hereto annexed, and the money orders issued in the United States for payment in the Dominion of Canada, shall, in the same manner, conform to model "B," also hereto annexed.

2. Each money order shall be delivered to the remitter thereof to be forwarded by him at his own expense to the payee.

3. The filling up of the order, in writing, must be in the English language, and in Roman letters and Arabic numerals, without alteration or obliteration, and the name of the exchange office through which the advice is forwarded for certification must be stated thereon.

4. The maximum amount of each order is fixed at 50 dollars.

5. No order shall contain a fraction of a cent.

6. The maximum of the order may be increased from 50 dollars to 100 dollars, by mutual agreement between the Post Office Departments of the two countries.

III. 1. The service of the postal money order system between the two countries shall be performed exclusively through the agency of one or more offices of exchange, and for this purpose each Postal Administration is authorized to establish or abolish offices of exchange within its own jurisdiction, but in either case due notice of such action must previously be given to the other Administration. For the present the offices of exchange on the part of the Dominion of Canada shall be—

## St. John, N. B.

Quebec, Que.	Hamilton, Ont.
Montreal, Que.	London, Ont.
Kingston, Ont.	Victoria, B. C.
Toronto, Ont.	Winnipeg, Man.

## And on the part of the United States—

Bangor, Me.	Detroit, Mich.
St. Albans, Vt.	St. Paul, Minn.
Buffalo, N. Y.	Portland, Oreg.

2. Each of these offices of exchange shall, at the close of each week's business, make out in duplicate a certified list of all the money orders issued in its own country for payment in the other, the advices of which, received from its inland offices, shall have been stamped as genuine during such week. One copy of each of these lists shall be transmitted to the Superintendent of the Money Order System at Washington, D.C., and the other to the Superintendent of the Money Order Branch, Ottawa, Ontario.

3. The above-mentioned weekly lists when made out by the Canadian exchange offices shall conform to model "C," and when made out by the United States' exchange offices to model "D," both models being hereto annexed.

4. The weekly lists, and also the entries therein, shall be numbered consecutively throughout the fiscal year, beginning with No. 1 on the 1st July, and ending with the last number included in the business of the year.

5. After the close of the quarter ending 30th June of each year, supplementary lists may be sent, if occasion requires, containing an entry of every order issued during that quarter, the advice of which had not been previously certified.

6. Should it happen during any week that no advices of money orders have been received at an exchange office, a list must nevertheless be forwarded, but in such event, the words, "no business," must be written across the list.

7. Each Department or Administration shall promptly acknowledge to the other the receipt of every list received from any exchange office in the other country, and shall, as soon after its receipt as possible, give notice of any errors which it may discover therein.

IV. In the exchange of money orders between the two countries, 1 dollar in Canadian money shall be taken as the equivalent of 1 dollar in United States' money. This standard in either country shall be gold value.

V. 1. A fee, to be fixed by the country of origin, shall be

collected from the remitter upon each sum of money transmitted under this Convention.

2. Each Administration shall communicate to the other the tariff or schedule of fees to be established by it under the provisions of this Article, and also any subsequent change therein.

3. The person entitled to the payment of a money order issued in pursuance of this Convention shall not be subjected under any pretext whatever to any commission or tax on account of the payment of such order.

4. Each Postal Administration shall keep the fee which it receives for orders issued within its jurisdiction, but shall pay to the other a commission of one-half of 1 per centum upon the total amount of such orders, and shall also refund to the Administration of the country of origin one-half of 1 per cent. on the amounts of all void orders and orders the repayment of which shall have been authorized.

VI. 1. Payment of a money order, in pursuance of this Convention, can be exacted only at the paying post office named upon the order, but not until after the receipt by that office of the advice required by Article VIII hereof. But the chief office in either country may, at its discretion, cause a money order to be paid at an office other than that named upon the advice. Lists of such changes shall be sent to the chief office in the other country at such periods as may be mutually agreed upon between the two Administrations.

2. Each of the two Administrations reserves the right to authorize the transfer, within its territory by means of endorsement, of the ownership of orders originating in the territory of the other.

VII. 1. The two Administrations shall designate, each for itself, the post offices which are authorized to issue and to pay money orders under the provisions of this Convention.

2. Each Administration shall furnish to the other before the 1st July, 1880, a list of the post offices within its jurisdiction authorized to issue and to pay such orders, and shall also promptly notify the other, in advance of any changes that may subsequently be made in said list.

3. In the United States' list shall be stated the county and State, and in the Canadian list the province and county, in which each money order office is located.

VIII. 1. A post office in either country, which issues a money order payable in the other, is required to transmit, by the first mail after the issue thereof, through the agency of one of the exchange offices in the country in which the order originated, to the post office charged with its payment, an advice corresponding in number, date, and amount to the order of which it forms a part.

2. Each advice must express legibly and in written characters the following, to wit :

(a.) The name of the issuing office.

(b.) The name of the office where payment is to be made and also of the State or territory if payable in the United States, and if payable in the Dominion of Canada, of the Province where such office is located.

(c.) The amount which is to be paid to the owner of the order in the country of destination.

(d.) The surname and the given name or names, or at least the initials of the latter, as well as the residence of the remitter and also of the payee. It will be sufficient, however, for the purpose to make use, in case of a business house, of its business designation, and in case of a corporation or other organization, of the name of the manager or the authorized agent thereof.

3. Each advice from either country, if found correct, shall, in order to be valid, be stamped at one of the exchange offices of the country of origin, with the date of its receipt at said office, and with a special number corresponding to that upon the lists described in Article III hereof.

4. The advices, after such stamping, shall be forwarded by the first mail after their receipt, in envelopes addressed to the postmaster of the office where payment is to be made. These envelopes shall be of a special form to be used for this purpose only.

5. The advices required by this Article shall, if issued in the Dominion of Canada, conform as nearly as practicable to model "A (1)," and if issued in the United States to model "B (1)," both of which models are hereto annexed.

IX. 1. At the request of the paying office a lost or missent advice will be replaced without delay by a duplicate thereof, to be issued by or through the agency of the exchange office which certified the original. The form of duplicate advice shall be prescribed by the Administration of the country in which the order originated, and such duplicate to be valid must bear the stamp of the exchange office.

2. Each application for a duplicate advice shall be made upon a blank conforming or analogous to model "E" hereto annexed, and must be forwarded to the exchange office in an envelope.

X. The orders drawn by each country upon the other shall be subject, as regards payment, to the regulations which govern the payment of domestic orders in the country on which they are drawn.

XI. 1. The money orders issued in pursuance of this Convention shall be valid during a period of 12 months after the date of their issue.

2. After the expiration of that period the advice of an unpaid order shall be returned to the Administration of the country of origin, and the amount thereof shall be credited to and remain at the disposal of that Administration.

3. At the close of every month, each of the two Administrations shall forward to the other a detailed statement of all the orders which shall have become invalid during such month under this Article.

XII. Orders lost or destroyed may be replaced by duplicates, to be issued by the Administration of the country of payment.

XIII. 1. An order or a duplicate thereof may be repaid to the remitter upon presentation at the issuing office, but only in case the corresponding advice is in the possession of the issuing postmaster. For this purpose, in case the advice has gone forward, it shall be returned by the paying to the issuing Administration upon the request of the latter.

2. The Administration of the country of origin will not therefore authorize repayment of lost, missent, or destroyed orders until after the Administration of the country or destination shall have returned the advice, or shall have furnished a declaration that it has not paid the order, and will not pay it if presented.

3. The amounts of orders, the repayment of which shall have been authorized, shall be credited to the Administration of the country of origin, and for this purpose the Administration of the country of destination shall cause to be made out and forwarded at the close of each fiscal quarter a detailed list of the advices of all orders originating in the other country, the repayment of which shall have been authorized during the quarter.

XIV. 1. Within six weeks after the close of each fiscal quarter, two copies of an account shall be prepared similar to model "F," hereto annexed, and transmitted to the Post Office Department of the United States by the Post Office Department of the Dominion of Canada, exhibiting the balance found due on the exchange of money orders during the quarter, one copy of which, after proper verification and acknowledgment, shall be returned to the Post Office Department of the Dominion of Canada. If this verified account shows a balance in favour of the Post Office Department of the Dominion of Canada, that of the United States will transmit with such verified copy of the quarter account, a bill of exchange on Montreal, Canada, for the amount of said balance, payable to the Post Office Department of the Dominion of Canada. The latter will then send an acknowledgment of receipt to the Post Office Department of the United States. If, on the other hand, said account, after verification and acknowledgment as aforesaid, shows a balance in favour of the Post Office Department of the United States, then the Post Office Department of

the Dominion of Canada will, upon receipt of the certified copy of the same, transmit to that of the United States a bill of exchange for the amount thereof on New York. The United States' Post Office Department will then send in return an acknowledgment of the receipt.

2. If pending the settlement of an account, one of the two Postal Administrations shall ascertain that it owes the other a balance exceeding 10,000 dollars, the indebted Administration shall promptly remit the approximate amount of such balance to the credit of the other.

3. The expense attending the remittance of bills of exchange shall invariably be borne by the Post Office Department by which the payment is to be made.

4. Payments may also be made in money or by drafts or bills of exchange on points other than Montreal and New York, by mutual agreement between the two Departments.

XV. The paid orders shall remain in the possession of the Administration which shall have paid them, but each of the two Administrations agrees to place, temporarily, at the disposal of the other, any paid order, the return of which shall have been requested.

XVI. The two Postal Administrations may, by mutual agreement, make modifications, if found expedient, in matters of detail connected with the execution of the provisions of the present Convention, in order to provide for greater security against fraud, or for the better working of the international system.

XVII. Each of the two Administrations is empowered under extraordinary circumstances, which may be of a nature to warrant the measure, to suspend temporarily the money order service between the two countries; provided, however, that notice of such suspension be given to the other Administration immediately, and if deemed necessary by means of the telegraph.

XVIII. The present Convention shall take effect on the 1st day of July, 1880, and shall remain in force until one year after one of the two Contracting Parties shall have notified the other of its intention to terminate it. During such final year the Convention shall continue to be fully and entirely executed, without prejudice to the adjustment and payment of the accounts after the expiration of the term in question.

Done in duplicate, and signed, at Washington on the 4th day of June, in the year of Our Lord 1880; and at Ottawa, Canada, on the 29th day of May, in the year of Our Lord 1880.

(L.S.) D. M. KEY, *Postmaster-General of the United States.*

(L.S.) JOHN O'CONNOR, *Postmaster-General of Canada.*

I hereby approve of the foregoing Convention, and in testimony thereof I have caused the seal of the United States to be hereto affixed.

(L.S.) R. B. HAYES.

By the President :

WM. M. EVARTS, *Secretary of State*.  
Washington, June 5, 1880.

*AGREEMENT between Great Britain and the United States, for increasing the Limits of Weight and the Dimensions of Packets of Patterns of Merchandize exchanged through the Post between the two Countries. Signed at Washington, June 18, 1880.*

THE General Post Office of the United Kingdom of Great Britain and Ireland, and the General Post Office of the United States of America, being desirous of facilitating the postal relations between the two countries, and in exercise of the power given to them under Article XV of the Convention of the Universal Postal Union concluded in Paris on the 1st June, 1878,\* have agreed as follows:—

The limits of weight and the dimensions of packets of patterns of merchandize exchanged through the post between the United Kingdom of Great Britain and Ireland on the one part, and the United States of America on the other part, may be increased by the Postal Administration of the country of origin beyond those which have been fixed by Article V of the International Convention of the 1st June, 1878, under the express reservation that such limits shall not exceed the following:—

In weight .. .. .	350 grammes.
In dimensions .. .. .	{ 30 centim., length.
	{ 20 centim., breadth.
	{ 10 centim., depth.

The present Agreement shall take effect on the 1st July, 1880, and shall be terminable at any time on a notice by either office of one year.

In witness whereof the Undersigned, the Right Honourable Sir Edward Thornton, K.C.B., Envoy Extraordinary and Minister Plenipotentiary at Washington of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, duly authorized for that purpose, and David M. Key, Postmaster-General of the United States of America, in virtue of the

\* See Vol. 14. Page 1007.



powers vested in him by law, have drawn up the present Agreement, to which they have affixed their respective seals.

Done in duplicate at Washington, the 18th June, 1881.

(L.S.) EDWD. THORNTON.

(L.S.) D. M. KEY.

ADDITIONAL ARTICLES OF AGREEMENT *between the Post Office Department of the United States of America and the Post Office Department of the Dominion of Canada. Signed at Ottawa, April 28, 1881; and at Washington, May 3, 1881.*

FOR the purpose of affording to the public increased facilities for the exchange of written correspondence, and also of preventing evasions by publishers of the postal laws and regulations of the United States, the Undersigned, duly authorized by their respective Governments, have agreed upon the following Additional Articles to the Postal Arrangement of <sup>27 January</sup> 1875:—\*

ART. I. Insufficiently paid letters mailed in the United States and addressed to Canada, or, *vice versa*, mailed in Canada and addressed to the United States, on which a single rate of postage or more has been prepaid, shall be forwarded charged with the amount of deficient postage, to be collected on delivery and retained by the Post Department of the country of destination. The amount of such deficient postage shall be indicated in figures, by the despatching exchange office, on the upper left hand corner of the address.

II. When newspapers, periodicals, and other printed matter published or originating in the United States are brought into Canada and posted there for destinations in the United States apparently to evade the postage rates or regulations applicable to such matter in the United States, the Canada Post Office may require prepayment of the same to be made at a rate equivalent to double the Canada domestic rates.

III. The provisions of Article I of the Postal Arrangement of the 27th January and 1st February, 1875, so far as they conflict with the present Articles, are abrogated.

IV. The present Articles shall be considered additional to those agreed upon between the two offices on the 27th January and 1st February, 1875, and shall come into operation on the 1st day of May, 1881.

In witness whereof the Postmaster-General of the United States and the Postmaster-General of Canada have hereto set

\* See Page 454.

their hands and affixed their seals, at the date set opposite to each respectively.

(L.S.) THOMAS L. JAMES, *Postmaster-General of the United States.*

Washington, May 3, 1881.

(L.S.) A. CAMPBELL, *Postmaster-General of Canada.*

Ottawa, April 28, 1881.

I hereby approve of the foregoing Additional Articles, and in testimony thereof, I have caused the seal of the United States to be affixed.

(L.S.) JAMES A. GARFIELD.

By the President :

JAMES G. BLAINE, *Secretary of State.*

Washington, May 3, 1881.

*ACT of Congress of the United States, regulating Fees and the Practice in Extradition Cases. (Verification of Documents, &c.)*

[No. 197.]

[August 3, 1882.]

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that all hearings in cases of extradition under Treaty stipulation or Convention shall be held on land, publicly, and in a room or office easily accessible to the public.

Sec. 2. That the following shall be the fees paid to Commissioners in cases of extradition under Treaty stipulation or Convention between the Government of the United States and any foreign Government, and no other fees or compensation shall be allowed to or received by them :

For administering an oath, 10 cents.

For taking an acknowledgment, 25 cents.

For taking and certifying depositions to file, 20 cents for each folio.

For each copy of the same furnished to a party on request, 10 cents for each folio.

For issuing any warrant or writ, and for any other service, the same compensation as is allowed clerks for like services.

For issuing any warrant under Article X of the Treaty of 9th August, 1842,\* between the United States and the Queen of the United Kingdom of Great Britain and Ireland, against any person charged with any crime or offence as set forth in said Article, 2 dollars.

For issuing any warrant under the provision of the Convention for the Surrender of Criminals between the United

\* See Vol. 6. Page 853.

States and the King of the French, concluded at Washington, November 9, 1843,\* 2 dollars.

For hearing and deciding upon the case of any person charged with any crime or offence, and arrested under the provisions of any Treaty or Convention, 5 dollars a day for the time necessarily employed.

Sec. 3. That on the hearing of any case under a claim of extradition by any foreign Government, upon affidavit being filed by the person charged setting forth that there are witnesses whose evidence is material to his defence, that he cannot safely go to trial without them, what he expects to prove by each of them, and that he is not possessed of sufficient means and is actually unable to pay the fees of such witnesses, the Judge or Commissioner before whom such claim for extradition is heard may order that such witnesses be subpoenaed; and in such cases the costs incurred by the process, and the fees of witnesses, shall be paid in the same manner that similar fees are paid in the case of witnesses subpoenaed in behalf of the United States,

Sec. 4. That all witness fees and costs of every nature in cases of extradition, including the fees of the Commissioner, shall be certified by the Judge or Commissioner before whom the hearing shall take place to the Secretary of State of the United States, who is hereby authorized to allow the payment thereof out of the appropriation to defray the expenses of the judiciary; and the Secretary of State shall cause the amount of said fees and costs so allowed to be reimbursed to the Government of the United States by the foreign Government by whom the proceedings for extradition may have been instituted.

Sec. 5. That in all cases where any depositions, warrants, or other papers, or copies thereof, shall be offered in evidence upon the hearing of any extradition case under Title 66 of the Revised Statutes of the United States, such depositions, warrants, and other papers, or the copies thereof, shall be received and admitted as evidence on such hearing for all the purposes of such hearing if they shall be properly and legally authenticated so as to entitle them to be received for similar purposes by the tribunals of the foreign country from which the accused party shall have escaped, and the certificate of the principal Diplomatic or Consular Officer of the United States resident in such foreign country shall be proof that any deposition, warrant, or other paper or copies thereof, so offered, are authenticated in the manner required by this Act.

Sec. 6. The Act approved June 19, 1876, intituled "An Act to amend Section 5,271 of the Revised Statutes of the United States,"† and so much of said Section 5,271 of the

\* See State Papers. Vol. 33. Page 1229.

† See Vol. 14. Page 1184.

Revised Statutes of the United States as is inconsistent with the provisions of this Act, are hereby repealed.

Approved, August 3, 1882.

BRITISH ORDER IN COUNCIL, *extending the British System of Tonnage Measurement to United States' Vessels.* Windsor, March 19, 1883.

*At the Court at Windsor, the 19th day of March, 1883.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," [cap. 63, § 60], it is enacted that:

[See Vol. 11. Page 338.]

And whereas it was made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant-ships for the time being in force under the principal Act had been, with certain exceptions, adopted by the Government of the United States of America, and Her Majesty by Order in Council, dated the 30th day of July, 1868, was pleased to direct that:

[See Vol. 14. Page 1218.]

And whereas the Government of the said United States of America have provided that, on and after the 5th day of August, 1882, a deduction from the gross tonnage of every vessel of the United States shall, on measurement or re-measurement thereof, be made for crew-space in sailing-ships, and for screw and engine-space in steam-ships:

And whereas it has been made to appear to Her Majesty that, in consequence of such last-recited provision, the rules concerning the measurement of tonnage of merchant-ships, now in force under "The Merchant Shipping Act, 1854," have been adopted by the Government of the United States of America, with the exception of a difference in the mode, in certain steamers, of estimating the allowance for engine-room, and such rules are now in force in that country, having come into operation on the 5th day of August, 1882, and that it is desirable that the ships of the said United States, measured or remeasured as aforesaid, on or after the said 5th day of August, 1882, shall, instead of requiring remeasurement in the United Kingdom for crew-space in sailing-ships, or for crew and engine-space in steam-ships, be deemed to be of the tonnage denoted in their certificates of registry, or other national papers:

Now, therefore, Her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct as follows :—

1. As regards sailing-ships: that merchant sailing-ships of the said United States of America, the measurement whereof after the said 5th day of August, 1882, has been ascertained and denoted in the registers and other national papers of such sailing-ships, testified by the date thereof, shall be deemed to be of the tonnage denoted in such registers, and other national papers, in the same manner, and to the same extent, and for the same purpose in, to, and for which the tonnage denoted in the certificate of registry of British sailing-ships, is deemed to be the tonnage of such ships.

2. As regards steam-ships: that merchant-ships belonging to the said United States of America, which are propelled by steam or any other power requiring engine-room, the measurement whereof shall, after the said 5th day of August, 1882, have been ascertained and denoted in the registers and other national papers of such steam-ships, testified by the dates thereof, shall be deemed to be of the tonnage denoted in such registers or other national papers in the same manner, and to the same extent, and for the same purpose in, to, and for which the tonnage denoted in the certificates of registry of British ships is deemed to be the tonnage of such ships. Provided, nevertheless, that if the owner or master of any such American steam-ship desires the deduction for engine-room in his ships to be estimated under the rules for engine-room measurement and deduction applicable to British ships, instead of under the American rule, the engine-room shall be measured, and the deduction calculated, according to the British rules.

C. L. PEEL.

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## URUGUAY.

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SWISS NOTIFICATION *of the Accession of Uruguay to the Universal Postal Union of June 1, 1878. Berne, March 3, 1880.*

EN conformité de l'Article XVIII de la Convention de Paris du 1<sup>er</sup> Juin, 1878,\* concernant l'Union Postale Universelle, le Conseil Fédéral Suisse a l'honneur d'informer son Excellence M. le Ministre des Affaires Étrangères de Sa Majesté Britannique, &c. :

1. Que la République de l'Uruguay a déclaré, par voie diplomatique, adhérer à cette Convention, et conséquemment aussi au Règlement d'exécution y relatif;

\* See Vol. 14. Page 1014.

2. Que le Gouvernement Suisse, conformément à l'Article XVIII précité, s'est entendu avec le Ministre Plénipotentiaire de la République de l'Uruguay à Paris, muni à cet effet de pleins pouvoirs, sur les points suivants :—

(a.) La date de l'adhésion sera le 1<sup>er</sup> Juillet, 1880.

(b.) La République de l'Uruguay percevra, comme équivalents, en conformité de l'Article IV du Règlement d'exécution à la Convention de Paris, concernant l'Union Postale Universelle :

Pour 25 centimes	.. ..	5 centavos de piastre.
” 10 ”	.. ..	2 ” ”
” 5 ”	.. ..	1 centavo ”

(c.) Quant à la part contributive aux frais du Bureau International des Postes (Article XXVIII du Règlement d'exécution précité), la République de l'Uruguay sera dans la 6<sup>me</sup> classe.

Le Conseil Fédéral, &c.

Au nom du Conseil Fédéral Suisse :

WELTI, *Président de la Confédération.*

SCHIESS, *Chancelier de la Confédération.*

## ZANZIBAR.

PROCLAMATION of the Sultan of Zanzibar, prohibiting the Transport of Slaves by Sea. June 8, 1873.

(Translation.)

From Burgash bin Saeed,

To all our subjects who may see this, and also to others, may God save you!

Know that we have prohibited the transport of raw\* slaves by sea in all our harbours, and have closed the markets which are for the sale of slaves through all our dominions. Whosoever, therefore, shall ship a raw\* slave after this date, will render himself liable to punishment, and this he will bring upon himself. Be this known.

Dated 12 Rabi el Akhr, 1290 (June 8, 1873).

DECLARATION between Great Britain and Zanzibar, respecting the Meaning of the Treaty of June 5, 1873.† (*Vessels carrying Slaves against their will, but not for sale.*) 1873.

IN order to remove certain doubts regarding the actual meaning and operation of the provisions of the Treaty of

\* "Bagham." An amended Proclamation omitted this word.

† See Vol. 14. Page 693.

5th June, 1873, for the Suppression of the Slave Trade within the dominions of the Sultan of Zanzibar, in so far as these relate to slaves not for sale, but being conveyed by sea against their will: "It is provisionally agreed upon by His Highness Seyed Burgash, Sultan of Zanzibar, on the one part, and by John Kirk, Esq., Her Majesty's Political Agent and Consul-General on the other part, pending the gracious approval of Her Majesty the Queen of Great Britain and Ireland, as follows:

"That any Zanzibar vessel found carrying slaves, either as domestics or serving as sailors, against their will, but not for sale, shall, although liable to detention, no longer be destroyed or condemned; these slaves shall, however, in all cases be freed by the British authorities, and the vessel and cargo released, His Highness the Sultan of Zanzibar hereby engaging to punish the offenders, the owner or owners, and captain.

"And, moreover, it is distinctly understood that nothing herein written shall in any way affect or alter what has been agreed upon regarding vessels in which slaves are conveyed for sale."

PROCLAMATION of the Sultan of Zanzibar, abolishing Slavery in Kismayo and Benadir. Published at Kismayo, January 25, 1876.

[Similar Notices were issued at Brava, Merka, Mogdisho, and Worsheikh.]

In the Name of God, the Merciful, the Compassionate.

(Translation.) [Seal of Burgash bin Saeed bin Sultan.]

From Burgash bin Saeed,

To all who may see this of our friends the inhabitants of Kismayo and its dependencies, be it known, God having brought about the departure of the Egyptians from our dominions in Kismayo, that, on re-establishing our government and kingdom, we have decreed the abolition of slavery throughout our dominions in the Benadir and the district of Kismayo, and we have commanded our Governors to see that this order is enforced, and that slaves are not permitted to pass through the territory above named.

Written by Zahr, with his hand, this 17th day of El Hajj, 1292 (January 15, 1876).

This is from me, written with his own hand,  
BURGASH BIN SAEED.

DECLARATION of the Sultan of Zanzibar, as to the Meaning of the words " Consul " and " Agent " in the Treaty of May 31, 1839 (Muscat).\* Zanzibar, March 10, 1881.

*The Sultan of Zanzibar to Ali bin Saleh (Arabic writer to Agency).*  
(After compliments.)

GIVE my compliments to the Agent of Her Majesty the Queen, and say that I regard the appointment of the (present) Consul (Mr. Holmwood) and the one appointed by the Queen (Mr. Foster) as good appointments; both are included in the words " Consul " and " Agent " used in the Articles of the Treaty of Friendship and Commerce between our country and that of Her Majesty the Queen. There is no difference between us as to the meaning. From

BARGHASH BIN SAEED,  
with his own hand.

9th Rabea Ethani, 1298 (March 10, 1881).

BRITISH ORDER IN COUNCIL, *providing for the Exercise of British Consular Jurisdiction in the Dominions of the Sultan of Zanzibar.* Windsor, April 1, 1881.†

*At the Court at Windsor, the 1st day of April, 1881.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by Treaty, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has power and jurisdiction, in relation to Her Majesty's subjects and others within the dominions of His Highness the Sultan of Zanzibar:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf, by "The Foreign Jurisdiction Acts, 1843 to 1878," or otherwise, in Her Majesty vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:

1. Her Majesty's jurisdiction in Zanzibar shall be exercised by the following officers, according to such distribution of authority and other arrangements as the Secretary of State from time to time prescribes (namely): the Consul-General, and such other or others of Her Majesty's Consular Officers in and for Zanzibar as shall be from time to time appointed and authorized in this behalf by the Secretary of State.

2. The jurisdiction to be exercised under this Order includes the jurisdiction which Her Majesty has in mixed cases under Article V of the Convention of Commerce between Her Majesty

\* See Vol. 5. Page 611.

† Repealed by Order in Council of October 17, 1884, subject to the exceptions and qualifications mentioned in that Order.



and the Imaum of Muscat, signed at Zanzibar, on the 31st day of May, 1839; \* and in any such mixed case an appeal does not lie to the High Court of Bombay.

3. All judicial acts done by a Vice-Consul or other Consular Officer of Her Majesty in Zanzibar, before the passing of this Order, under the direction or with the approval of the Consul-General, shall be deemed to be and to have always been as valid and effectual in law to all intents as if they had been done by the Consul-General.

4. All judicial acts done by the Consul-General, or by a Vice-Consul or other Consular Officer of Her Majesty in Zanzibar, before the passing of this Order, in relation to any matter or question wherein the complainant was a subject of Zanzibar and the defendant was a British subject by birth or by naturalization, or a British-protected person, shall be deemed to be and to have always been as valid and effectual in law to all intents as if they had been done after the passing of this Order.

5. In this Order—

(1.) "Zanzibar" means the dominions of His Highness the Sultan of Zanzibar, including Zanzibar waters,—that is to say, the territorial waters of those dominions:

(2.) "The Secretary of State" means one of Her Majesty's Principal Secretaries of State.

(3.) The Consul-General means Her Majesty's Consul-General for Zanzibar, including a person acting temporarily with the approval of the Secretary of State as or for Her Majesty's Consul-General there.

6. This Order may be cited as "The Zanzibar Order in Council of 1881."

And the Right Honourable the Earl Granville, and the Most Honourable the Marquess of Hartington, two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

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BRITISH ORDER IN COUNCIL, *applying the Indian Penal Code to British Subjects in Zanzibar.* Windsor, February 27, 1882.†

*At the Court at Windsor, the 27th day of February, 1882.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by Treaty, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has power and jurisdiction

\* See Vol. 5. Page 611.

† Repealed by Order in Council of October 17, 1884, subject to the exceptions and qualifications mentioned in that Order.

in relation to Her Majesty's subjects and others within the dominions of His Highness the Sultan of Zanzibar:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by "The Foreign Jurisdiction Acts, 1843 to 1878," or otherwise in Her Majesty vested, is pleased by and with the advice of her Privy Council to order, and it is hereby ordered as follows:—

1. Rule 24 of the Rules designated as Rules and Regulations framed under Her Majesty's Order in Council of the 9th day of August, 1866, by Her Majesty's Political Agent and Consul at Zanzibar, and dated the 28th day of February, 1867,\* which rule is as follows (that is to say):

(24.) The Indian Penal Code shall be considered the criminal law to which British subjects at Zanzibar are amenable except in so far as any of the provisions thereof may be manifestly inapplicable, of which the Court shall be the judge:

is hereby confirmed, and that rule shall have, and shall be deemed to have always had, the like validity and effect as it would have had if it had been originally comprised in and made by an Order of Her Majesty in Council.

2. All judicial and other acts done before the passing of this Order in pursuance, or execution, or intended execution, of the said rule, shall have, and shall be deemed to have always had, the like validity and effect in law to all intents as they respectively would have had if they had been done after the passing of this Order.

3. This Order may be cited as "The Zanzibar (Indian Penal Code) Order in Council, 1882."

And the Right Honourable the Earl Granville and the Most Honourable the Marquess of Hartington, two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

## AFRICA. (*South Coast*.)

BRITISH LETTERS PATENT, *appointing the Governor of the Colony of the Cape of Good Hope to be Governor of the Island of Ichaboe and the Penguin Islands, and authorizing the Annexation of the aforesaid Islands to that Colony. Westminster, February 27, 1867.*

VICTORIA, by the grace of God, of the United Kingdom of

\* See Vol. 12. Page 989.

Great Britain and Ireland Queen, Defender of the Faith, to all to whom these presents shall come, greeting:

Whereas the Island of Ichaboe, on the south-west coast of South Africa, was, on the 21st day of June, 1861, duly taken possession of for us and on our behalf;

And whereas on the 5th day of May, 1866, certain other islands, islets, and rocks, on the said south-west coast of South Africa, that is to say, Hollandsbird, Mercury, Long Island, Seal Island, Penguin Island, Halifax Possession, Albatross Rock, Pomona, Plum Pudding and Roast Beef or Sinclair's Island, which said islands, islets, and rocks, are hereinafter called the Penguin Islands, were also duly taken possession of for us and on our behalf:

And whereas, by Proclamation, dated the 16th day of July, 1866, by his Excellency Sir Philip Edmund Wodehouse, Governor and Commander-in-chief of our Colony of the Cape of Good Hope, and of the territories and dependencies thereon, and Vice-Admiral of the same, the said Island of Ichaboe and the said Penguin Islands were declared to be annexed to, and to form part of, the said Colony of the Cape of Good Hope;

And whereas doubts are entertained touching the legality of the said annexation of the said Island of Ichaboe and the said Penguin Islands by Proclamation, and it is expedient that such doubts should be removed;

And whereas it is further expedient that the said Island of Ichaboe and the said Penguin Islands should be annexed to, and form part of, the said Colony of the Cape of Good Hope, if the Legislative Council and House of Assembly thereof should desire such annexation:

And whereas it is expedient that, until such annexation, the affairs of the said Island of Ichaboe and of the said Penguin Islands should be administered by a Governor, to be for that purpose appointed by us;

Now know ye, that in consideration of the premises, we, of our special grace, mere motion, and certain knowledge, have thought fit to constitute and appoint, and by these presents do constitute and appoint, the Governor and Commander-in-chief for the time being of our said Colony of the Cape of Good Hope to be the Governor of the said Island of Ichaboe and Penguin Islands, and we do hereby invest in him all the powers and authorities which by these presents are given and granted to the Governor for the time being of the said Island of Ichaboe and Penguin Islands:

And we do hereby further declare our pleasure to be, that in the event of the death or incapacity of the said Governor and Commander-in-chief of the said Colony of the Cape of Good Hope, or in the event of his absenting himself from the said Colony otherwise than for the purpose of visiting the said

Island of Ichaboe or the said Penguin Islands, then and in either of these cases the officer for the time being who may be administering the Government of the said Colony of the Cape of Good Hope shall be and he is hereby constituted and appointed Governor for the time being of the said Island of Ichaboe and Penguin Islands :

And we do hereby further authorize and empower the said Governor of the said Island of Ichaboe and the Penguin Islands to make all such rules and regulations as may lawfully be made by our authority for the order, peace, and good government of the said Island of Ichaboe and Penguin Islands; subject, nevertheless, to any instructions which may from time to time be hereafter given him under our sign manual and signet, or through one of our Principal Secretaries of State :

And we do hereby further authorize and empower the said Governor of the said Island of Ichaboe and Penguin Islands, so long as he shall be Governor thereof, by any instrument under his hand and seal, to make leases and other dispositions for a term or terms of years, of any of the said Islands of Ichaboe or Penguin Islands, as aforesaid, or any part or parts thereof, and to issue licences authorizing the person or persons designated therein to take guano or other fertilizing substances or produce from the said Islands of Ichaboe or Penguin Islands, or any of them, and to insert in such leases, dispositions, or licences, as the case may be, all such reservations by way of rent, or royalty, or otherwise, and all such conditions, exceptions, and stipulations as may to him seem advisable: Provided always that, in the execution of the powers hereby conferred on him, he shall conform to such instructions as he may from time to time receive from us, under our sign manual and signet, or through one of our Principal Secretaries of State :

And we do hereby further authorize and empower the said Governor, as he may deem expedient, under his hand and seal, to confirm any grant, disposition, lease or licence, which may have been made or issued before the date of these presents, to any person or persons in respect of the said Island of Ichaboe or the said Penguin Islands, or any of them, or any part thereof, by any Governor of the said Colony of the Cape of Good Hope, or to accept a surrender of any such grant, disposition, lease, or licence, and to make and issue any new disposition, lease, or licence to the persons surrendering the same, or their nominees, under the powers and in the manner hereinbefore declared :

And we do hereby further declare our pleasure to be that if at any time hereafter the Legislative Council and House of Assembly of the said Colony of the Cape of Good Hope shall, by resolution or otherwise, request the said Governor of the said Island of Ichaboe and Penguin Islands to transfer the same to the said Colony of the Cape of Good Hope, for the

purpose of their being annexed to and forming part of the said Colony, and shall by law provide that, upon such transfer and annexation, all laws which may be in force in the said Colony on the day on which the said Island of Ichaboe and Penguin Islands shall be annexed thereto shall immediately upon such annexation take effect and be in force in and upon the said islands so annexed, then the said Governor shall, and he is hereby authorized and empowered to transfer to the said Colony the said Island of Ichaboe and the said Penguin Islands, and from and after the date of such transfer the said islands so transferred shall be deemed and taken to be, and shall be, annexed to and form part of the said Colony of the Cape of Good Hope:

And we further declare our pleasure to be that the said Governor of the said Island of Ichaboe and Penguin Islands shall declare by Proclamation the said transfer, and from and after the date of such Proclamation these presents shall cease and be of none effect, so far as relates to the appointment of a Governor of the said Islands of Ichaboe and Penguin Islands and his powers thereunder, but not further or otherwise, and not so as to affect any instruments, acts, matters, or things made or done by him while such Governor as aforesaid, in pursuance of the powers hereby conferred on him:

And we do hereby reserve to us, our heirs and successors, full power and authority from time to time to revoke, alter, or amend these our Letters Patent, as to us or them shall seem meet.

In witness whereof we have caused these our Letters to be made Patent. Witness ourself at Westminster, the 27th day of February, in the 30th year of our reign.

By warrant under the Queen's sign manual.

C. ROMILLY.

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PROCLAMATION of the Governor of the Cape of Good Hope, declaring the Tribe of the Basutos to be British Subjects, and the Territory of the said Tribe to be British Territory. March 12, 1868.\*

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PROCLAMATION by his Excellency Sir Philip Edmund Wodehouse, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-chief of Her Majesty's Colony of the Cape of Good Hope, in South Africa, and of the territories and dependencies thereof, and Vice-Admiral of the same, and Her Majesty's High Commissioner, &c.

\* "Cape of Good Hope Government Gazette," March 13, 1868.

Whereas, with a view to the restoration of peace and the future maintenance of tranquillity and good government on the north-eastern border of the Colony of the Cape of Good Hope, Her Majesty the Queen has been graciously pleased to comply with the request made by Moshesh, the paramount Chief, and other Headmen of the tribe of the Basutos, that the said tribe may be admitted into the allegiance of Her Majesty: and whereas Her Majesty has been further pleased to authorize me to take the necessary steps for giving effect to her pleasure in the matter:

Now, therefore, I do hereby proclaim and declare that, from and after the publication hereof, the said tribe of the Basutos shall be, and shall be taken to be, for all intents and purposes, British subjects, and the territory of the said tribe shall be, and shall be taken to be, British territory. And I hereby require all Her Majesty's subjects in South Africa to take notice of this my Proclamation accordingly.

God save the Queen!

Given under the public seal of the Settlement of the Cape of Good Hope, this 12th day of March, 1868.

P. E. WODEHOUSE, *Governor*.

By command of his Excellency,

R. SOUTHEY, *Colonial Secretary*.

*ACT of the Cape of Good Hope, to repeal "The Annexation of Ichaboe and Penguin Islands Act, 1873," and to make other provisions in lieu thereof.*

[No. 4.]

— [Assented to July 6, 1874.]

WHEREAS the Island of Ichaboe, on the south-west coast of South Africa, was, on the 21st day of June, 1861, duly taken possession of for and on behalf of Her Majesty Queen Victoria: And whereas, on the 5th day of May, 1866, certain other islands, islets, and rocks on the said coast, viz., Hollandsbird, Mercury, Long Island, Seal Island, Penguin Island, Halifax Possession, Albatross Rock, Pomona, and Plum Pudding and Roast Beef or Sinclair's Island, hereinafter called the Penguin Islands, were also duly taken possession of for and on behalf of Her said Majesty: And whereas, by a Proclamation dated the 16th day of July, 1866, by his Excellency Sir Philip Edmund Wodehouse, the then Governor of this Colony, the said Island of Ichaboe and the said Penguin Islands were declared to be annexed to and to form part of this Colony: And whereas doubts having been entertained touching the legality of the said annexation by the said Proclamation, Her said Majesty, by

her Letters Patent dated the 27th day of February, 1867,\* after reciting (amongst other things the said doubts) that it was expedient that the same should be removed, and that the said islands should be annexed to and form part of this Colony, if the Legislative Council and House of Assembly thereof should desire such annexation, and that until such annexation the affairs of the said islands should be administered by a Governor, to be for that purpose appointed by Her said Majesty, did constitute and appoint the Governor and Commander-in-chief for the time being of this Colony to be the Governor of the said islands, with certain powers therein mentioned, and did declare her pleasure to be that if at any time thereafter the said Legislative Council and House of Assembly should by resolution or otherwise request the said Governor of the said islands to transfer the same to this Colony for the purpose of their being annexed to and forming part thereof, and should by law provide that upon such transfer and annexation all laws which might be in force in this Colony on the day on which the said islands should be annexed thereto should immediately upon such annexation take effect and be in force in and upon the said islands so annexed, the said Governor should and was thereby authorized and empowered to transfer to this Colony the said islands, and from and after the date of such transfer the said islands so transferred should be deemed and taken to be, and should be, annexed to and form part of this Colony: And whereas it is expedient that the said islands shall be annexed to and form part of this Colony, and that, for the purpose of enabling the said annexation to be carried out according to the said Letters Patent, the said "Annexation of Ichaboe and Penguin Islands Act, 1873," which was passed in ignorance of the said doubts and of the said Letters Patent, should be repealed: Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

1. "The Annexation of Ichaboe and Penguin Islands Act 1873," is hereby repealed.

2. Upon the transfer and annexation of the said Island of Ichaboe and the said Penguin Islands to this Colony, all laws which may then be in force in this Colony shall immediately upon such annexation take effect and be in force in and upon the said islands so annexed.

3. This Act may for all purposes be cited as "The Ichaboe and Penguin Islands Act, 1874."

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\* See Page 496.

ACT of the Cape of Good Hope, to exempt temporarily the Island of Ichaboe and Penguin Islands from the operation of the Customs Laws of that Colony.

[No. 5.]

[Assented to July 6, 1874.]

WHEREAS in case of the annexation of the Island of Ichaboe and certain other islands, islets, and rocks following, and hereafter called the Penguin Islands, to wit:—Hollandsbird, Mercury, Long Island, Seal Island, Penguin Island, Halifax Possession, Albatross Rock, Pomona, and Plum Pudding and Roast Beef or Sinclair's Island, it is expedient that the Customs Laws of this Colony should not at present be in force therein: Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

1. Notwithstanding that the said Island of Ichaboe and the said Penguin Islands may be annexed to this Colony, the said islands shall, for the purposes of the laws relating to the Customs of this Colony, be deemed to be foreign ports respectively until the Parliament shall otherwise determine.

2. This Act may for all purposes be cited as "The Ichaboe and Penguin Islands Customs Act, 1874."

BRITISH LETTERS PATENT, for the Annexation of certain Territories, known as Fingoland, the Idutywa Reserve, and Nomansland, to the Colony of the Cape of Good Hope. Westminster, June 12, 1876.

VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India; To all to whom these presents shall come, greeting.

Whereas it is expedient that certain territories, commonly known as Fingoland and the Idutywa Reserve, and as Nomansland, should be annexed to and form part of our Colony of the Cape of Good Hope: And whereas the Legislative Council and House of Assembly of our said Colony have expressed their desire for such annexation, and have passed the following joint Resolution, bearing date the 11th day of June, 1875, in the 38th year of our reign:—"That in the opinion of this House it is expedient that the country situated between the Bashee and the Kei, known as Fingoland, and the Idutywa Reserve, and the country situated between the Umtata and the Umzimkulu, commonly known as Nomansland, should be annexed to this Colony, and that the Government take such preliminary steps as may place it in a position to introduce a Bill to effect such



annexation:" Now we do, by these our Letters Patent, under the Great Seal of our United Kingdom of Great Britain and Ireland, authorize our Governor for the time being of our said Colony of the Cape of Good Hope, by Proclamation under his hand and the public seal of the said Colony, to declare that, from and after a day to be therein mentioned, the said territories, or so much thereof as to him, after due consideration and consultation with his Ministers, shall seem fit, shall be annexed to and form part of our said Colony.

2. And we do hereby authorize and direct our said Governor to determine, and by Proclamation to signify, the limits of our said territories so annexed: Provided always, that he, our said Governor, issues no such Proclamation as aforesaid until the Legislature of our said Colony of the Cape of Good Hope shall have passed a law providing that the said territories shall, on the day aforesaid, become part of our said Colony, and subject to the laws in force therein: Provided also, that the application of the said laws to the said territories may be modified either by such Proclamation as aforesaid or by any law or laws to be from time to time passed by the Legislature of our said Colony for the government of the said territories so annexed.

3. And we do hereby reserve to us, our heirs and successors, full power and authority from time to time to revoke, alter, or amend these our Letters Patent as to us or them shall seem meet.

4. And we do further direct and enjoin that these our Letters Patent shall be read and proclaimed at such place or places as our said Governor shall think fit within our said Colony of the Cape of Good Hope.

In witness whereof we have caused these our Letters to be made Patent. Witness ourself at Westminster, the 12th day of June, in the 39th year of our reign.

By Warrant under the Queen's sign manual.

C. ROMILLY.

*ACT of the Cape of Good Hope, to provide for the Annexation to the Colony of the Cape of Good Hope of the Country situated between the Bashee and the Kei, commonly known as Fingoland, and the Idutywa Reserve, and the Country situated between the Untata and the Umzimkulu, commonly known as Nomansland, and for the government of the said Territories. 1877.*

[Assented to by Her Majesty, April 18, 1878. See Order in Council, page 517.]

[No. 38.]

[1877.]

WHEREAS by Resolution of both Houses of Parliament of this

Colony, passed in the session of Parliament held in the year of Our Lord 1875, it was resolved, that it is expedient that the country situated between the Bashee and the Kei, known as Fingoland and the Idutywa Reserve, and the country situated between the Umtata and the Umzimkulu, commonly known as Nomansland, should be annexed to this Colony :

And whereas by Her Majesty's Letters Patent, bearing date at Westminster, the 12th day of June, 1876 :

[See Page 502.]

And whereas it is expedient that a law should be enacted providing that the said respective territories shall, on a day to be mentioned in that behalf in a Proclamation or Proclamations of the Governor as aforesaid, become part of this Colony ; but, in consequence of the said territories being for the most part occupied by natives who are not yet sufficiently advanced in civilization and social progress to be admitted to the full responsibility granted and imposed respectively by the ordinary laws of this Colony to and upon other citizens thereof, subject to the laws in force therein only as the same may from time to time be applied and modified as hereinafter provided : Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows :—

1. From and after such day as the Governor, with the advice of the Executive Council, shall, pursuant to the powers in that behalf contained in the said Letters Patent, by Proclamation under his hand and the public seal of this Colony, fix in that behalf the territory between the Bashee and the Kei Rivers, commonly known as Fingoland and the Idutywa Reserve, and the territory between the Umtata and Umzimkulu Rivers, commonly known as Nomansland, or so much of the said respective territories as shall be defined in or by any such Proclamation, and with the limits and name in any such Proclamation signified, shall become and be part of the Colony of the Cape of Good Hope, and subject to the laws in force therein, except as the application of the same to the said respective territories may be modified by any such Proclamation : Provided that, for the purposes in this section mentioned, it shall be lawful for the Governor, with the advice aforesaid, to issue one or more Proclamations as may seem fit.

2. From and after the annexation of the said respective territories to this Colony as aforesaid, the laws which may be in force therein under and by virtue of the last preceding section may, until it shall be otherwise provided by Act of Parliament, be repealed, altered, amended, and modified, and new laws applicable to the said territories respectively may be made, and may be repealed, altered, amended, and modified by the

Governor, with the advice of the Executive Council, by Proclamation published in the Government Gazette; and no Act passed or to be passed by the Parliament of this Colony shall extend to or be deemed to extend to the said territories, or any or either of them, unless such Act shall be extended thereto in express words, either contained therein or in some other Act of Parliament, or unless the operation thereof shall be extended to any or either of such territories by the Governor, with the advice of the Executive Council, by such Proclamation as aforesaid, and in such case any such Proclamation may be amended or repealed from time to time by the like Proclamation; and no Proclamation published in the Government Gazette after any Proclamation or Proclamations, as in the last preceding section mentioned, shall be deemed to extend or apply to the said territories, or any or either of them, unless the same shall be declared in express words contained in such or some other Proclamation as aforesaid to extend or apply thereto: Provided always, that all such laws made under or by virtue of this Act shall be laid before both Houses of Parliament within 14 days after the beginning of the Session of Parliament next after the Proclamation thereof as aforesaid, and shall be effectual unless in so far as the same shall be repealed, altered, or varied by Act of Parliament.

3. The Courts of this Colony shall have jurisdiction to take cognizance of, try, and determine any cause, or entertain any matter, civil or criminal, which the Governor, with the advice of the Executive Council, may from time to time, by any proclamation published in the Government Gazette, extending to the said territories, or any or either of them, declare to be cognizable by such Courts respectively, the subject-matter whereof shall have occurred within the local limits of such territory, or the parties whereto, or any of them, are, or is, or may be resident within such limits, in like manner as if such subject-matter had occurred and such parties were resident within the limits heretofore forming the limits of this Colony; and all persons who may be lawfully sentenced to undergo imprisonment with or without hard labour by any Court or Magistrate in any or either of the said territories may, by order of the Governor with the advice aforesaid, be removed to undergo the said sentence or any part thereof to any convict station or gaol within the said limits.

4. This Act may be cited as "The Transkeian Annexation Act, 1877."

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*ACT of the Cape of Good Hope, to make provision for the Annexation to that Colony of the Province of Griqualand West. 1877.*

[Assented to by Her Majesty, February 22, 1878. See Order in Council, page 516.]

[No. 39.] [1877.]

WHEREAS it is expedient that the Province of Griqualand West should be annexed to and form part of the Colony of the Cape of Good Hope, and that provision should be made by the Legislature of the said Colony for such annexation, and for the representation in the Parliament of the said Colony of the inhabitants of the said province, as hereinafter is provided: Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

2. From and after the taking effect of this Act, the said Province of Griqualand West, within the boundaries thereof as then fixed and determined, shall become annexed to and thenceforth be portion of the Colony of the Cape of Good Hope.

3. The entire of the said Province of Griqualand West shall, for the purposes of election to the Legislative Council of the Cape of Good Hope, be and become, from and after the annexation of the said province to the said Colony, a new electoral province of the said Colony, and such new electoral province shall be entitled to return to the Legislative Council of the said Colony one member; and the entire of the said Council shall consist, from and after the said annexation, of 22 elective members instead of 21 as heretofore.

4. Within three months after the taking effect of this Act, there shall be formed out of the said Province of Griqualand West two new electoral divisions to become and be electoral divisions of the Colony of the Cape of Good Hope, with such boundaries as may be defined by the Governor, with the advice of the Executive Council of the said Colony, by proclamation to be published in the Government Gazette within the time aforesaid.

5. Each of the said electoral divisions shall be entitled to return to the House of Assembly of the Colony of the Cape of Good Hope two members.

6. As soon as may be after the taking effect of this Act, the member to be returned as aforesaid for the said new electoral province to the said Legislative Council and the members to be returned as aforesaid for the said two electoral divisions to the said House of Assembly shall be elected; and for the purposes of such respective elections the said electoral province and the said electoral divisions respectively shall be treated and con-

sidered as if members had been returned for the same to the said Legislative Council and the said House of Assembly respectively, and their seats had become vacant by death or resignation, and the fact of the occurrence of such vacancies had been duly notified to the Governor; and the like proceedings shall, *mutatis mutandis*, be taken to fill the said seats as would take place if the said electoral province and the said electoral divisions respectively had been immediately before the taking effect of this Act a province and electoral divisions respectively of the said Colony, and the members elected to fill such seats shall be in the same position in all respects as other members of the said respective Houses of Parliament of the said Colony: Provided that in case of a dissolution of either House of Parliament before any such election as aforesaid, but after the taking effect of this Act, the said new electoral province and the said two electoral divisions respectively shall, in regard to the general election of members, be treated in all respects as any other electoral province or electoral division of the said Colony entitled to return members to the Parliament thereof.

7. All the provisions existing at the time of the taking effect of this Act with regard to the election and qualification of members of the said Legislative Council and House of Assembly shall, so far as may be, be in force and apply to the election and qualification in time to come of members of the Legislative Council and House of Assembly respectively for the new electoral province and divisions respectively of the said Colony after such annexation as aforesaid.

8. All persons for the time being registered as voters under any law of the said Province of Griqualand West, and who, immediately before the annexation of the said province to the said Colony, would have been entitled to vote for a member or members of the Legislative Council of the said province, shall be entitled, after such annexation as aforesaid, to vote for a member of the Legislative Council and for members of the House of Assembly, as the case may be, of the said Colony, at the first election thereof respectively under the provisions of this Act, and shall remain so entitled to vote in like manner as they would be entitled to vote for members of the said Legislative Council and House of Assembly respectively, if duly registered as voters for some electoral division heretofore within this Colony until the next general registration of voters throughout the Colony which shall take place after the annexation of the said province, when all and singular the provisions of the laws for the time being in force in the said Colony relative to the registration of voters and the conduct of elections for members of the Legislative Council and House of Assembly respectively shall apply to the said electoral province and the said two electoral divisions

hereby created, and to persons residing therein, as if the said province were a province of the said Colony, and as if the said two electoral divisions were electoral divisions of the said Colony, and for such purposes the list of registered voters in each of the said electoral divisions for the time being in force shall be deemed to be, for the purpose of such general registration as aforesaid, the registered list of voters for the time being for each of the said electoral divisions: Provided, however, that the qualification of voters in that part of the said Colony formed by the said province shall, after the said annexation thereof, remain the same as before the said annexation until Parliament shall otherwise provide: And provided also, that upon the formation of the said electoral divisions mentioned in Section 4 of this Act, the lists of registered voters then in force in the said province shall be divided so as to make the same conformable to the formation of the said new divisions.

9. From and after the annexation of the said province to the said Colony, the Supreme Court of the said Colony shall consist of one Chief Justice and five Puisne Judges, instead of four as heretofore—the additional Judge being the Recorder for the time being of Griqualand; and in case of any vacancy in the said office of Recorder, such vacancy may be filled up in like manner as by law provided with respect to a vacancy in the office of any other Judge of the said Supreme Court: Provided that nothing in this section contained shall be construed so as to confer on the said Recorder any larger jurisdiction or powers within the said province than he shall have possessed immediately before the said annexation, or to render his consent or assistance necessary to the making, alteration, or amendment of any rules or orders of the Supreme Court or Court of the Eastern Districts.

10. The Proclamation of his Excellency Sir Henry Barkly, bearing date the 27th day of October, 1871, making provision for the due and effectual administration of justice within the territory of Griqualand West shall, except as hereinafter provided, continue and have the same force and effect after the said annexation as if the same had not taken place; but the High Court thereby created, shall have and exercise concurrent jurisdiction only in the said province with the Supreme Court of the Colony of the Cape of Good Hope, and in lieu of any right of appeal which may exist at the time of such annexation from any decision of the said High Court, or of any Circuit Court within the said province, such appeal shall be made, in the first instance, to the said Supreme Court; and all and singular the provisions of the law of this Colony as to appeals from the Court of the Eastern Districts of the Cape of Good Hope to the Supreme Court shall, *mutatis mutandis*,

apply to appeals from the High Court or such Circuit Court as aforesaid, to the said Supreme Court, precisely as if the judgment, decree, sentence, rule, or order appealed from had been a judgment, decree, sentence, rule, or order of the said Court of the Eastern Districts: Provided that in case of any judgments of the said High Court or such Circuit Court as aforesaid against which appeals shall have been duly noted, but such appeals not yet transmitted to the Privy Council at the time of the taking effect of this Act, it shall be lawful for the parties to such suits, if they shall agree so to do, to carry such appeals to the Supreme Court instead of to the said Privy Council; and the same right of appeal to the Privy Council shall exist as to a decision of the said High Court or such Circuit Court as aforesaid as shall at the time of the taking effect of this Act exist in regard to a decision of the said Court of the Eastern Districts.

11. All appeals from decisions of the Land Court of Griqualand West which shall be pending in the High Court at the time of the taking effect of this Act, or which may thereafter be lawfully noted may, after the taking effect of this Act, by consent of all the parties to any such appeal, be removed into the said Supreme Court instead of being proceeded with in the said High Court; and such appeals shall, in case of such removal, be carried on, tried, heard, and determined in the said Supreme Court in like manner as nearly as may be as if the same were appeals from decisions of the said Court of the Eastern Districts to the said Supreme Court.

12. Except as is otherwise provided by this Act, the duties, powers, and authorities of the sheriff for the said province shall continue to be the same after as immediately before such annexation as aforesaid: Provided that nothing herein contained shall be construed so as to prevent the sheriff for the Colony from exercising, by himself or his lawful deputies, within the said province, such duties, powers, or authorities as he might immediately before such annexation as aforesaid have lawfully exercised within this Colony.

13. As often as in or by any Proclamation, Ordinance, Act, or other instrument having the force of law within the said province at the time of the said annexation, any right, power, duty, or function, shall be vested in the Master of the High Court, in regard to the registration of wills and the administration of the estates of deceased persons, and in regard to the administration of insolvent estates, and in regard to any matter or thing whatsoever, such right, power, duty, or function shall not, except as is otherwise provided by this Act, be deemed or taken to be vested in the Master of the Supreme Court, but shall continue to be vested in the Master of the said

High Court: Provided, that all letters of administration or of confirmation which shall be granted, and all other matters or things which shall be lawfully done by the Master of the Supreme Court by virtue of the powers and jurisdiction vested in him before the annexation, shall in regard to any property, movable or immovable, found or situated within the said province, have the same force and effect as within any other portion of the said Colony: Provided further, that it shall be the duty of the Master of the said High Court, forthwith after any order for sequestration of any estate, or any deed purporting to be a testamentary disposition, or any death notice, or any inventory of the estate of any deceased person or persons, or any account or plan of distribution of the estate of any minor, lunatic, or deceased person or of any insolvent estate, shall have been delivered or transmitted to him, and forthwith after granting any letters of administration or of confirmation, and forthwith after security shall have been found or given for any executor, tutor, or curator to forward to the Master of the Supreme Court a true copy of such order, deed, death notice, inventory, account, plan or other instrument, for the purpose of being duly registered by the said Master of the Supreme Court: Provided, however, that it shall not be necessary for the Master of the said High Court to forward any duplicates or copies of accounts lodged with and filed by him in his office to the Resident Magistrates of the respective districts in which the estates to which such accounts respectively relate were situated.

14. As often as any suit or action shall be brought or depending in the Supreme Court, or in the Court of the Eastern Districts, or in the said High Court of Griqualand West respectively, and it shall be made to appear to the Court before which such suit or action may be pending, that the same may be more conveniently or more fitly heard or determined in another of the said Courts, it shall be lawful for the Court before which such suit or action is pending, to order the same to be removed to such other Court, and such order shall be certified by the Court granting the same to the Court into which this suit or action shall be intended to be removed; and thereupon it shall be lawful for such last-mentioned Court to proceed in such suit or action in like manner as if the same had been originally commenced and prosecuted in such last-mentioned Court.

15. When and so often as any judgment, decree, or order for the payment of money shall be made by the High Court of Griqualand in respect of or in relation to any civil suit, action, or proceeding in which the party defendant shall have been duly served with the process of the said Court, or shall have appeared in pursuance of any process thereof, it shall be lawful



for the Supreme Court, and it is hereby required upon inspection of such judgment, decree, or order, and upon proof to be made by the return of the officer proper to make such return to the process of execution of the said High Court, that the said judgment, decree, or order remains either wholly or in part unsatisfied, to issue process of execution upon such judgment, decree, or order against any property, movable or immovable, belonging to the party against whom such judgment, decree, or order shall have been obtained, and situate elsewhere in the Colony than in the said Province of Griqualand West, and to cause such process to be executed in such manner as process could or might have been issued and executed upon any original judgment, decree, or order of the like nature of the said Supreme Court: Provided, that it shall not be necessary to prove the handwriting of such officer as aforesaid to any such return as aforesaid.

16. In every case in which any judgment, decree, or order, or other record of the High Court aforesaid, or of any Circuit Court within the said province, shall require to be proved, inspected, or in any manner referred to in any other Court, a copy of such record certified under the seal of the said High Court, or as to any such record of any Circuit Court as aforesaid under the signature of the Registrar of such Court, shall be taken and received as *prima facie* evidence of such record: Provided that it shall not be necessary in regard to any certified copy to prove the handwriting of any such Registrar.

17. In all cases depending in the said High Court, the process of the said Court for summoning, whether as a party or a witness, any person residing or being within the said Province of Griqualand West to appear in such Court, shall be of the same force and effect as if such Court were the Supreme Court, and such process that of the Supreme Court; and in regard to the summoning of witnesses residing or being elsewhere in this Colony than in the said province, the process of the said High Court shall be of the same force and effect as the process of the Eastern Districts Court in regard to the summoning of witnesses residing or being elsewhere in this Colony than in any of the Eastern Districts.

18. The rules and orders in force in the said High Court of Griqualand immediately before such annexation as aforesaid shall, except as is otherwise provided by this Act, remain in force thereafter: Provided that such rules and orders may be amended, added to, or rescinded by the Judges of the Supreme Court, including the said Recorder, proceeding in like manner as by law is or shall be required in regard to the framing and confirmation of rules and orders of and for the said Supreme Court.

19. From and after the taking effect of this Act in regard to all criminal cases which may then or thereafter be pending within that part of the said Colony which was theretofore the Province of Griqualand West, and in regard to the prosecution of crimes and offences which may have been or may be committed therein, all and singular the rights, powers, and functions conferred or imposed by law upon the Attorney-General of the said province or of the said Colony shall and may, within that part of the said Colony which was theretofore the Province of Griqualand West, be exercised by the Attorney-General of the Colony of the Cape of Good Hope, or by an officer to be called the Crown Prosecutor for Griqualand West, such officer to be appointed by the Governor of the said Colony, with the advice of the Executive Council thereof.

20. From and after such annexation as aforesaid the districts of Resident Magistrates existing in the said province at the time of such annexation, and the Courts of Resident Magistrates established in such districts, shall become and be districts and Courts of Resident Magistrates of this Colony, and be in the same situation and condition as if such Courts had been created by "The Resident Magistrates' Court Act, 1856:" Provided that nothing in this Act contained shall be deemed or taken to affect or alter any of the laws of the said province specially relating to the jurisdiction of such Courts or to the procedure of practitioners therein: And provided also that all appeals from any decision of any of such Courts after such annexation may be made either to the said High Court or to the said Supreme Court; and all decisions of any of such Courts which are required by law to be sent for revision by a Judge of a Superior Court shall be sent for revision to the Judge of the said High Court as theretofore.

21. From and after such annexation as aforesaid, every advocate and attorney duly admitted and enrolled in the Supreme Court of the Colony of the Cape of Good Hope, or in the said Court of the Eastern Districts, shall be entitled, upon proof of such admission and enrolment, and that he is still entitled to practise therein, to be admitted and enrolled as an advocate or attorney, as the case may be, in the said High Court of Griqualand, without the payment of any fee or charge, and every advocate and attorney duly admitted and enrolled in the said High Court shall be similarly entitled, upon proof as aforesaid, to be admitted and enrolled as an advocate or attorney, as the case may be, in the said Supreme Court and Court of the Eastern Districts; and service rendered under articles by any clerk to any attorney of either of the said Courts before such annexation shall, for the purpose of entitling the articulated clerk so serving to be admitted and enrolled as an attorney of either or both of the other said Courts, be reckoned

as if the attorney to whom such service was rendered had been, when the articles were executed, an attorney of such Court; and every notary public who shall have obtained authority to practise as such in the said province shall, after such annexation as aforesaid, upon proof of such authority, and that he is still entitled to practise therein, be entitled to receive the authority of the Supreme Court of this Colony to practise as such notary public in this Colony, without examination, and without the payment of any fee or charge; and the provisions of this section relative to service rendered under articles by any clerk to an attorney as aforesaid before such annexation shall, *mutatis mutandis*, apply to the service rendered under articles to a notary public of Griqualand West, in like manner as if such notary public had during such service been duly authorized to practise as such by the said Supreme Court.

22. All land surveyors duly admitted to practise as such in the said provinces at the time of the passing of this Act shall, from and after the said annexation, be entitled to practise as land surveyors as well in the said province as throughout the said Colony, in like manner as if they had been duly admitted to practise in the said Colony.

23. The fiscal divisions into which the said province shall be divided at the time of the taking effect of this Act shall thereupon become and be fiscal divisions of the Colony of the Cape of Good Hope: Provided that it shall be lawful for the Governor, with the advice of the Executive Council, at any time before the commencement of the session of Parliament next after such annexation, by Proclamation in the Government Gazette, to alter such divisions, or to increase or diminish the number thereof in such manner as to him may seem fit.

24. So soon as may be after the taking effect of this Act, unless Divisional Councils shall before then have been established in the said province, elections of Divisional Councillors shall take place in the several fiscal divisions into which the said province may then or shall in pursuance of the provisions of the last preceding section be divided, so that the said province in that respect may be in the same position as the other fiscal divisions of this Colony, and all and singular the provisions of the Acts of this Colony relating to Divisional Councils shall, from and after the taking effect of this Act, as far as may be apply to the said divisions of the said province and to elections of Divisional Councillors therein as aforesaid; and where in any of the said Acts any dates or times are fixed for the performance of any matter or thing relating to the nomination or election of Divisional Councillors or otherwise, it shall be lawful for the Governor, with the advice of the Executive Council, in regard to the first election of Councillors for such divisions which shall

take place under this Act, to fix such dates and times as to him may seem fit.

25. Any Divisional Council existing in the said province at the time of the taking effect of this Act, or which may be elected pursuant to the last preceding section, shall, from and after the taking effect of this Act, or from and after its election, as the case may be, be in the same position in all respects as any other Divisional Council in this Colony, and the members thereof shall be in the same position in all respects as if they had been elected at the last general election of Divisional Councillors in this Colony.

26. Until the land in the said province shall be valued for assessment for road purposes, every person registered as a voter for the said province, or for either of the electoral divisions formed under Section 4 of this Act, and not being disqualified as in Section 14 of "The Divisional Councils Act, 1865," shall be eligible to be elected as a member of the Divisional Council of the division for which, or for any part of which, he shall be so registered; and after any such valuation shall be made, registration in the Deeds Registry of the said province shall be deemed, for the purposes of the qualification of members of Divisional Councils within that part of the said Colony, to be registration in the Land Register of the said Colony.

27. All laws in force in the said province at the time of the annexation thereof as aforesaid, in so far as the same shall be repugnant to or inconsistent with any of the provisions of this Act, shall from and after such annexation stand repealed; but all other laws shall remain in force within that portion of this Colony formed by the said province until the same shall be altered or repealed by law: Provided that nothing in this Act contained shall affect the decision of any question which may at the time of taking effect of this Act be pending in any Court of the said province.

28. When, by any law which at the time of the taking effect of this Act may be in force in the said province, any duty, licence, charge, or payment may be leviable or payable within the said province, which is the same as shall then be leviable or payable in this Colony, no double duty, licence, charge, or payment shall be levied or payable; but the duty, licence, charge, or payment which is leviable or payable in this Colony alone shall be levied and paid.

29. Nothing in this or any other law which shall be in force in this Colony at the time of such annexation as aforesaid shall be construed so as to introduce into that part of the Colony formed by such annexation, the operation of the Deeds Registry of the Cape of Good Hope: and the Deeds Registry of the said province shall, in regard to that part of the Colony formed by such annexation, remain and be of the same force and effect

after such annexation as before such annexation; and no deed of transfer or hypothecation executed by any person domiciled in that part of the Colony formed by such annexation shall be registered otherwise than in the local Deeds Registry there established, or, if registered elsewhere, shall derive any benefit from such registration.

30. All quit-rents, taxes, duties, dues, and revenue of every kind and nature whatsoever payable to or claimable by the local Executive Government of the said province at the time of the annexation thereof as aforesaid shall become, be, and continue claimable by and payable to the local Executive Government of the Colony of the Cape of Good Hope, and shall be collected and accounted for in the like manner as the like quit-rents, taxes, dues, and revenue according to the nature and kind thereof respectively are or ought to be collected in the several divisions of this Colony; and all liabilities of the said province at the time of such annexation as aforesaid shall thenceforth be deemed to be liabilities of the Colony of the Cape of Good Hope.

31. It shall be lawful for the Governor to pay to all persons holding offices of profit under Her Majesty the Queen in the said province at the time of the annexation thereof as aforesaid, whose offices shall by reason of such annexation be abolished, such compensation for loss of office as shall be awarded by the Governor, with the advice of the Executive Council, in conformity with the established regulations of Her Majesty's service, and to be approved of by one of Her Majesty's Principal Secretaries of State.

32. From and after such annexation as aforesaid, and until the session of Parliament next after such annexation, it shall be lawful for the Governor, with the advice of the Executive Council, to pay to persons holding office in the said province at the time of such annexation, salaries at and after the same rate as those which shall be payable to them next before such annexation, and also to make such necessary payments as may be required for carrying on the affairs of the said province.

33. This Act shall commence and take effect when and so soon as the Governor, with the advice of the Executive Council, shall by Proclamation published in the Government Gazette declare and announce that all matters and things necessary to be done and to happen in order to enable the said annexation to be completed and perfected have been done and happened.\*

34. This Act may be cited as "The Griqualand West Annexation Act, 1877."

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\* See Proclamation of October 15, 1880. Page 518.

BRITISH ORDER IN COUNCIL, *conveying the Assent of Her Majesty to an Act of the Cape of Good Hope for the Annexation to that Colony of the Province of Griqualand West. Windsor, February 22, 1878.*

*At the Court at Windsor, the 22nd day of February, 1878.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.	Mr. Secretary Cross.
Lord Chamberlain.	Colonel Taylor.
Earl of Beaconsfield.	Mr. Lowther.

WHEREAS an Act has been passed by the Legislative Council and the House of Assembly of the Colony of the Cape of Good Hope, entitled "An Act to make provision for the Annexation to this Colony of the Province of Griqualand West:"\*

And whereas the Governor of the said Colony of the Cape of Good Hope has reserved the said Act for the signification of Her Majesty's pleasure thereon:

And whereas the said Act so reserved has been laid before Her Majesty in Council, and it is expedient that the said Act should be assented to by Her Majesty:

Now, therefore, Her Majesty doth by this present Order, by and with the advice of Her Majesty's Privy Council, declare her assent to the said Act.

And the Right Honourable Sir Michael Edward Hicks-Beach, Baronet, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

BRITISH PROCLAMATION, *taking possession of the Port or Settlement of Walfisch Bay.† Walfisch Bay, March 12, 1878.*

PROCLAMATION by Richard Cossantine Dyer, Esq., Staff-Commander, in command of Her Majesty's ship *Industry*, at present lying at anchor off the Port or Settlement of Walfisch Bay.

WHEREAS it is expedient that the Port or Settlement of Walfisch Bay, together with a certain portion of the territory surrounding the same, shall be taken possession of on behalf of Her Britannic Majesty Queen Victoria, and, subject to the pleasure of Her Majesty in that behalf, be declared a dependency of the United Kingdom of Great Britain and Ireland: Now therefore, I, Richard Cossantine Dyer, the officer in

\* See Page 506.

† Ratified and confirmed by Letters Patent, dated December 14, 1878.

command of Her Majesty's ship *Industry*, at present lying at anchor off the said settlement, do, in the name of Her said Britannic Majesty Queen Victoria, take possession of the said Port or Settlement of Walfisch Bay, together with the territory hereinafter described and defined, in token whereof I have this day hoisted the British flag over the said Port, Settlement, and Territory, and I do proclaim, declare, and make known that the sovereignty and dominion of Her said Britannic Majesty shall be and the same are hereby declared over the said Port, Settlement, and Territory of Walfisch Bay; and I do further proclaim, declare, and make known that the said territory of Walfisch Bay so taken possession of by me as aforesaid shall be bounded as follows, that is to say: on the south by a line from a point on the coast 15 miles south of Pelican Point to Scheppmansdorf; on the east by a line from Scheppmansdorf to the Rooibank, including the Plateau, and thence to 10 miles inland from the mouth of the Swakop River; on the north by the last 10 miles of the course of the said Swakop River.

This Proclamation of Her Majesty's sovereignty and dominion shall take effect forthwith, but shall be subject to Her Majesty's gracious confirmation and disallowance.

God save the Queen!

Given under my hand and seal at Walfisch Bay, this 12th day of March, A.D. 1878.

RICHARD C. DYER, *Staff-Commander in command*.

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BRITISH ORDER IN COUNCIL, *conveying the Assent of Her Majesty to an Act of the Cape of Good Hope for the Annexation to that Colony of Fingoland, the Idutywa Reserve, and Nomansland. Osborne, April 18, 1878.*

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*At the Court at Osborne House, Isle of Wight, the 18th day of April, 1878.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.      Mr. Chancellor of the Exchequer.  
Mr. W. H. Smith.

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WHEREAS an Act has been passed by the Legislative Council and House of Assembly of the Colony of the Cape of Good Hope, entitled "An Act to provide for the Annexation to the Colony of the Cape of Good Hope of the Country situated between the Bashee and the Kei, commonly known as Fingoland

and the Idutywa Reserve, and the Country situated between the Umtata and the Umzimkulu, commonly known as Nomansland, and for the government of the said Territories:”\*

And whereas the Governor of the said Colony of the Cape of Good Hope has reserved the said Act for the signification of Her Majesty’s pleasure thereon :

And whereas the said Act so reserved has been laid before Her Majesty in Council, and it is expedient that the said Act should be assented to by Her Majesty :

Now, therefore, Her Majesty doth by this present Order, by and with the advice of Her Majesty’s Privy Council, declare her assent to the said Act.

C. L. PEEL.

BRITISH NOTIFICATION *of the Incorporation of the Province of Griqualand West with the Cape Colony.* London, January 24, 1881.

*Downing Street, January 24, 1881.*

IN pursuance of an Order made by Her Majesty in Council on the 22nd day of February, 1878,† under the provisions of the 59th section of “The South Africa Act, 1877,‡” and in pursuance of an Act passed by the Legislature of the Cape of Good Hope, entitled “The Griqualand West Annexation Act, 1877,”§ the Province of Griqualand West was, by the following Proclamation, dated the 15th day of October, 1880, annexed to, and now forms part of, the Colony of the Cape of Good Hope:—

PROCLAMATION by his Excellency Sir George Cumine Strahan, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government of the Colony of the Cape of Good Hope, in South Africa, and of the territories and dependencies thereof, and Her Majesty’s High Commissioner, &c.

Whereas it is provided, by “Act No. 39 of 1877,”§ being an Act to make provision for the annexation to this Colony of the Province of Griqualand West, that the said Act shall commence and take effect when and so soon as the Governor, with the advice of the Executive Council, shall, by proclamation, published in the Government Gazette, declare and announce that all matters and things necessary to be done and to happen in order to enable the said annexation to be completed and perfected, have been done and happened :

\* See Page 503.

† See Vol. 14. Page 925.

‡ See Page 516.

§ See Page 506.



Now, I, with the advice aforesaid, do hereby proclaim and announce, that all matters and things necessary to be done and to happen, in order to enable the annexation to this Colony of the Province of Griqualand West have been done and happened; and the said annexation does commence and take effect upon and from the date hereof accordingly.

God save the Queen!

Given under my hand and the public seal of the Colony of the Cape of Good Hope, this 15th day of October, 1880.

GEO. C. STRAHAN, *Administrator*.

By command of his Excellency the Administrator in Council,

J. GORDON SPRIGG, *Colonial Secretary*.

## AFRICA. (West Coast.)

**BRITISH CHARTER**, *revoking so much of the Royal Commission, dated the 19th of February, 1866,\* as provides for the government of Her Majesty's Settlements on the Gold Coast and of Lagos; and constituting those Settlements into a separate Colony to be called the Gold Coast Colony; and providing for the government thereof. Westminster, July 24, 1874.*

VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to all to whom these presents shall come, greeting:

1. WHEREAS by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the 19th day of February, 1866,\* in the 29th year of our reign, provision was made for the government of our Settlements on the West Coast of Africa, as therein is more particularly described:

And whereas by a Supplementary Commission under the Great Seal aforesaid, bearing date at Westminster, the 8th day of November, 1872, in the 36th year of our reign, we did empower our Governor and Commander-in-chief of our West Africa Settlements to grant pardons to offenders in the manner and upon the terms therein mentioned:

And whereas, by our Commission under the Great Seal aforesaid, bearing date the 25th day of July, 1873, in the 37th year of our reign, we did constitute and appoint our trusty and well-beloved George Berkeley, Esquire (now Companion of our Most Distinguished Order of Saint Michael and St. George),

\* See Vol. 13. Page 26.

to be, during our will and pleasure, our Governor and Commander-in-chief in and over our said West Africa Settlements :

And whereas it is expedient that provision should be made for the government of our Settlements on the Gold Coast and of Lagos, apart and separate from the government of our other Settlements on the West Coast of Africa :

And whereas, by an Act made and passed in the 6th year of our reign [cap. 13],\* intituled " An Act to enable Her Majesty to provide for the government of her Settlements upon the Coast of Africa and in the Falkland Islands," it was enacted that it should be lawful for us, by any Commission under the Great Seal of our United Kingdom, or by any instructions under our sign-manual and signet accompanying and referred to in any such Commission, to delegate to any three or more persons within any of the Settlements aforesaid, either in whole or in part, and subject to all such conditions, provisions, and limitations as might be prescribed by any such Commission or instructions, the power and authority to make and establish all such laws, institutions, and ordinances, and to constitute such Courts and officers, and to make such provisions and regulations for the proceedings in such Courts and for the administration of justice as might be necessary for the peace, order, and good government of our subjects and others within our then present or future Settlements on the said coast :

Now know ye that we do by these our Letters Patent, under the Great Seal aforesaid, declare our pleasure to be that our said Letters Patent of the 19th day of February, 1866, our said Supplementary Commission of the 8th day of November, 1872, and our said Commission of the 25th day of July, 1873, shall be, and they are hereby revoked so far as regards our said Settlements on the Gold Coast and of Lagos, or any part or parts thereof; and we do further declare our pleasure to be that those Settlements shall constitute, and they are hereby erected into a separate Colony under the title of the Gold Coast Colony.

2. And we do further declare our pleasure to be that our Settlement on the Gold Coast shall, as heretofore, and until otherwise provided by us, comprise all places, settlements, and territories which may at any time belong to us in Western Africa between the 5th degree of west longitude and the 2nd degree of east longitude. And our Settlement of Lagos shall, as heretofore, and until otherwise provided by us, comprise all places, settlements, and territories which may at any time belong to us in Western Africa between the 2nd and 5th degrees of east longitude.

3. And we do further declare and appoint that the Govern-

\* See Vol. 6. Page 489.

ment of our said Colony shall be administered by a Governor duly commissioned by us on that behalf.

4. And we do further declare our pleasure to be that there shall be within our said Colony a Legislative Council, which shall consist of our said Governor for the time being, and of such other persons or officers, not being less than two in number, from each of our said Settlements, as shall be named or designated by or by virtue of any instruction or instructions, or by any warrant or warrants to be by us for that purpose issued under our sign-manual and signet, and with the advice of our Privy Council; all of which persons or officers shall hold their places in the said Council during our pleasure.

5. And we do further by this our Commission under the Great Seal of our United Kingdom aforesaid delegate to the persons who within our said Colony shall compose the Legislative Council thereof, full power and authority, subject always to such conditions, provisions, and limitations as may be prescribed by any Commission or instructions, to establish such Ordinances not being repugnant to the law of England or to any order made or to be made by us with the advice of our Privy Council, and to constitute such Courts and officers, and to make such provisions and regulations for the proceedings in such Courts and for the administration of justice, as may be necessary for the peace, order, and good government of such Colony.

6. And we do further declare our pleasure to be that our said Governor shall have a negative voice in the passing of all such Ordinances aforesaid: and we do also hereby reserve to ourselves, our heirs and successors, our and their right and authority to disallow any such Ordinances as aforesaid, in the whole or in part, such disallowance being from time to time signified to him through one of our Principal Secretaries of State, and also to make and establish from time to time, with the advice and consent of Parliament, or with the advice of our or their Privy Council, all such Laws or Ordinances as may to us or them appear necessary for the order, peace, and good government of our said Colony as fully as if these presents had not been made. And we do further declare our pleasure to be that in the making and establishing of all such Ordinances the said Legislative Council shall conform to and observe all such rules as may from time to time be directed or appointed by any instruction or instructions issued by us with the advice of our Privy Council.

7. And we do further declare and establish that the laws now in force in our said Colony shall continue in force as long and as far only as they are not repugnant to or

repealed by any Ordinance passed by the Legislature of our said Colony.

8. And we do further declare our pleasure to be that, for the purpose of advising our said Governor, there shall be for our said Colony an Executive Council, which shall be composed of such persons and constituted in such manner as may be directed by any instructions which may from time to time be addressed to our said Governor by us under our sign-manual and signet, and all such persons shall hold their places in the said Council at our pleasure.

9. And we do further authorize and empower our said Governor to keep and use the public seal of our said Colony for sealing all things whatsoever that shall pass the said seal: and we do direct that until a public seal shall be provided for our said Colony, the public seal of our Settlement on the Gold Coast shall be used as the public seal of our said Colony for sealing all things whatsoever that shall pass the said seal.

10. And we do authorize and empower our said Governor to make and execute in our name and on our behalf, under the said public seal, grants and dispositions of any lands which may be lawfully granted or disposed of by us within our said Colony, either in conformity with instructions under our sign-manual and signet, or in conformity with such regulations as are now in force, or may be made by him in that behalf, with the advice of our said Executive Council, and duly published in our said Colony.

11. And we do further authorize and empower our said Governor to constitute and appoint all such Judges, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary officers and ministers as may lawfully be appointed by us, all of whom shall hold their offices during our pleasure.

12. And we do further authorize and empower our said Governor as he shall see occasion, in our name and on our behalf, when any crime has been committed within our said Colony, or for which the offender may be tried therein, to grant a pardon to any accomplice, not being the actual perpetrator of such crime, who shall give such information and evidence as shall lead to the apprehension and conviction of the principal offender: and further to grant to any offender convicted of any crime in any Court, or before any Judge, Justice, or Magistrate within our said Colony, a pardon, either free or subject to lawful conditions, or any respite of the execution of the sentence of any such offender, for such period as to him may seem fit, and to remit any fines, penalties, or forfeitures which may become due and payable to us.

13. And we do further authorize and empower our said Governor, upon sufficient cause to him appearing, to suspend

from the exercise of his office within our said Colony any person exercising the same under or by virtue of any Commission or Warrant, granted or to be granted by us in our name or under our authority, which suspension shall continue and have effect only until our pleasure therein shall be known and signified to him. And we do hereby strictly require and enjoin him, in proceeding to any such suspension, to observe the directions in that behalf given to him, by any instructions under our sign-manual and signet as may be hereafter addressed to our said Governor for the time being.

14. Our will and pleasure is, and we do hereby direct that, in the execution of this our Commission, and in the exercise of the command hereby vested in our Governor for the time being, he be resident in our Settlement on the Gold Coast, or at such place or places in the territories adjacent thereto as may from time to time be appointed for the residence of our said Governor, except when the interests of our service may render his presence desirable in our Settlement of Lagos.

15. And whereas it is necessary that provision be made for the execution of this our Commission in the event of the death or incapacity of our said Governor, or of his removal from his command, or of his absence from the limits of his said Government: Now, therefore, we do further declare our pleasure to be that, in any such event as aforesaid, all and every the powers and authorities hereby vested in him shall be, and the same are hereby, vested in such person as may be appointed by us under our sign-manual and signet to be our Lieutenant-Governor of our said Colony, or if there shall be no such Lieutenant-Governor, then in such person or persons as may be appointed by us under our sign-manual and signet to administer the government of our said Colony, and in case there shall be no such person or persons within our said Colony so appointed by us, then in the person for the time being administering the government of our said Settlement of Lagos, who shall, for such time as he administers the government of our said Colony, be called the Administrator of the Gold Coast Colony: Provided always, and we do further declare our pleasure to be, that our Governor for the time being, during the period of his passage by sea from either of the Settlements aforesaid to the other of the said Settlements, or while visiting or residing at any place in any of the territories adjacent thereto, shall not, for any of the purposes aforesaid, be considered as being absent from the limits of his said command.

16. And we do further declare and direct that, during his absence from our said Settlement on the Gold Coast, but while he is within the limits of his said command as aforesaid, our Governor may, if he think fit, appoint some person to act

as his deputy in administering the government of our said Gold Coast Settlement, upon such terms and conditions, and for such time, as he may think desirable for the good government of our said Settlement; and all or such of the powers and authorities aforesaid as our said Governor in his discretion shall from time to time think it necessary or expedient to assign to such deputy shall, so far as the same shall be exercisable within such Settlement, be vested in such deputy.

17. And we do further declare that so long as our said Governor, or (as the case may be) Lieutenant-Governor or Administrator of the Gold Coast Colony, shall be absent from our Settlement of Lagos, all and every the powers and authorities, except the powers of suspension and pardon, hereby vested in our said Governor, and so far as the same shall be exercisable within such Settlement, shall be vested in such person within the same as may be appointed by us by warrant under our sign-manual and signet to administer the government thereof; and in case there shall not be within such Settlement any such Administrator, then we declare that the said powers and authorities shall, in our said Settlement of Lagos, be vested in such person, and upon such terms and conditions, and for such time, as our said Governor, Lieutenant-Governor, or Administrator of our Gold Coast Colony, as the case may be, shall provisionally from time to time appoint, subject to our approval. And we do further declare and provide that the officer for the time being administering the government of our said Settlement of Lagos shall, in the discharge of such his office, conform to and observe such instructions as shall, for that purpose, be addressed to him by our said Governor in the execution of this our Commission; subject, nevertheless, to all such rules and regulations in that behalf as may from time to time be contained in any instructions under our sign-manual and signet, addressed to our Governor for the time being of our said Gold Coast Colony.

18. And we do further direct and enjoin that this our Commission shall be read and proclaimed within our said respective Settlements on the Gold Coast and of Lagos, and that a transcript thereof shall be deposited and duly recorded in our said Settlements, this our original Commission being preserved within our said Settlement on the Gold Coast.

19. And we do hereby require and command all officers, civil and military, and all others the inhabitants of our said Colony, to be obedient, aiding, and assisting unto our said Governor for the time being, and to the officer appointed to administer the government of our said Settlement of Lagos, in the execution of this our Commission, and of the powers and authorities herein contained.

20. And we do hereby reserve to ourselves, our heirs and successors, full power and authority from time to time to revoke, alter, or amend this our Commission as to us or them shall seem meet.

In witness whereof we have caused these our Letters to be made Patent. Witness ourself at Westminster, the 24th day of July, in the 38th year of our reign.

By warrant under the Queen's sign-manual.

C. ROMILLY.

BRITISH ORDER IN COUNCIL, *for determining the mode of exercising the Power and Jurisdiction acquired by Her Majesty within divers Countries on the West Coast of Africa near or adjacent to Her Majesty's Gold Coast Colony. Osborne, August 6, 1874.\**

*At the Court at Osborne House, Isle of Wight, the 6th day of August, 1874.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President. Mr. Secretary Cross. Mr. Disraeli.

WHEREAS by an Act made and passed in the session of Parliament holden in the 6th and 7th years of Her Majesty's reign [cap. 94], intituled "An Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual,"† it was, amongst other things, enacted that it should be lawful for Her Majesty to hold, exercise, and enjoy any power or jurisdiction which Her Majesty then had or might at any time thereafter have, within any country or place out of Her Majesty's dominions, in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory:

And whereas by certain Letters Patent, under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the 24th day of July, 1874,‡ in the 38th year of Her Majesty's reign, Her Majesty's Settlements on the Gold Coast and of Lagos were constituted and erected into one Colony, under the title of the Gold Coast Colony, and a Legislative Council was appointed for the said Colony, with certain powers and authority to legislate for the said Colony, as by the said Letters Patent, reference being had thereto, will more fully appear:

\* Proclaimed at Cape Coast, September 12, 1874.

† See Vol. 6. Page 500.

‡ See Page 519.

And whereas Her Majesty hath acquired power and jurisdiction within divers countries on the West Coast of Africa near or adjacent to Her Majesty's said Gold Coast Colony, and it is expedient to determine the mode of exercising such power and jurisdiction:

Now, therefore, it is hereby ordered, with the advice and consent of her Privy Council, as follows:—

1. It shall be lawful for the Legislative Council, for the time being, of the said Gold Coast Colony, by Ordinance or Ordinances, to exercise and provide for giving effect to all such powers and jurisdiction as Her Majesty may, at any time before or after the passing of this Order in Council, have acquired in the said territories adjacent to the Gold Coast Colony.

2. The Governor for the time being of the said Colony shall have a negative voice in the passing of all such Ordinances as aforesaid. And the right is hereby reserved to Her Majesty, her heirs and successors, to disallow any such Ordinances as aforesaid, in whole or in part, such disallowance being signified to the said Governor through one of Her Majesty's Principal Secretaries of State, and also to make and establish from time to time, with the advice and consent of Parliament, or with the advice of her or their Privy Council, all such Laws or Ordinances as may to her or them appear necessary for the exercise of such powers and jurisdiction as aforesaid, as fully as if this Order in Council had not been made.

3. In the making and establishing all such Ordinances, the said Legislative Council shall conform to and observe all such rules and regulations as may from time to time be appointed by any instruction or instructions issued by Her Majesty with the advice of her Privy Council, and, until further directed, the instructions in force for the time being as to Ordinances passed by the said Legislative Council for the peace, order, and good government of the said Gold Coast Colony shall, so far as they may be applicable, be taken and deemed to be in force in respect of Ordinances passed by the said Council by virtue of this Order in Council.

4. In the construction of this Order in Council the term "Governor" shall include the officer for the time being administering the government of the said Gold Coast Colony.

And the Right Honourable the Earl of Carnarvon, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

ARTHUR HELPS.



*ORDINANCE of the Gold Coast Colony, to provide for the Abolition of Slave-Dealing. Cape Coast Castle, December 17, 1874.*

1. THIS Ordinance shall come into operation upon its being passed by the Legislative Council and assented to by the Governor, and thereupon shall extend and apply to the Gold Coast Colony and the protected territories.\*

2. In this Ordinance the term "protected territories" shall mean the countries or territories on the West Coast of Africa near or adjacent to the Settlement on the Gold Coast wherein the Queen's Majesty has acquired, or may hereafter acquire, powers and jurisdiction.

3. Slave-dealing is hereby declared unlawful and is prohibited.

4. Whosoever shall do, or shall attempt to do, any of the acts hereinafter mentioned, that is to say,—

(1.) Deal or trade in, purchase, sell, barter, transfer, or take any slave;

(2.) Deal or trade in, purchase, sell, barter, transfer, or take any person in order or so that such person should be held or treated as a slave;

(3.) Place or receive any person in servitude as a pledge or security for debt whether then due and owing, or to be incurred or contingent, whether under the name of a pawn, or by whatever other name such person may be called or known;

(4.) Convey or induce any person to come within the limits of the protected territories in order or so that such person shall be dealt or traded in, purchased, sold, bartered, transferred, or become a slave, or be placed in servitude as a pledge or security for debt;

(5.) Convey or send, or induce any person to go out of the limits of the protected territories in order or so that such person should be dealt or traded in, purchased, sold, bartered, transferred, or become a slave, or be placed in servitude as a pledge or security for debt;

(6.) Enter into any contract or agreement with or without consideration for doing any of the acts, or accomplishing any of the purposes, hereinabove enumerated;

shall, and shall be deemed to have committed the offence of slave-dealing.

5. Whosoever shall aid, assist, counsel, request, order, or procure any person to commit the offence of slave-dealing shall be deemed and be guilty of slave-dealing, and may be tried and convicted either as an accessory before the fact to the principal offence, or after the conviction of the principal offender, or may be indicted and convicted of the substantive offence.

\* See Proclamation. Page 530.

whether the principal offender shall or shall not have been previously convicted, or shall or shall not be amenable to justice.

6. Every offence of slave-dealing may be inquired of, tried, determined, and dealt with, by any Court having within the Gold Coast Colony, or the protected territories, competent jurisdiction to try crimes and offences: declaring that the term "Court" for the purposes of this Ordinance shall include the Courts of such native Kings and Chiefs only as the Governor may by his Commission authorize, either specially to try the offence of slave-dealing, or generally to try crimes and offences.

7. Whosoever shall be convicted of slave-dealing shall be liable to be punished by imprisonment with or without hard labour for a period which may extend to seven years, and shall also be liable to be fined, either in addition to or in substitution for such imprisonment; and where any fine shall have been imposed, such fine shall be recoverable by distress and sale of the goods and chattels of the party convicted, and in default of sufficient distress, or without proceeding by distress in case the Court pronouncing sentence shall so order, by imprisonment with or without hard labour for any term not exceeding two years, unless such fine shall be sooner paid.

8. Every person who as a slave or otherwise shall be brought, or induced to come, within the Gold Coast Colony or protected territories so, or in order, that such person should be dealt or traded in, sold, purchased, bartered, transferred, or taken, or should become or be a slave, or be placed in servitude, or transferred as a pledge or security for debt, shall become and be, and is hereby declared to be, a free person.

9. Every present contract in which it is stipulated or agreed that any person shall be bought or sold, or placed in servitude, or be transferred either as a pledge or security for debt, or in any other way, shall so far as regards any such stipulation or agreement be and is hereby declared to be wholly, and in every particular, null and void, and every future contract which shall contain any such stipulation or agreement shall be absolutely illegal.

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ORDINANCE of the Gold Coast Colony, to provide for the Emancipation of Persons holden in Slavery. Cape Coast Castle, December 17, 1874.

1. THIS Ordinance shall come into operation upon its being passed by the Legislative Council and assented to by the Governor, and thereupon shall extend and apply to the Gold Coast Colony and the protected territories.\*

\* See Proclamation. Page 530.

2. In this Ordinance the term "protected territories" shall mean the countries or territories on the West Coast of Africa, near or adjacent to the Settlement on the Gold Coast, wherein the Queen's Majesty has acquired, or may hereafter acquire, powers and jurisdiction.

3. All persons who after the 5th day of November, of the year 1874, shall have been or shall be born within the limits to which this Ordinance applies, who under the native laws of the protected territories are or may be liable to be holden, or but for this Ordinance would or might be, or be liable to be holden in slavery, are, and shall be, and are hereby declared free persons to all intents and purposes: but providing that, except in so far as is inconsistent with this Ordinance and with the "Gold Coast Slave-Dealing Abolition Ordinance, 1874,"\* nothing herein contained shall be construed to diminish or derogate from the rights and obligations of parents and of children, or from other rights and obligations, not being repugnant to the law of England, arising out of the family and tribal relations customarily used and observed in the protected territories.

4. If at any time after this Ordinance shall have come into operation any claim or alleged right over or affecting the liberty of any person shall be made, stated, or brought into controversy, or shall arise, or come in question, whether as a ground or cause of action or by way of plea, answer, demurrer, or defence of, in, or to any suit, action, cause, indictment, information, prosecution, or proceeding, or in any other manner of way whatsoever, then and in every such case, such claim or alleged right shall be deemed and be of no force or validity, and every Court of Justice, Judge, Magistrate, native King, Chief, and other tribunal, authority, and person before whom any such claim or alleged right may be made, stated, brought into controversy, or shall arise, or come in question as aforesaid, shall refuse, disallow, discharge, and dismiss the same for all purposes and effects whatsoever: Providing always, that this enactment shall not be construed to include or apply to such rights as under the ordinary rules of English law applicable to the Gold Coast Colony may arise under and by virtue of contracts of service between free-men, or as are included and reserved in the last preceding section.

5. Whosoever shall, by any species of coercion or restraint, compel or attempt to compel the service of any person [declared in this or in any other Ordinance of this Colony a free person]† shall be guilty of an offence punishable in the manner prescribed

\* See Page 527.

† It was enacted by the "Gold Coast Emancipation Ordinance Amendment Ordinance, 1875," that the 5th section of the "Gold Coast Emancipation Ordinance, 1874," should be read and construed as if the words within brackets were not contained in it.

in the 7th section of the "Gold Coast Slave-Dealing Abolition Ordinance, 1874:" Provided that this enactment shall not be construed to apply to any such coercion as lawfully may be exercised by virtue of such contracts of service as under the ordinary rules of English law applicable to the Gold Coast Colony may be entered into between free persons, or by virtue of such rights as are included and reserved in the 3rd section of this Ordinance.

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PROCLAMATION of the Governor of the Gold Coast of the Abolition of Slavery in the Protectorate. Cape Coast Castle, December 17, 1874.

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WHEREAS the Queen's Most Excellent Majesty has resolved to abolish slave-dealing in her Protectorate of the Gold Coast and the importation therinto of slaves and persons intended to be dealt with as slaves, and also to provide for the emancipation of persons holden as slaves within the said Protectorate:

And whereas the Governor and Legislative Council of the Gold Coast Colony have, by Her Majesty's commands, enacted an Ordinance bearing date 17th December, 1874,\* by which all selling, buying, or dealing in slaves is declared unlawful, and is absolutely and for ever abolished, prohibited, and made penal; and another Ordinance, also bearing date 17th December, 1874,† providing for the emancipation of persons holden in slavery:

Now I do hereby proclaim, publish, and make known the said Ordinances to all persons whom it may concern.

And further, in order and to the intent that all the Kings, Chiefs, Headmen, and other persons throughout the aforesaid Protectorate and elsewhere may the more readily understand and obey the laws now made and enacted, I hereby require every person to take notice and observe that now and from henceforth—

It is unlawful to sell, or purchase, or transfer, or take any person as a slave.

It is unlawful to sell, or purchase, or transfer, or take any person so as to make such person a slave.

It is unlawful to put or take any person in pawn for or on account of any debt.

It is unlawful to bring any person, whether slave or free, into the protected territories from Ashantee or elsewhere in order that such person should be sold or dealt with as a slave or pawn.

It is unlawful to take or send any person out of the protected

\* See Page 527.

† See Page 528.

territories in order that such person should be sold or dealt with as a slave or pawn.

It is unlawful to make any contract or agreement for buying, selling, or pawning any person, or for bringing any person into or out of the protected territories to be sold or dealt with as a slave or pawn.

It is unlawful that any King, Chief, Headman, or other person should, in any palaver, or by any means whatsoever, force or constrain any person for the purpose of compelling him to remain at any place or serve any master contrary to the will of such person.

Whosoever offends against any of these laws shall be punished with imprisonment and hard labour, and may also be fined.

If in any contract hereafter made it should be agreed that any person should be put in pawn, or bought, or sold, or transferred, the whole contract shall be null and void.

And, further, let all persons whom it may concern take notice that all children who, after the 5th day of November, 1874, have been or shall be born in the Protectorate, have been declared free. But it is not intended by any of the aforesaid laws, or otherwise, to offer inducement to any persons to leave any master in whose service they may be desirous of remaining, or to forsake the krooms where they have been accustomed to inhabit, and that it is intended to permit the family and tribal relations to continue in all respects according as used and wont, except only that of slavery and such customs as arise therefrom, and are thereon necessarily dependent.

Given at Government House, Cape Coast Castle, this 17th day of December, in the year of Our Lord 1874, and of Her Majesty's reign the 38th.

By command,  
W. OWEN LANYON, *Acting Colonial Secretary*.

God save the Queen !

BRITISH CHARTER, *revoking so much of the Royal Commission, dated the 19th day of February, 1866,\* as provides for the government of Her Majesty's Settlements of Sierra Leone and on the Gambia; and constituting those Settlements into one Government, to be called the West Africa Settlements; and providing for the government thereof. Westminster, December 17, 1874.*

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to all to whom these presents shall come, greeting :

\* See Vol. 13. Page 26.

1. WHEREAS by certain Letters Patent under the Great Seal of our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the 19th day of February, 1866,\* in the 29th year of our reign, provision was made for the government of our Settlements on the West Coast of Africa, as therein is more particularly described :

And whereas by a Supplementary Commission under the Great Seal aforesaid, bearing date at Westminster, the 8th day of November, 1872, in the 36th year of our reign, we did empower our Governor and Commander-in-chief of our West Africa Settlements to grant pardons to offenders in the manner and upon the terms therein mentioned :

And whereas by our Commission under the Great Seal aforesaid, bearing date the 25th day of July, 1873, in the 37th year of our reign, we did constitute and appoint our trusty and well-beloved George Berkeley, Esquire (now Companion of our Most Distinguished Order of Saint Michael and Saint George), to be, during our will and pleasure, our Governor and Commander-in-chief in and over our said West Africa Settlements :

And whereas by Letters Patent also under the said Great Seal, bearing date at Westminster, the 24th day of July, 1874,† in the 38th year of our reign, our said first-recited Letters Patent, and secondly-recited Supplementary Commission, were revoked so far as regarded our Settlements on the Gold Coast and of Lagos, which said last-mentioned Settlements were thereby erected into a separate Colony under the title of the Gold Coast Colony :

And whereas it is expedient that our said Letters Patent and Supplementary Commission should also be revoked as regards our said Settlements of Sierra Leone and on the Gambia, and that fresh provision should be made for the government of those Settlements :

Now know you that we do by these our Letters Patent, under the Great Seal aforesaid, declare our pleasure to be that our said first-recited Letters Patent of the 19th day of February, 1866, our said secondly-recited Supplementary Commission of the 8th day of November, 1872, and our said thirdly-recited Commission of the 25th day of July, 1873, shall be and they are hereby revoked and determined.

2. And we do hereby constitute on the said West Coast of Africa one Government-in-chief, which shall be called the Government of our West Africa Settlements, and shall, until otherwise provided by us, comprise our Settlements of Sierra Leone, comprising all places, settlements, and territories which may at any time belong to us in Western Africa, between the 5th and 12th degrees of north latitude, and lying to the

\* See Vol. 13. Page 26.

† See Page 519.

westward of the 10th degree of west longitude; and our Settlement on the Gambia, comprising all places, settlements, and territories which may at any time belong to us in Western Africa, between the 12th and 15th degrees of north latitude, and lying to the westward of the 10th degree of west longitude.

3. And we do further declare and appoint that the government of our said West Africa Settlements shall be administered by a Governor duly commissioned by us in that behalf.

4. And whereas by an Act made and passed in the 6th year of our reign [cap. 13],\* intituled "An Act to enable Her Majesty to provide for the government of her Settlements upon the Coast of Africa and in the Falkland Islands," it was enacted that it should be lawful for us, by any Commission under the Great Seal of our United Kingdom, or by any instructions under our sign-manual and signet accompanying and referred to in any such Commission, to delegate to any three or more persons within any of the Settlements aforesaid, either in whole or in part, and subject to all such conditions, provisions, and limitations as might be prescribed by any such Commission or instructions, the power and authority to make and establish all such laws, institutions, and ordinances, and to constitute such Courts and officers, and to make such provisions and regulations for the proceedings in such Courts and for the administration of justice, as might be necessary for the peace, order, and good government of our subjects and others within our then present or future Settlements on the said coast: we do further declare our pleasure to be that there shall be within each of our said Settlements of Sierra Leone and on the Gambia, a Legislative Council, which shall consist of our said Governor for the time being, and of such other persons or officers not being less than two in number within each of our said Settlements, and shall be named or designated by or by virtue of any instruction or instructions or by any warrant or warrants to be by us for that purpose issued under our sign-manual and signet, and with the advice of our Privy Council, all of which persons and officers shall hold their places in the said Councils during our pleasure.

5. And we do further, by this our Commission under the Great Seal aforesaid, delegate to the persons who within each of our said Settlements shall compose the Legislative Council thereof, full power and authority, subject always to such conditions, provisions, and limitations as aforesaid, to establish such Ordinances not being repugnant to the law of England, or to any Order made or to be made by us with the advice of our Privy Council, and to constitute such Courts and officers, and to

\* See Vol. 6. Page 489.

make such provisions and regulations for the proceedings in such Courts, and for the administration of justice, as may be necessary for the peace, order, and good government of such Settlements.

6. And we do further declare our pleasure to be that our said Governor shall have a negative voice in the passing of all such Ordinances as aforesaid: and we do also hereby reserve to ourselves, our heirs and successors, our and their right and authority to disallow any such Ordinances as aforesaid, in the whole or in part, such disallowance being from time to time signified to him through one of our Principal Secretaries of State: and also to make and establish from time to time, with the advice and consent of Parliament, or with the advice of our or their Privy Council, all such Laws or Ordinances as may to us or them appear necessary for the order, peace, and good government of our said Settlements, or either of them, as fully as if these presents had not been made. And we do further declare our pleasure to be that, in the making and establishing of all such Ordinances, such Legislative Councils shall conform to and observe all such rules as may from time to time be directed or appointed by any instruction or instructions issued by us with the advice of our Privy Council.

7. And we do further declare our pleasure to be that, for the purpose of advising our said Governor, there shall be within our Settlement of Sierra Leone an Executive Council, which shall be composed of such persons and constituted in such manner as may be directed by any instructions addressed to him by us under our sign-manual and signet, and all such persons shall hold their places in our said Council at our pleasure.

8. And we do further authorize and empower our said Governor to keep and use the public seals of each of our said Settlements, for sealing all things whatsoever that shall pass the said seals.

9. And we do authorize and empower our said Governor to make and execute in our name and on our behalf, under the said public seals, grants and dispositions of any lands which may be lawfully granted or disposed of by us within each of our said Settlements.

10. And we do further authorize and empower our said Governor to constitute and appoint all such Judges, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary officers and ministers in our said Settlements, as may lawfully be appointed by us, all of whom shall hold their offices during our pleasure.

11. And we do further give and grant unto our said Governor full power and authority, as he shall see occasion, in our name and on our behalf, to remit any fines, penalties, or



forfeitures which may accrue or become payable to us in such Settlements.

12. And we do further authorize and empower our said Governor, subject to the exception hereinafter mentioned, as he shall see occasion, in our name and on our behalf, when any crime has been committed within our said Settlements, or for which the offender may be tried therein, to grant a pardon to any accomplice, not being the actual perpetrator of such crime, who shall give such information and evidence as shall lead to the apprehension and conviction of the principal offender; and further to grant to any offender convicted of any crime in any Court, or before any Judge, Justice, or Magistrate within our said Settlements, a pardon, either free or subject to lawful conditions, or any respite of the execution of the sentence of any such offender for such period as to him may seem fit. But in the case of any offender who shall have been condemned to suffer death by the sentence of any Court within our said Settlements, such power of pardon or reprieve shall only be exercisable by him in the Settlement of Sierra Leone, and after receiving the advice of our Executive Council of our said last-mentioned Settlement.

13. And we do further authorize and empower our said Governor, upon sufficient cause to him appearing, to suspend from the exercise of his office within our said Settlements any person exercising the same, under or by virtue of any Commission or Warrant granted or to be granted by us in our name, or under our authority; which suspension shall continue and have effect only until our pleasure therein shall be made known and signified to him. And we do hereby strictly require and enjoin him, in proceeding to any such suspension, to observe the directions in that behalf given to him, by any instructions under our sign-manual and signet as may be hereafter addressed to our said Governor for the time being.

14. Our will and pleasure is, and we do hereby direct that, in the execution of this our Commission, and in the exercise of the command hereby vested in our Governor for the time being, he be resident in our Settlement of Sierra Leone, except when the interests of our service may render his presence desirable in our said Settlement on the Gambia.

15. And whereas it is necessary that provision be made for the execution of this our Commission in the event of the death or incapacity of our said Governor, or of his removal from his command, or of his absence from the limits of his said Government: now, therefore, we do further declare our pleasure to be that, in any such event as aforesaid, all and every the powers and authorities hereby vested in him shall be, and the same are hereby vested in such person as may be appointed by us under our sign-manual and signet to be

our Lieutenant-Governor of our said West Africa Settlements, or if there be no such Lieutenant-Governor, then in such person or persons as may be appointed by us under our sign-manual and signet to administer the government of our said Settlements, and in case there shall be no person or persons within our said Settlements so appointed by us, then in the person for the time being administering the government of our said Settlement on the Gambia, who shall, for such time as he administers the government of our said Settlements, be called the Administrator of our West Africa Settlements: Provided always, and we do further declare our pleasure to be, that our Governor for the time being, during the period of his passage by sea from either of the Settlements aforesaid to the other of the said Settlements, or while visiting or residing at any place in any of the territories adjacent thereto, shall not, for any of the purposes aforesaid, be considered as being absent from the limits of his said command.

16. And we do further declare and direct that, during his absence from our said Settlement of Sierra Leone, but while he is within the limits of his said command as aforesaid, our Governor may, if he think fit, appoint some person to act as his deputy in administering the government of our said Settlement of Sierra Leone, upon such terms and conditions, and for such time, as he may think desirable for the good government of our said Settlement; and all or such of the powers and authorities aforesaid as our said Governor, in his discretion, shall from time to time think it necessary or expedient to assign to such deputy, shall, so far as the same shall be exercisable within such Settlement, be vested in such deputy.

17. And we do further declare that, so long as our said Governor or (as the case may be) Lieutenant-Governor or Administrator of our West Africa Settlements shall be absent from our Settlement on the Gambia, all and every the powers and authorities, except the powers of suspension and pardon, hereby vested in our said Governor, and so far as the same shall be exercisable within such Settlement, shall be vested in such person within the same as may be appointed by us by warrant under our sign-manual and signet to administer the government thereof; and in case there shall not be within such Settlement any such Administrator, then we declare that the said powers and authorities shall, in our said Settlement on the Gambia, be vested in such person and upon such terms and conditions and for such time as our said Governor, Lieutenant-Governor, or Administrator of our West Africa Settlements, as the case may be, shall provisionally from time to time appoint, subject to our approval. And we do further declare and provide, that the officer for the time being administering the government of our said Settlement on the Gambia shall, in

the discharge of such his office, conform to and observe such instructions as shall, for that purpose, be addressed to him by our said Governor in the execution of this our Commission: subject, nevertheless, to all such rules and regulations in that behalf as may from time to time be contained in any instructions under our sign-manual and signet, addressed to our Governor for the time being of our said West Africa Settlements.

18. And we do further direct and enjoin that this our Commission shall be read and proclaimed within our said respective Settlements of Sierra Leone and on the Gambia, and that a transcript thereof shall be deposited and duly recorded in our said Settlements, this our original Commission being preserved within our said Settlement of Sierra Leone.

19. And we do hereby require and command all officers, civil and military, and all others the inhabitants of our said Settlements, to be obedient, aiding, and assisting unto our said Governor for the time being, and to the officer appointed to administer the government of our said Settlement on the Gambia in the execution of this our Commission, and of the powers and authorities herein contained.

20. And we do hereby reserve to ourselves, our heirs and successors, full power and authority from time to time to revoke, alter, or amend this our Charter as to us or them shall seem meet.

In witness whereof we have caused these Letters to be made Patent. Witness ourself at Westminster, the 17th day of December, in the 38th year of our reign.

By warrant under the Queen's sign-manual.

C. ROMILLY.

*ORDINANCE of the Gold Coast Colony, to enable the Governor to permit in particular cases certain Articles to be exported during the Subsistence of any General Prohibition of such Exportation.*

[No. 14.]

[July 23, 1877.]

WHEREAS under Section 139 of "The Gold Coast Customs Ordinance, 1876," the following goods may by Proclamation or Order of the Governor in Council be prohibited either to be exported or carried coastwise, viz., arms, ammunition, and gunpowder, military and naval stores, and any articles which the Governor in Council shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victuals which may be used as food by man :

And whereas it is desirable that the Governor should have power to permit the exportation of such articles in particular cases, notwithstanding any such prohibition ;

Be it enacted by the Governor of the Gold Coast Colony, by and with the advice and consent of the Legislative Council thereof, as follows :—

It shall be lawful for the Governor during the time that any Proclamation or Order of the Governor in Council under Section 139 of "The Gold Coast Customs Ordinance, 1876," is in force, to permit the exportation or carrying coastwise of any goods, the exportation or carrying coastwise of which is prohibited by such Proclamation or Order, and from time to time to revoke, alter, or suspend any such permission as he may think fit.

2. The permission shall be granted by licence to such persons in such form and subject to such conditions and limitations as to the Governor may seem fit, and may apply throughout the jurisdiction or to any particular place or places.

3. The person authorized by such licence may export or carry coastwise the goods thereby authorized to be exported or carried coastwise, subject and according to the conditions, terms, and limitations of such licence, and the provisions of "The Gold Coast Customs Ordinance, 1876," and not otherwise:

Provided that the owner or exporter of such goods, or the agent of such owner or exporter, shall before the entry outward thereof give security by bond with one or more sufficient sureties, in such sum as the Governor may direct, for the same being landed at the place for which they shall be cleared or otherwise accounted for to the satisfaction of the Collector of Customs or otherwise.

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AGREEMENT *with Kings William and John of Batanga for the Protection of the Lives and Property of European Traders.*  
*March 23, 1880.*

It is hereby agreed upon between S. F. Easton, Her Britannic Majesty's Acting Consul for the Bights of Benin and Biafra, and the Island of Fernando Po, and Kings John and William of Batanga, that—

ART. I. None of the European traders shall be in any way molested; that their communication with other factories shall not be interfered with; nor shall any obstacle be placed in the way of their securing supplies of food and water.

II. The Kings William and John hereby guarantee that, in consideration of the comeys paid them, they will use every effort to protect the lives and property of the European traders upon every occasion.

In witness whereof we have this day affixed our sign-manual, on board Her Majesty's ship *Boadicea*, the 23rd day of March, 1880.

Their  
 X KING WILLIAM.  
 X KING JOHN.  
 marks.

S. F. EASTON, *Her Majesty's Acting Consul.*

Witnesses:

THOS. Z. DAYAS.

WILLIAM WOOLLISCROFT.

M. KRASEMANN.

RICH. MAHUKY.

## AUSTRIA-HUNGARY.

CANADIAN ORDER IN COUNCIL, *admitting Austro-Hungarian Ships to the Coasting Trade of Canada. Ottawa, June 1, 1876.*

*Government House, Ottawa, Thursday, June 1, 1876.*

PRESENT: HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by the 1st section of the Act passed in the 33rd year of Her Majesty's reign [cap 14.],\* intituled "An Act respecting the Coasting Trade of Canada," it is amongst other things enacted that no goods or passengers shall be carried by water from one port of Canada to another, except in British ships:

And whereas by the 2nd section of the said Act, it is further enacted that the Governor in Council may from time to time declare that the foregoing provisions of that Act shall not, while such Order in Council is in force, apply to the ship or vessels of any foreign country in which British ships are admitted to the coasting trade of that country and permitted to carry goods and passengers from one port or place in such country to another:

And whereas it has been ascertained that British ships are allowed to participate in the coasting trade of the Austro-Hungarian Empire on the same footing as the vessels of that country:

\* See Vol. 14. Page 794.

His Excellency, by and with the advice of the Queen's Privy Council for Canada, and on the recommendation of the Honourable the Minister of Marine and Fisheries, has been pleased to order and declare, and it is hereby ordered and declared, that the provisions of the said above-recited Act shall not apply to the ships or vessels of the Austro-Hungarian Empire, but that such vessels shall be, and they are hereby admitted to the coasting trade of the Dominion of Canada on the same terms and conditions as are applicable to Canadian vessels.

W. A. HIMSWORTH, *Clerk, Privy Council, Canada.*

## BRAZIL.

DECLARATION *between Brazil and Russia, recording the Accession of Brazil to the International Telegraphic Convention of July 1<sup>st</sup>, 1875.\* Signed at St. Petersburg, July 1<sup>st</sup>, 1877.*

Sa Majesté l'Empereur du Brésil ayant accédé à la Convention Télégraphique Internationale conclue à St. Pétersbourg, le 1<sup>er</sup> Juillet, 1875, par la Déclaration d'Accession dont la teneur suit :—

Le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur du Brésil près Sa Majesté l'Empereur de Toutes les Russies, déclare que le Gouvernement Impérial, après avoir eu communication de la Convention Télégraphique Internationale conclue à St. Pétersbourg le 1<sup>er</sup> Juillet, 1875, usant du droit réservé par l'Article XVIII de cette Convention aux États non signataires, accède pour l'Empire du Brésil à la dite Convention Télégraphique Internationale, laquelle est censée insérée mot à mot dans la présente Déclaration, et s'engage formellement envers Sa Majesté l'Empereur de Toutes les Russies et les autres Hautes Parties Contractantes à concourir de son côté à l'exécution des stipulations contenues dans la dite Convention.

Le Gouvernement Impérial du Brésil déclare en outre adopter pour le tarif international le régime extra-Européen : taxes terminales et de transit par mot.

Le Brésil, attendu sa grande extension, est partagé en trois divisions territoriales pour le recouvrement des taxes télégraphiques, savoir :—

1. Du Recife (Pernambuco) au Pará.
2. Du Recife à la ville de Rio de Janeiro.
3. De Rio de Janeiro à la frontière du Sud de l'Empire dans la Province de Rio Grande.

\* See Vol. 14. Page 95.

La première division entre Recife et Pará n'est pas encore en fonction.

La taxe, soit terminale soit de transit, doit être payée à raison de 1 franc par mot et par chaque division territoriale.

Ces taxes sont définies comme suit :

Pour un télégramme extra-Brésilien livré à la station du Recife et destiné pour toute autre station depuis cette ville jusqu'à Rio de Janeiro, il sera perçu pour chaque mot, 1 franc.

Pour toute autre station au sud de Rio de Janeiro, 2 francs.

Le télégramme expédié en transit du Recife à Jaguarão ou à Uruguayana, ou destiné à la ville de Rio Grande, afin de suivre par les lignes télégraphiques des pays voisins, 2 francs.

Idem en transit du Recife à la ville de Belem (Pará) quand la ligne télégraphique y arrivera, 1 franc.

En foi de quoi le Soussigné, muni à cet effet de pleins-pouvoirs qui ont été trouvés en bonne et due forme, a signé la présente Déclaration et y a apposé le cachet de ses armes.

Fait à St. Pétersbourg, le 1<sup>er</sup> Juillet, 1877.

(L.S.) BARON DE ALHANDRA.

Le Dirigeant du Ministère des Affaires Étrangères de Sa Majesté l'Empereur de Toutes les Russies, dument autorisé, déclare que le Gouvernement Impérial de Russie accepte formellement la dite accession tant en son nom qu'au nom des autres Hautes Parties Contractantes, et s'engage à exécuter envers Sa Majesté Brésilienne toutes les stipulations contenues dans la dite Convention.

En foi de quoi le Soussigné a signé la présente Déclaration et l'a revêtu du cachet de ses armes.

Fait à St. Pétersbourg, le 1<sup>er</sup> Juillet, 1877.

(L.S.) GIERS.

## CHILE.

SWISS NOTIFICATION *of the Accession of Chile to the Universal Postal Union of June 1, 1878. Berne, December 17, 1878.*

(Circulaire.)

*Le Conseil Fédéral Suisse au Ministère des Affaires Étrangères*  
à

En conformité de l'Article XVIII de la Convention de Paris du 1<sup>er</sup> Juin, 1878,\* concernant l'Union Postale Universelle, le Conseil Fédéral Suisse a l'honneur d'informer son Excellence M. le Ministre des Affaires Étrangères de :

\* See Vol. 14. Page 1014.

1. Que la République du Chili a déclaré, par voie diplomatique, adhérer à cette Convention, et conséquemment aussi au Règlement d'exécution y relatif;

2. Que le Gouvernement Suisse, conformément à l'Article XVIII précité, s'est entendu avec le Représentant de la République du Chili, M. le Ministre Plénipotentiaire et Envoyé Extraordinaire de cet État à Paris, sur les points suivants :

(a.) La République du Chili percevra, comme équivalents, en conformité de l'Article IV du Règlement d'exécution à la Convention de Paris, concernant l'Union Postale Universelle :

Pour 25 centimes	..	..	..	5 centavos.
" 10 "	..	..	..	2 "
" 5 "	..	..	..	1 "

(b.) Quant à la part contributive aux frais du Bureau International des Postes (Article XXVIII du Règlement d'exécution précité), la République du Chili sera dans la 5<sup>e</sup> classe.

Le Conseil Fédéral saisit, &c.

Au nom du Conseil Fédéral Suisse :

SCHENK, *Président de la Confédération.*

SCHIESS, *Chancelier de la Confédération.*

CONVENTION *between Great Britain and Chile for the Settlement of the Claims of British Subjects.\* Signed at Santiago, January 4, 1883.†*

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Republic of Chile, desiring to adjust amicably the claims deduced by British subjects, and supported by the British Legation in Chile, as growing out of the acts and operations effected by the forces of the Republic in the territories and coasts of Peru and Bolivia during the present war, have agreed to enter on a Convention for arbitration, and, with this view, have named as their respective Plenipotentiaries :

The Government of Her Britannic Majesty, James de Vismes Drummond Hay, Esquire, Companion of the Most Honourable Order of the Bath, Her Majesty's Chargé d'Affaires in Chile; and

His Excellency the President of the Republic of Chile, Señor Luis Aldunate, Minister for Foreign Affairs of the Republic;

Who, after having communicated to each other their respective full powers, found in good order and due form, have agreed upon the following Articles:—

\* Signed also in the Spanish language.

† Ratifications exchanged at Santiago, June 2, 1883.



ART. I. A Tribunal of Arbitration, or Mixed International Commission, shall judge, in the form and in accordance with the terms established in this Convention, all the claims which, by reason of the acts and operations effected by the land and maritime forces of Chile in the territories and coasts of Peru and Bolivia during the present war, have been put forward up to the present time, or may hereafter be put forward, by British subjects, and supported by the Legation in Chile, within the term hereinafter defined.

II. The Commission shall be composed of three members, one named by the Government of Her Britannic Majesty, the other by the President of the Republic of Chile, and a third by His Majesty the Emperor of Brazil, either directly or through the Diplomatic Agent accredited in Chile.

In case of death, absence, or incapacity from any other cause of one or more of the members of the Commission, the vacancy shall be filled in the respective manner, form, and conditions expressed in the preceding paragraph.

III. The Mixed Commission shall examine and judge the claims which British subjects have already or may hereafter put forward, through their Diplomatic Representative, as arising out of the acts and operations effected by the armies and naval forces of the Republic from the 14th of February, 1879, the date on which hostilities commenced, until the day on which Treaties of Peace or Covenants of Truce may be concluded between the belligerent nations, or until such time as hostilities cease between the three nations at war.

IV. The Mixed Commission shall admit the proofs and means of investigation which, in the opinion and firm belief of its members, may determine the validity of disputed facts, and especially those relating to the condition and neutral character of the claimant.

The Commission shall also admit the verbal or written statements of both Governments, or that of their respective Agents or Counsel.

V. Each Government may appoint an Agent to act on its behalf, present petitions, documents, interrogatories, bring forward or demand evidence, support charges or refute contrary statements, produce proofs, and adduce before the Commission personally, or through an advocate, verbally or in writing, in accordance with the rules of procedure which the Commission shall lay down on commencing its functions, the doctrines, legal principles, or antecedents which he may deem convenient for the furtherance of his cause.

VI. The Mixed Commission shall decide the claims on the merits of the proof rendered, and in accordance with the principles of international law, and the practices and jurisprudence established by analogous modern tribunals of highest

authority and prestige, delivering its interlocutory or definitive resolutions by a majority of votes.

The Mixed Commission shall set forth briefly, in each final sentence, the facts and grounds of the claim, the evidence produced for or against the same, and the principles of international right on which the sentences are based.

The resolutions and judgments of the Commission shall be recorded in writing, signed by all the members, and attested by its Secretary; and these original documents shall be deposited, with their respective covering despatch, at the Ministry for Foreign Affairs in Chile, copies being given to the interested parties applying for the same. The Commission shall keep a book or register, in which its proceedings, the petitions of the claimants, and the decrees and decisions which it may issue are to be noted.

The Mixed Commission shall hold its sessions in Santiago.

VII. The Commission shall have the power to employ secretaries, reporters, or other officers which it may deem necessary for the proper fulfilment of its duties.

The Commission is empowered to name the persons who are respectively to fill those posts, and to determine their salaries or remuneration.

The appointment of the said officers shall be made by his Excellency the President of the Republic of Chile.

The decrees of the Mixed Commission which have to be carried out in Chile shall have the assistance of the Executive in the same manner as those issued by the ordinary Tribunals of the country.

Those which have to take effect abroad shall do so in accordance with the rules and usages of private international right.

VIII. The claims shall be presented to the Mixed Commission within the six months following the date of its first session, and those claims which are presented after that term has elapsed shall not be admitted. If, however, on the expiration of the term established in this paragraph, the war should still continue, and fresh claims arise, founded on events which may thereby occur, the Mixed Commission shall be considered as empowered to arbitrate thereon, provided always that those claims are presented six months previous to the time assigned in Article IX for the Commission to fulfil its charge.

For the purposes of the rules embodied in the preceding paragraph, the Mixed Commission shall publish in the "Diario Oficial" of the Republic of Chile a notice in which the date of its installation shall be expressed.\*

IX. The term of two years shall be given to the Com-

\* The Mixed Commission of Arbitration on British Claims constituted itself and held its first session March 1, 1884 (see Notification in "London Gazette" of April 18, 1884).

mission, from the day of its first meeting, to examine and decide upon every claim. But if, in consequence of sickness, temporary inability of any of its members, or from other sufficient cause, it may have been unable to fulfil its charge within such term, the Commission shall be empowered to prorogue its sessions for a further term which shall not exceed six months.

X. Each of the Contracting Governments shall defray its own expenses and the remuneration of its respective Agents or Counsel.

The expenses attending the organization of the Mixed Commission, the compensation to its members, and the salaries of its secretaries, reporters, or other officers, and other expenses and costs of common service, shall be defrayed by the two Governments in equal moieties. But should there be sums awarded in favour of the claimants, the afore-mentioned expenses and costs shall be deducted therefrom, provided that such deductions do not exceed 6 per cent. of the amount which the Treasury of Chile may have to pay for the total of the accepted claims.

The sums which the Mixed Commission may award in favour of the claimants shall be paid by the Government of Chile to the British Legation, or to the party whom it may name, within the term of one year after the date of the respective sentence, and during said term no interest shall accrue on the said sums in favour of the claimants.

XI. The High Contracting Parties agree to consider the sentences of the Mixed Commission organized by this Convention as a satisfactory, perfect, and irrevocable settlement of difficulties, the adjustment of which has been held in view, and with the understanding that all the claims of British subjects presented or omitted to be presented in the manner set forth shall be considered as decided and definitively adjudged in such manner as to exclude every motive or pretext for their further examination or discussion.

XII. The present Convention shall be ratified by the High Contracting Parties, and the ratifications shall be exchanged in Santiago.

In testimony whereof the Plenipotentiaries of Great Britain and of the Republic of Chile have signed the present Convention in duplicate in the English and Spanish languages, and have affixed thereto their seals.

Thus done in Santiago, Chile, the 4th day of January, the year of Our Lord 1883.

(L.S.) J. DE V. DRUMMOND HAY.  
(L.S.) LUIS ALDUNATE.

## CHINA.

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*ORDINANCE of the Governor of Hong Kong, with the advice of the Legislative Council thereof, to consolidate and amend the Law relating to Chinese Passenger Ships, and the Conveyance of Chinese Emigrants.*

[No. 5.]

[September 7, 1874.]

WHEREAS it is expedient to consolidate and amend the law relating to Chinese passenger ships and the conveyance of Chinese emigrants: Be it enacted by the Governor of Hong Kong, with the advice of the Legislative Council thereof, as follows:—

### *Preliminary.*

1. This Ordinance may be cited for all purposes as “The Chinese Emigration Consolidation Ordinance, 1874.”

2. In the interpretation of this Ordinance—

The term “Chinese passenger ship” shall include every ship carrying from any port in Hong Kong, and every British ship carrying from any port in China, or within 100 miles of the coast thereof, more than 20 passengers being natives of Asia;

[The expression “Chinese emigrant ship” shall mean any ship not being a “Chinese passenger ship,” lying in the waters of the Colony, and fitting out or intended to be used for the conveyance of Chinese emigrants to be embarked at any port or place out of the Colony.]\*

The term “fittings” shall include any article capable of being used as part of the tackle, apparel, furniture, or equipment of a ship;

The expression “prohibited fittings” shall mean any fittings prohibited by this Ordinance, or by a proclamation of the Governor;

The expression “emigration officer” shall include any person deputed or authorized by the emigration officer to execute any power or perform any duty vested in or imposed upon him by this Ordinance;

The word “Colony” shall include all Her Majesty’s Possessions abroad, not being under the government of the Viceroy of India;

The word “Governor” shall signify the person for the time being lawfully administering the government of such Colony;

The term “British Consul” shall include any person lawfully exercising Consular authority on behalf of Her Majesty in any foreign port;

\* Repealed by Ordinance No. 6 of December 9, 1879.

The word "ship" shall include all sea-going vessels;

The term "commander or master of any ship" shall include any person for the time being in command or charge of the same.

*Definition of a Voyage within "The Chinese Passengers Act."*

3. Any Chinese passenger ship clearing out or proceeding to sea from any port in this Colony, or in China, or within 100 miles of the coast thereof, on any voyage or voyages to any other port or ports for the purpose of commencing at or from any such port or ports as last aforesaid a voyage of more than seven days' duration, shall be deemed to have cleared out or proceeded to sea upon the said last-mentioned voyage from the said first-mentioned port within the meaning of "The Chinese Passengers Act, 1855."

PART I.—REGULATIONS UNDER "THE CHINESE PASSENGERS ACT."\*

*Notice of Passenger Ship being laid on the Berth.*

4. The owners or charterers of every Chinese passenger ship, or, if absent from the Colony, their respective agents, shall, as soon as such ship is laid on for the conveyance of Chinese emigrants, give notice in writing of the fact to the emigration officer, specifying in such notice the name, destination, and probable time of departure of such ship, and in all cases where such intending emigrants are under contracts of service, of the depôt or depôts in which such intending emigrants are lodging or intended to be lodged before embarkation.

*Licensing of "Chinese Passenger Ships."*

5.†

*Emigration Passage Brokers.*

6. No person shall act as a passenger broker, or in procuring passengers for or in the sale or letting of passages in any Chinese passenger ship, unless he shall, with two sufficient sureties, to be approved by the emigration officer, have entered into a joint and several bond in the sum of 5,000 current dollars to Her Majesty, her heirs and successors, according to the form contained in Schedule A hereunto annexed, which bond shall be renewed on each occasion of obtaining such licence as hereinafter mentioned, and shall be deposited with the emigration officer; nor unless such person shall have obtained a licence to let or sell passages, nor unless such licence shall be then in

\* 18 & 19 Vict., c. 104. See Vol. 10. Page 62.

† Repealed by Ordinance No. 5 of April 26, 1876. Page 565.

force; and where different members of the same firm act as passage brokers, each person so acting shall comply with the terms of this section.

(2.) Any person wishing to obtain a licence to act as a passage broker shall make application for the same to the emigration officer, and the emigration officer is hereby authorized (if he shall think fit) to grant such licence according to the form in Schedule B hereunto annexed: Provided always that no such licence shall be granted unless such bond as hereinbefore mentioned shall have been first entered into: Provided also, that any Magistrate who shall adjudicate on any offence against this section is hereby authorized to order the offender's licence to be forfeited, and the same shall thereupon be forfeited accordingly; and the said Magistrate making such order shall forthwith cause notice of such forfeiture, in the form contained in the Schedule C hereunto annexed, to be transmitted to the emigration officer, and such forfeiture shall be exclusive and independent of any other punishment which may be inflicted upon such offender under the provisions of this section.

(3.) Every person obtaining such licence as aforesaid shall pay to the emigration officer a fee of 200 current dollars, which fee the emigration officer is hereby empowered and required to demand and receive upon the issuing of any such licence; and the emigration officer shall pay all such fees into the Colonial Treasury, to the use of the Crown.

(4.) Such licence shall continue in force until the 31st day of December in the year in which such licence shall be granted, and for 14 days afterwards, unless sooner forfeited, as hereinbefore mentioned.

(5.) Every passage broker who shall or may receive money from any person for or in respect of a passage in any Chinese passenger ship shall give to every such person a contract ticket, under the hand of such passage broker, and stamped with his seal or trade mark, each ticket to be printed in a plain and legible type according to the form in Schedule D hereunto annexed, and to be accompanied with a translation thereof in the Chinese language, in plain and legible characters.

(6.) Every such passage broker, before he shall receive or take any money on account of any such passage, or for the sale or letting of the whole or any part of the accommodation of or in any Chinese passenger ship proceeding from Hong Kong, shall produce to the emigration officer the certificate of the master or owner of the ship in respect of which such passage shall or may have been taken, or the accommodation in which shall have been so sold or let, to the effect that such ship has been chartered for the purpose of carrying emigrants, and that he, such passage broker, is authorized to receive pay-

ment for such passage, or for the sale or letting of the accommodation in such ship; and such certificate shall be filed in the office of the emigration officer.

(7.) On every occasion of the delivery to any passenger of such contract ticket as aforesaid, the passage broker who shall have engaged to provide such passenger with a passage shall attend with him at the office of the emigration officer, in whose presence the contract ticket shall be delivered to such passenger, and who shall explain to him the true intent and meaning of such contract.

(8.) No person shall fraudulently alter or cause to be altered after it is once issued, or shall induce any person to part with or render useless, or destroy, any such contract ticket, during the continuance of the contract which it is intended to evidence.

(9.) No licensed passage broker shall, as agent for any person, whether a licensed broker or not, receive money for or on account of the passage of any passenger on board a Chinese passenger ship, without having a written authority to act as such agent, or, on the demand of the emigration officer, refuse or fail to exhibit his licence and such written authority; and no person, whether as principal or agent, shall, by any fraud, or by false representation as to the size of the ship or otherwise, or by any false pretence whatsoever, induce any person to engage any passage as aforesaid.

(10.) Every emigration passage broker who shall contract with any intending emigrant for a passage in such ship shall forthwith give notice in writing to the emigration officer of every such contract, specifying the name, age, and sex of such emigrant and the name of such ship.

(11.) All violations or disobediences of, or defaults in compliance with, the provisions of this section, shall be heard and determined in a summary way; and on conviction of such offences the respective offenders shall be sentenced to pay the several penalties, or in default of the payment thereof to suffer the several terms of imprisonment respectively hereinafter specified:—

(a.) For every offence against paragraph 1, a fine not exceeding 400 dollars, or imprisonment for a term not exceeding six months;

(b.) For every offence against paragraph 5, a fine not exceeding 50 dollars, or imprisonment for a term not exceeding six weeks;

(c.) For every offence against paragraph 6, a fine not exceeding 100 dollars, or imprisonment for a term not exceeding three months;

(d.) For every offence committed by a passage broker against paragraph 7, a fine not exceeding 100 dollars, or imprisonment for a term not exceeding three months;

(e.) For every offence against paragraph 8, a fine not exceeding 50 dollars, or imprisonment for a term not exceeding two months.

*Hospital and Medical Inspection.*

7. In every Chinese passenger ship, except ships about to proceed on a voyage of not more than 30 days' duration, within the meaning of Section 8 of this Ordinance, there shall be a sufficient space properly divided off to the satisfaction of the emigration officer at the port of clearance, to be used exclusively as a hospital or sick bay for the passengers; this space shall be either under the poop or in the round house, or in any deck-house which shall be properly built and secured to the satisfaction of such emigration officer, or on the upper passenger deck, and not elsewhere, and shall in no case be of less dimensions than 18 clear superficial feet for every 50 passengers which the ship shall carry. Every such hospital shall be fitted with bed places, and supplied with proper beds, bedding, and utensils, to the satisfaction of the emigration officer at the port of clearance, and shall throughout the voyage be kept so fitted and supplied.

(2.) In the measurement of the passenger decks, for the purpose of determining the number of passengers to be carried in any such Chinese passenger ship, the space for the hospital shall be included.

(3.) The Governor is hereby authorized to appoint, at a salary not exceeding 2,000 dollars per annum, a medical officer, whose duty it shall be to inspect intending emigrants, and to supervise all matters and things in any way relating to the comfort and well-being of such emigrants before their departure and on their voyage, and such salary shall be in lieu of all fees.

(4.) No Chinese passenger ship shall clear out or proceed to sea on any voyage of more than seven days' duration until the proper medical officer as provided shall have certified to the emigration officer, and the said emigration officer shall not grant his certificate unless he is satisfied that none of the passengers or crew appear, by reason of any bodily or mental disease, unfit to proceed, or likely to endanger the health or safety of other persons about to proceed in such vessel; and a medical inspection of the passengers, for the purpose of giving such certificate, shall take place either on board the vessel, or, at the discretion of the said emigration officer, at such time and place on shore, before embarkation, as he may appoint; and the master, owner, or charterer of the ship shall pay to the emigration officer a sum at the rate of 25 current dollars for every 100 persons so examined, and such emigration officer shall pay the same into the Treasury to the use of the Crown.

(5.) The medical inspection of emigrants under contracts of



service shall take place on shore before embarkation, as well as on board the said ship after embarkation, and the emigration officer shall not grant the certificate required by "The Chinese Passengers Act, 1855," unless he shall be satisfied that such double inspection has been duly made, or has been dispensed with by the sanction of the Governor.

(6.) It shall not be lawful for any emigrant under contract of service to embark in any Chinese passenger ship, or for the master or other person on board of a Chinese passenger ship to permit any such emigrant to embark therein, unless such emigrant shall produce an embarkation permit from the emigration officer, who shall not grant the same unless he shall be satisfied that such emigrant has undergone on shore the medical inspection required by law to be made before embarkation.

(7.) The medical inspection of emigrants required to be made after their embarkation in any Chinese passenger ship shall take place at such time as the emigration officer shall appoint.

(8.) Any Chinese medical practitioner properly qualified to the satisfaction of the Colonial Surgeon shall be eligible, with approval of the Governor, for the office of surgeon of a Chinese passenger ship, within the terms of Schedule A of "The Chinese Passengers Act, 1855."

*Regulations for Voyages of not more than 30 Days' Duration.*

8.\* All ships clearing out or proceeding to sea upon voyages of not more than 30 days' duration shall be subject to the modified regulations contained in Schedule E of this Ordinance, which, as regards such ships, shall be substituted for those contained in Schedule A of "The Chinese Passengers Act, 1855," but nothing in this section contained shall be deemed to relieve Chinese passenger ships from the operation of the said Act, except so far as the same is by the said Schedule expressly modified.

(2.) The voyages specified in Schedule F to this Ordinance annexed, are hereby declared to be voyages of not more than 30 days' duration, subject, as regards steamers, to the conditions as to their rate of speed, and, as regards sailing vessels, to the conditions as to the periods of the year during which the voyage shall be performed, in the said Schedule respectively expressed and contained.

(3.) This section shall not be construed as affecting any Chinese passenger ship which is about to proceed to sea on a voyage of not more than seven days' duration.

*Depôts for Emigrants under Contract of Service.*

9. The owners or charterers of every Chinese passenger

\* See Ordinance No. 1 of April 29, 1878. Page 571.

ship which is about to convey emigrants under contracts of service shall, as soon as such ship is laid on for the conveyance of such emigrants, provide a depôt or depôts, to be approved of by the emigration officer, wherein every intending emigrant by such ship may lodge as hereinafter provided, and every such depôt shall be maintained, and every emigrant lodging therein shall be supported at the expense of such owners or charterers.

(2.) Every intending emigrant by such Chinese passenger ship shall lodge, at the least three clear days previously to his embarkation, in the depôt provided by the owners or charterers of such ship.

(3.) Every such depôt as aforesaid shall be under the supervision of the emigration officer, who may inspect the same at such times as he shall think fit, and there shall be at all times free ingress and egress allowed to all persons to and from such depôts, from 6 A.M. to 6 P.M.

*Orders in Council relating to Quantity of Water.*

10. All Orders of Her Majesty the Queen in Council relating to the quantity of water to be carried by passenger ships having a certain description of condensing apparatus shall apply to Chinese passenger ships.

*No Chinese Passenger Ship, unless propelled by Steam, to clear between April and September.*

11. No Chinese passenger ship, unless a vessel propelled by steam, bound to any port westward of the Cape of Good Hope, or to any port in Australia, New Zealand, Oceania, or Tasmania, shall be permitted to clear from any port in the Colony between the months of April and September inclusive.

*Unwilling Emigrants.*

12. It shall be lawful for the emigration officer, at any time when he is satisfied that any emigrant who is unwilling to leave the port has been obtained by any fraud, violence, or other improper means, to land such emigrant, and procure him a passage back to his native place or that from which he was taken, and also to defray the cost of his maintenance whilst awaiting a return passage, and all such expenses, with all legal costs incurred, shall be recoverable by the emigration officer before any Police Magistrate from the emigration passage broker of the vessel in which such emigrant was shipped or intended to be shipped.

(2.) Whosoever shall unlawfully, either by force or fraud, take away or detain against his will any man or boy, with intent to put him on board a Chinese passenger ship, and whosoever shall, with any such intent, receive, harbour, or enter into

any contract for foreign service with any such man or boy, knowing the same to have been by force or fraud taken and obtained, as in this paragraph before mentioned, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years with or without hard labour.

*Penalties for Breach of Ordinance.*

13. The owners or charterers of any Chinese passenger ship, and any emigration passage broker, and any intending emigrant by a Chinese passenger ship, and any master or other person in charge of a Chinese passenger ship, who shall fail to comply with or commit any breach of the provisions of Part I of this Ordinance, so far as they may respectively be bound thereby, and any person granting or knowingly uttering any forged certificate, permit, notice, or other document under this Ordinance shall, without prejudice to any other proceeding, civil or criminal, be liable, upon summary conviction before a Magistrate, to a fine not exceeding 500 dollars, or to imprisonment with or without hard labour for any term not exceeding six months.

PART II.—EMIGRATION FROM PORTS OUT OF THE COLONY.

*Emigrant Ship Fittings.*

14. Before beginning to fit out any ship intended to be used for the conveyance of Chinese emigrants to be embarked at any port or place out of the Colony, a notice to that effect shall be given in writing to the emigration officer, and such notice shall be signed by the owner and master of such ship, or, in the event of the owner not being resident within the Colony, by the agent and master thereof; and in case such notice shall not have been given, the owner and master or the agent and master of such ship, as the case may be, shall be guilty of an offence against this section, and shall be liable to the punishment hereinafter prescribed: Provided always, that where there shall be no agent of an absent owner in the Colony, the notice may be signed by the master alone.

(2.) The master of every ship arriving within the waters of the Colony, and which shall be fitted out for the conveyance of Chinese emigrants, shall, within 24 hours, report the same to the emigration officer, and in case he shall neglect so to do, he shall be deemed guilty of an offence against this section, and shall be liable to the punishment hereinafter prescribed.

(3.) The fittings of every ship mentioned in paragraphs 1 and 2 of this section shall be subject to the approval of the

emigration officer, who is hereby empowered, at all reasonable times, to go on board, and search and inspect such ship and her fittings, and to order any fittings which shall in his opinion be objectionable to be forthwith removed; and any person who shall in any way impede, or attempt to impede, the emigration officer in the execution of this duty shall be guilty of an offence against this section, and shall be liable to the punishment hereinafter prescribed.

(4.) No such ship shall clear out or proceed to sea until the master thereof shall have received from the emigration officer a certificate in the form contained in Schedule H to this Ordinance, and every such certificate shall be liable to a stamp duty of 25 dollars.

(5.) All barricades and gratings apparently intended to be used, or which are capable of being used, for the purpose of confining Chinese emigrants below decks, or within any particular part of a ship, shall be deemed to be prohibited fittings within the meaning of this section.

(6.) It shall be lawful for the Governor, from time to time, by Proclamation, to be inserted in the "Gazette," to prohibit the use or carriage in any ship of any other description of fittings therein specified, and every such prohibition shall have the same force or effect as if it were expressly enacted in this section.

(7.) All prohibited fittings, wherever found within the Colony, shall be seized and shall be forfeited to the Crown in manner hereinafter mentioned.

(8.) Whoever shall, without lawful excuse (the proof of which shall lie on the accused), manufacture, purchase, sell, or have in his possession any prohibited fittings, shall be guilty of an offence against this section, and shall be liable to the punishment hereinafter prescribed.

(9.) The owner, agent, or master of any ship intended for the conveyance of Chinese emigrants to be embarked at any port or place out of the Colony, who shall knowingly permit any prohibited fittings to be taken on board such ship, or to remain therein after the same have been taken on board, or who shall refuse to remove forthwith any fittings which the emigration officer shall have ordered to be removed, shall be guilty of an offence against this Ordinance, and shall be liable to the punishment hereinafter prescribed, and all such last-mentioned fittings shall, in case of such refusal as aforesaid, be seized and forfeited to the Crown as in the case of prohibited fittings.

(10.) If any such ship shall leave, or attempt to leave, the waters of the Colony without the certificate required by paragraph 4, or shall leave, or attempt to leave, the waters of the Colony, having on board any prohibited fittings, or any fittings which the emigration officer shall have ordered to be removed,

or any other fittings of a similar kind and description, in every such case the master of such ship, and the owner or agent, if proved to have sanctioned such leaving or attempting to leave, as aforesaid, shall be deemed guilty of an offence against this section, and shall be liable to the punishment hereinafter prescribed, and all such fittings shall be seized and forfeited to the Crown, whether the same be prohibited fittings or not.

(11.) If any person shall make, or attempt to make, any fraudulent use of a certificate granted under this section, or shall forge, counterfeit, alter, or erase the whole or any part thereof, or shall use or attempt to use any spurious or fraudulent certificate, the person so offending, and every person aiding and abetting in such offence, shall be liable to the punishment hereinafter prescribed.

(12.) All cases of violation or disobedience of, or default in compliance with, the provisions of this section, may be heard and determined summarily by two Magistrates sitting together, who shall constitute a Court for this purpose: Provided that if, at the close of the investigation, the accused shall apply for a trial by jury, or the Magistrates shall be of opinion that the case ought to be so tried, they may commit the accused for trial at the Supreme Court.

(13.) On conviction of such offences, the respective offenders shall be liable to the following punishments:—

(a.) For every offence against paragraphs 1, 2, 3, 8 and 9 of this section a fine not exceeding 500 dollars, and imprisonment with or without hard labour, for any term not exceeding six months, or either of such punishments, at the discretion of the Court;

(b.) For every offence against paragraphs 10 and 11 of this section, a fine not exceeding 1,000 dollars, and imprisonment with or without hard labour for any term not exceeding one year, or either of such punishments at the discretion of the Court;

Provided always, that where a fine shall be imposed for any offence against paragraphs 10 and 11, the Court may sentence the offender, in default of payment of such fine, to imprisonment with or without hard labour for any term not exceeding one year in lieu of such fine, and such imprisonment shall commence from the expiration of any term of imprisonment to which the offender may have been sentenced in addition to the fine.

(14.) The Supreme Court and the said Court of Magistrates shall have full power and authority to hear and determine all cases of seizure of fittings, and upon proof of the legality of the seizure to declare the said fittings to be forfeited to the Crown, and no fittings seized under this section shall be deemed to be

forfeited to the Crown except under the sentence of one or the other of the said Courts.

(15.) Nothing in this section contained shall be deemed to affect any powers lawfully vested in a Superintendent or Inspector of Police.

(16.) Any suit or prosecution against any person for anything done in pursuance or execution or intended execution of this section shall be commenced within three months after the thing done, and not otherwise.

Notice in writing of every such suit and of the cause thereof shall be given to the intended defendant one month at least before the commencement thereof.

In any such action the defendant may answer that the act complained of was done in pursuance, or execution, or intended execution of this section, and give this section and the special matter in evidence at any trial to be had thereupon.

The plaintiff shall not recover if tender of sufficient amends is made before action brought, or if, after action brought, a sufficient sum of money is paid into Court by or on behalf of the defendant.

If judgment is given for the defendant, or the plaintiff becomes nonsuit, or discontinues the action after an answer has been put in, the defendant shall recover his full costs and shall have the like remedy for the same as any defendant has by law for costs in other cases.

If judgment is given for the plaintiff, he shall not have costs against the defendant unless the Judge before whom the trial is had certifies his approbation of the action.

(17.) No proceeding shall be instituted for any offence against the provisions of this section, or for any forfeiture thereunder, except at the suit or prosecution of, or with the consent of, the Attorney-General.

#### *Rules as to Chinese Emigrant Ships.*

15. In the construction of this section, if not inconsistent with the context, the following terms and expressions shall have the meanings hereinafter respectively assigned to them, that is to say:—

“Building,” in relation to a ship, shall include the doing any act towards or incidental to the construction of a ship, and all words having relation to building shall be construed accordingly;

“Equipping,” in relation to a ship, shall include the furnishing a ship with any tackle, apparel, furniture, provisions, arms, munitions, or stores, or any other thing which is used in or about a ship for the purpose of fitting or adapting her for the sea, and all words relating to equipping shall be construed accordingly;

“Ship and equipment” shall include a ship and everything in or belonging to a ship.

(2.)\*

(3.) No person shall do any of the acts hereinafter specified in paragraph 8 of this section without a licence from the Governor, or unless the owner, agent, or master of the ship in respect of which such act shall be done shall have obtained such licence.

(4.) Every such licence shall be under the hand of the Governor and the public seal of the Colony, and the granting thereof shall be in the discretion of the Governor, and shall be subject to the payment of such fee to the Crown, and to such conditions as may, in each particular case, be prescribed by the Governor in Council.

(5.) Application for such licence shall be made in writing to the Colonial Secretary, and shall be transmitted through the emigration officer, and the owner, agent, or master of the [Chinese emigrant]† ship in respect of which such licence is applied for, shall furnish all particulars as to the destination of the ship, and as to all matters relating to the intended voyage and emigration which may be required of him.

(6.) All such particulars shall, if so ordered, be certified upon oath before any justice of the peace, and every person who shall knowingly furnish untrue particulars shall be liable to imprisonment, with or without hard labour, for any period not exceeding six calendar months, and to a fine not exceeding 100 dollars, either in addition to or in substitution of such imprisonment.

(7.) If it shall appear to the satisfaction of the Governor at any time before the departure of a [Chinese emigrant ship]:‡

(a.) That the particulars furnished in relation thereto are untrue; or

(b.) That further particulars have been discovered since the granting of the licence; or

(c.) That any condition of the licence has been violated :

It shall be lawful for the Governor in Council to revoke or vary the licence granted under this section, in respect of such [Chinese emigrant]† ship, and to order that the said ship be seized and detained until the said licence be delivered up to be cancelled or varied.

(8.) If any person does any of the following acts within the Colony without having obtained a licence from the Governor under this section, or without any such licence as aforesaid

\* Repealed by Ordinance No. 6 of December 9, 1879.

† These words were struck out by Ordinance No. 6 of December 9, 1879.

‡ The words “ship in respect of which a licence has been granted under this section” were substituted by Ordinance No. 6 of December 9, 1879.

having been granted to the owner, agent, or master of the ship in respect of which such act shall be done, or in contravention of the terms of any such licence if granted, that is to say:—

(a.) Builds, alters, or repairs, or agrees to build, alter, or repair, or causes to be built, altered, or repaired, any ship, with intent or knowledge, or having reasonable cause to believe that the same will be employed in the conveyance of Chinese emigrants to be embarked at any port or place out of the Colony; or

(b.) Fits out, mans, [navigates,]\* equips, [uses,]\* lets, or takes on freight or hire any ship, [or commands or serves on board any ship,]\* with intent or knowledge, or having reasonable cause to believe that the same will be employed in manner aforesaid; or

(c.) Despatches, or causes [or allows]\* to be despatched any ship, with intent or knowledge, or having reasonable cause to believe that the same will be employed in manner aforesaid; or

(d.) [Holds or takes any share or interest in, or]\* makes any advances of money to any ship, or becomes security for such advances, with intent or knowledge, or having reasonable cause to believe that the same will be employed in manner aforesaid; or

(e.) Despatches, or causes or allows to be despatched, or commands [or serves on board]\* any ship carrying Chinese passengers, with the intent or knowledge, or having reasonable cause to believe, that such passengers are being carried, or intended to be carried, to any port or place out of the Colony, for the purpose of being conveyed therefrom as emigrants in the same or any other ship; or

(f.) Being the master of a [Chinese emigrant ship]†, clears out and proceeds to sea in such ship;

such person shall be deemed to have committed an offence against this section, and the following consequences shall ensue:—

(a.) The offender shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years, and to a fine not exceeding 2,000 dollars, or to either of such punishments, at the discretion of the Court;

(b.) The ship in respect of which any such offence is committed and her equipment shall, if within the waters of this Colony, be forfeited to the Crown.

(9.) Any person who aids, abets, counsels, or procures the

\* Struck out by Ordinance No. 6 of December 9, 1879.

† The words "ship in respect of which a licence ought to have been obtained under any of the provisions of the clauses 8 (a) and 8 (b) of this section" were substituted by Ordinance No. 6 of December 9, 1879.



commission of any offence against this section shall be liable to be tried and punished as a principal offender.

(10.) The Governor, upon being satisfied that there are reasonable grounds for suspecting that a ship within the waters of the Colony has been or is being built, altered, repaired, or equipped, or is about to be despatched and taken out to sea, contrary to the provisions of this section, or that any other offence against the said provisions has been committed, rendering the said ship liable to forfeiture, may issue a warrant in the form contained in Schedule I to this Ordinance; and upon such warrant, the said ship may be seized and searched and detained until it has been condemned or released by process of law, or in the manner hereinafter mentioned.

(11.) Any officer so authorized to seize, search, and detain any ship under this section may, for the purpose of enforcing such seizure, search, and detention, call to his aid any constable or officers of police, and may apply for assistance to any officer of Her Majesty's army or navy or marines, or to the harbour master, or any officer having authority by law to make seizures of ships, and may put any persons on board such ship to take charge of the same, and to enforce the provisions of this section; and any officer so authorized as aforesaid may use force, if necessary, for the purpose of enforcing such seizure, search, and detention, and if any person is killed, maimed, or hurt by reason of his resisting such officer in the execution of his duties, or any person acting under his orders or at his request, such officer so seizing, searching, and detaining the ship, or other person, shall be freely and fully indemnified, as well against the Queen's Majesty, her heirs and successors, as against all persons so killed, maimed, or hurt.

(12.) The owner of the ship seized and detained under this section, or his agent, may apply by petition to the Supreme Court for its release.

(13.) The Crown Solicitor shall, upon the seizure of any ship as aforesaid, cite the owners or their agents in the Colony by a notice, which may be in the form contained in Schedule K to this Ordinance, to appear before the Supreme Court to show cause why the said ship should not be condemned and forfeited to the Crown for breach of the provisions of this section, and in case there shall be no owner of the said ship in the Colony, nor any agent of such owner, the said notice shall be published twice in the "Gazette," and such publication shall be equivalent to personal service of the citation.

(14.) On the day appointed for the hearing of any petition for the release of the ship, or for the appearance of the owners or their agents in the Colony, in obedience to a citation to show cause why the same should not be forfeited, the Court shall proceed to inquire into the matter, and to make such orders as

may be necessary to put the matter of the seizure and the detention of the ship in course of trial between the owner and the Crown.

The Court may, if it shall think fit, direct a written statement or answer, or any additional pleading to be filed, and may in its discretion receive evidence orally or by affidavit, or partly orally and partly by affidavit, and may determine all questions of fact as well as of law, or may of its own motion, or on the application of either party, direct a jury to be empanelled for the determination of any question of fact.

The Court may frame issues of law and of fact, and generally may exercise the same powers and authorities as on the trial of any other suit, cause, or matter, within its ordinary jurisdiction.

The Court may also, during or before the said proceedings, grant warrants for the entering and searching of any ship or tenement within the jurisdiction, and the seizure of any papers or documents which may be found therein respectively, or may summon any person to appear before the Court, and to produce any papers and documents, and may interrogate such persons on oath touching the subject-matter of the inquiry.

(15.) Whenever any person shall have been convicted before the Supreme Court of an offence against this section, the evidence taken upon the trial of such offender shall be received in evidence in any proceedings instituted for the forfeiture or release of the ship in respect of which such offence shall have been committed; but it shall not be necessary to take proceedings against an offender because proceedings are instituted for the forfeiture, or to take proceedings for the forfeiture because proceedings are taken against the offender.

(16.) The fact of a ship being apparently fitted and equipped, or in course of being fitted and equipped, within the waters of the Colony, for the conveyance of Chinese emigrants, shall, if the owner, agent, or master shall not have obtained a licence from the Governor under this section, or under Section 5 of this Ordinance, be *prima facie* evidence that such ship is intended for the conveyance of Chinese emigrants to be embarked at some port or place out of the Colony.

(17.) If, on the hearing of the said proceedings for the forfeiture or release of a ship seized under this section, it shall be established to the satisfaction of the Court that the offence charged has not been committed in respect of such ship against the provisions of this section, rendering such ship liable to forfeiture, the ship shall be released and restored to the owners thereof or their agents.

(18.) If, on the hearing of the proceedings, it shall be established to the satisfaction of the Court that the offence charged has been committed in respect of such ship, rendering the same

liable to forfeiture under this section, the Court shall declare such ship to be forfeited to the Crown.

(19.) It shall be lawful for the Court to impose such a pecuniary penalty as to the Court shall seem fit, in lieu of condemning the ship, and in such case to cause the ship to be detained until the penalty is paid, and to cause any penalty so imposed to be applied in the same manner in which the proceeds of the said ship, if condemned by order of the Court and sold, would have been applicable.

(20.) The cost of all proceedings for the forfeiture or release of a ship shall be in the discretion of the Court.

(21.) If the Court be of opinion that there was not reasonable and probable cause for the seizure or detention, and if no such cause appear in the course of the proceedings, the Court shall have power to declare that the owner is to be indemnified by the payment of costs and damages in respect of the seizure or detention, the amount thereof to be assessed by the Court, and any amount so assessed shall be payable by the Treasury out of the general revenues of the Colony.

(22.) Every ship forfeited to the Crown for breach of the provisions of this section may be sold by public auction or private contract, and may be transferred to the purchaser by bill of sale under the hand of the Governor and the seal of the Colony, and the net proceeds of such sale shall be paid into the Colonial Treasury for the use of the Crown.

(23.) The Governor may at any time release any ship seized and detained under this section, notwithstanding her forfeiture by the sentence of the Supreme Court, on the owner or agent giving security to the satisfaction of the Governor that the ship shall not be employed contrary to this section, or may release the ship without such security, if the Governor think fit so to release the same.

(24.) Subject to the provisions of this section providing for the award of damages in certain cases in respect of the seizure or detention of a ship by the Court, no damages shall be payable, and no public officer or other person acting under his order or at his request shall be responsible, either civilly or criminally, in respect of the seizure or detention of any ships in pursuance of this section.

(25.) No proceedings, other than the issue of a warrant for the seizure of a ship or for the apprehension of an offender, shall be instituted for any offence against the provisions of this section, except at the suit or prosecution of, or with the consent of, the Attorney-General.

## PART III.—MISCELLANEOUS.

*Repealing Clause.*

16. The following Ordinances and sections of Ordinances are hereby repealed:—

Ordinance	9 of 1856*	..	..	..	Section 3.
„	11 of 1857	..	..	..	The whole.
„	6 of 1859†	..	..	..	„
„	1 of 1862	..	..	..	Section 27.‡
„	12 of 1868§	..	..	..	The whole.
„	4 of 1870	..	..	..	„
„	8 of 1871	..	..	..	„
„	13 of 1872	..	..	..	„
„	3 of 1873¶	..	..	..	„
„	5 of 1873	..	..	..	„
„	10 of 1873	..	..	..	„
„	3 of 1874	..	..	..	„

But this repeal shall not revive any enactment repealed by any of the said Ordinances or sections, and shall not affect—

(a.) Anything duly done before this Ordinance comes into operation;

(b.) Any right acquired or liability accrued before the Ordinance comes into operation.

(c.) Any penalty, forfeiture, or other punishment incurred, or to be incurred, in respect of any offence committed before this Ordinance comes into operation.

(d.) The institution of any legal proceeding, or any other remedy for ascertaining, enforcing, or recovering any such liability, penalty, forfeiture, or punishment as aforesaid.

*Forms.*

17. The forms given in the Schedules hereto,\*\* or forms to the like effect, with such variations and additions as circumstances require, may be used for the purposes therein indicated, and according to the directions therein contained, and instruments in those forms shall (as regards the form thereof) be valid and sufficient.

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\* See Vol. 10. Page 72.

† See Vol. 13. Page 222.

‡ This is the only section relating to emigrants.

§ See Vol. 13. Page 343.

|| See State Papers. Vol. 60. Page 61.

¶ See State Papers. Vol. 65. Page 793.

\*\* For Schedules, see State Papers. Vol. 66. Pages 911 to 918.

ORDINANCE of the Governor of Hong Kong, with the advice of the Legislative Council thereof, for the better Protection of Chinese Women and Female Children, and for the Repression of certain Abuses in relation to Chinese Emigration.

[No. 2.]

[March 18, 1875.]

WHEREAS it is expedient to make better provision for the punishment of persons guilty of selling, purchasing, or decoying into the Colony, or unlawfully detaining therein, Chinese women and female children for the purpose of prostitution, and of decoying Chinese into or away from this Colony for the purpose of emigration, or for any other purposes whatsoever : Be it enacted by the Governor of Hong Kong, with the advice of the Legislative Council thereof, as follows:—

1. The Ordinance No. 6 of 1873\* is hereby repealed, but such repeal shall not affect—

(1.) Any punishment incurred or to be incurred for any offence committed before this Ordinance comes into operation.

(2.) Any proceedings for enforcing such punishment or prosecuting the offender ; and all such proceedings may be had and taken as if the said Ordinance were still in force.

2. Whosoever shall bring, lead, take, decoy, or entice into the Colony any woman or female child with intent to sell her for the purpose of prostitution, or shall sell or purchase any woman or female child for the purpose aforesaid, or shall knowingly derive any profit from the sale or purchase of any woman or female child so sold or purchased as aforesaid, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to the punishments hereinafter provided.

3. Whosoever shall bring, lead, take, decoy, or entice into the Colony any woman or female child knowing that such woman or female child has been sold or purchased for the purpose of prostitution, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to the punishments hereinafter provided.

4. Whosoever shall detain any woman or female child in any place against her will with the intent that she may become a prostitute, or for any other purpose whatsoever, or shall by any false pretences, false representations, or other fraudulent means, procure any woman or female child to have illicit carnal connection with any man, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to the punishments hereinafter provided.

5. Whosoever shall receive or harbour any woman or female child with intent that such woman or female child should be sold or purchased for the purpose of prostitution shall

\* See Vol. 14. Page 227.

be guilty of a misdemeanour, and on conviction thereof shall be liable to the punishments herein provided.

6. Whosoever shall receive or harbour any woman or female child, knowing that such woman or female child has been sold or purchased, whether within the Colony or elsewhere, for the purpose of prostitution, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to the punishments hereinafter provided.

7. Whosoever shall, by force or fraud, imprison or detain any person within the Colony for the purpose of emigration, or for any other purpose whatsoever, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to the punishments hereinafter provided.

8. Whosoever shall by force, intimidation, or any fraudulent means, bring, lead, take, decoy, or entice any person into or away from the Colony, for the purpose of emigration, or for any other purpose whatsoever, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to the punishments hereinafter provided.

9. Every person who shall be convicted of any offence against the provisions of this Ordinance shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

10. All offences against this Ordinance may be heard and determined summarily by two Magistrates sitting together, who shall constitute a Court for this purpose: Provided that, if at the close of the investigation the accused shall apply for a trial by jury, or the Magistrates shall be of opinion that the case ought to be so tried, they may commit the accused for trial at the Supreme Court.

11. The provisions of Section 66 of Ordinance No. 4 of 1865 shall apply to every summary conviction under this Ordinance.

12. Whenever any person shall be convicted before the Supreme Court of any offence against the provisions of this Ordinance, if it shall be proved that the offender has been previously convicted either before the Supreme Court or before two Magistrates sitting together, of an offence under the same or any other section of this Ordinance, it shall be lawful for the Court, in its discretion, to direct that, in addition to the punishment hereinbefore prescribed, the offender, if a male, be once, twice, or thrice publicly or privately whipped, subject to the provisions contained in Section 1 of Ordinance No. 3 of 1868; and all the provisions of Section 94 of Ordinance No. 7 of 1865 relating to the form of information for a subsequent offence and proceedings thereon shall apply to offences punishable under this Ordinance.

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ORDINANCE of the Governor of Hong Kong, with the advice of the Legislative Council thereof, to amend the Law relating to Chinese Passenger Ships and the Conveyance of Chinese Emigrants.

[No. 5.]

[April 26, 1876.]

WHEREAS by Section 5 of "The Chinese Emigration Consolidation Ordinance, 1874,"\* it is enacted "that no Chinese passenger ship, except ships about to proceed on a voyage of not more than 30 days' duration within the meaning of Section 8 of this Ordinance, shall clear out or proceed to sea, and the emigration officer shall not grant the certificate prescribed by Section 4 of 'The Chinese Passengers Act, 1855,'† unless the master of such ship shall be provided with a licence under the hand of the Governor and the public seal of the Colony, to be obtained in manner hereinafter mentioned;" and "(paragraph 2) that it shall be lawful for the Governor in Council, from time to time, to exempt from the operation of this section any mail steamers or other vessels which are subject to the provisions of 'The Chinese Passengers Act, 1855,' provided that the Chinese passengers proceeding in such vessels be free emigrants and under no contract of service whatever;" and whereas it is expedient that every Chinese passenger ship should be provided with a licence, and that the fee chargeable upon such licence should be reduced, and that the law should be amended as hereinafter provided: Be it therefore enacted by the Governor of Hong Kong, with the advice of the Legislative Council thereof, as follows:—

1. Section 5 of "The Chinese Emigration Consolidation Ordinance, 1874," is hereby repealed, and Section 2 of this Ordinance is enacted instead thereof, and shall be read as if it had originally been inserted in the place of the said Section 5; and in any new edition of the Ordinances may be printed as Section 5 of the said Ordinance.

*Licensing of "Chinese Passenger Ships."*

2. No Chinese passenger ship shall clear out or proceed to sea, and the emigration officer shall not grant the certificate prescribed by Section 4 of "The Chinese Passengers Act, 1855," unless the master of such ship shall be provided with a licence under the hand of the Governor and the public seal of the Colony, or under the hand and seal of an emigration officer, to be obtained in manner hereinafter mentioned.

(2.) Whenever any Chinese passenger ship is about to proceed to sea upon any voyage of more than seven days'

\* See Page 546.

† 18 & 19 Vict. c. 104. See Vol. 10. Page 62.

duration, the owners or charterers of such ship, or, if absent from the Colony, their respective agents, may, before such ship is laid on for the conveyance of Chinese emigrants, and before any depôt is opened for their reception, apply in writing to the Colonial Secretary, for a licence under the hand of the Governor and the public seal of the Colony for the conveyance of such emigrants, and shall furnish all particulars as to the destination of the said ship, and as to all other matters relating to the intended voyage and emigration which may be required of them.

(3.) Whenever any Chinese passenger ship, which is not provided with a licence covering her intended voyage, is about to proceed with free Chinese emigrants under no contract of service whatever from any port in China, or within 100 miles of the coast thereof, upon a voyage of not more than 30 days' duration, the owners or charterers of such ship, or, if absent, their respective agents, may, before such ship is laid on for the conveyance of Chinese emigrants, and before any depôt is opened for their reception, apply in writing to the emigration officer at such port for a licence under his hand and seal for the conveyance of such emigrants upon the intended voyage only, and shall furnish all particulars as to the destination of the said ship, and as to all other matters relating to the intended voyage and emigration which may be required of them.

(4.) All such particulars shall, if so ordered, be verified upon oath before the emigration officer or any justice of the peace, and every person who shall knowingly furnish untrue particulars, shall be liable to imprisonment, with or without hard labour, for any period not exceeding six calendar months, and to a fine not exceeding 100 dollars, either in addition to or in substitution of such imprisonment.

(5.) The Governor in Council may, at his discretion, grant to any vessel a general licence for any period or for any number of voyages, or for voyages to and from any specified port or ports, upon the condition that the vessel provided with such licence shall carry only free passengers under no contract of service whatever, except as hereinafter mentioned.

(6.) The granting of any licence shall be in the discretion of the Governor in Council, and in cases within paragraph 3 of this section, shall be in the discretion of the emigration officer, and in every case shall be subject to the payment of a fee of 5 dollars, and to such conditions as may from time to time be prescribed under instructions from Her Majesty's Principal Secretary of State for the Colonies, and the Governor in Council may impose such conditions on the granting of any licence as he shall think expedient in each particular case, provided the same shall not be contrary to or inconsistent with such instructions.



(7.) Every licence, other than a general licence, granted under this section in respect of any Chinese passenger ship shall specify the period within which such ship shall clear out and proceed to sea: Provided always that it shall be lawful for the Governor in Council, or emigration officer who granted the licence, from time to time to extend such period.

(8.) The Governor in Council may, at his discretion, authorize any person to engage any specified number of Chinese artizans, mechanics, labourers, or servants for any person resident in any British possession, and to make contracts in writing on behalf of such resident with the persons so engaged. Every such contract shall be made in triplicate, and one part shall be lodged in the office of the emigration officer; and such part shall be admissible in evidence without a stamp.

Any vessel provided with a general licence may carry any person so engaged without thereby affecting her licence.

(9.) Nothing in "The Chinese Emigration Consolidation Ordinance, 1874," shall prevent passengers, natives of Asia, from travelling in the first class cabin of any vessel which is provided with a general licence, on the same terms as passengers of other nationalities; or in the first or second class cabin, if the vessel carries more than two classes of passengers.

Such passengers are hereby exempted from the necessity of obtaining contract passage tickets, or of submitting themselves to be mustered or inspected by any emigration officer, or medical officer, or other person.

Such passengers shall, however, be reckoned in calculating the number of passengers, natives of Asia, who are carried by the said vessel.

(10.) In case it shall be shown to the satisfaction of the Governor in Council, at any time before the departure of a Chinese passenger ship, that the master, mate, or any other officer of such ship is unfit for the proper discharge of his duties by reason of incompetency or misconduct, or for any other sufficient cause, it shall be lawful for the Governor, by order under his hand, to discharge and remove such master, mate, or other officer from the said ship, and thereupon the owners or charterers thereof, or their agents, shall forthwith appoint a master or mate, or other officer, as the case may be, to be approved by the emigration officer, in the place of the one so discharged and removed as aforesaid.

(11.) In the following cases, namely:—

(a.) If it shall appear to the satisfaction of the Governor in Council, or emigration officer, at any time before the departure of a Chinese passenger ship, that the particulars furnished to him in relation thereto under paragraph 2 of this section are

untrue, or that any condition of the said licence has been violated;

(b.) If any Chinese passenger ship shall fail to clear out and proceed to sea, within the period specified in the licence granted under this section, or within such extended period as aforesaid;

(c.) If the owners or charterers of a Chinese passenger ship shall fail forthwith to appoint a master, mate, or other officer to be approved as aforesaid, in the place of any master, mate, or other officer discharged under paragraph 10 of this section;

it shall be lawful for the Governor in Council or emigration officer to revoke the licence granted by him under this section in respect of such Chinese passenger ship, and to order that the said ship be seized and detained until her emigration papers (if already granted) be delivered up to be cancelled.

(12.) The breach of any condition of a licence granted under this section shall be deemed a breach of a regulation respecting Chinese passenger ships within the meaning of Section 2 of "The Chinese Passengers Act, 1855."

(13.) It shall be lawful for the Governor in Council to apply the whole or any part of the penalty, recoverable in case of the non-observance or non-performance of the regulations of this section under the provision of Section 5 of "The Chinese Passengers Act, 1855," towards the expenses of reconveying to their homes intending emigrants by any vessel in respect of which the licence granted under this section shall have been revoked in manner hereinbefore provided.

(14.) Nothing in this section shall be deemed to affect the regulations contained in Schedule A of "The Chinese Passengers Act, 1855."

3. This Ordinance shall not come into operation until Her Majesty's confirmation of the same shall have been proclaimed by the Governor.\*

*ACT of the Government of Queensland, to regulate the Immigration of Chinese and to make provision against their becoming a charge upon the Colony.*

[No. 8.]

— [Assented to August 20, 1877.]

WHEREAS it is expedient to regulate the immigration of Chinese into the Colony of Queensland, and to obtain security for the payment of any expenses that may be incurred in respect of such immigrants, and of any fines or penalties imposed upon them: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative

\* Her Majesty's confirmation was proclaimed at Hong Kong, July 13, 1876.

Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. For the purposes of this Act, the following words in inverted commas shall, unless the context otherwise indicate, bear the meanings set against them respectively:—

“Chinese,” any native of the Chinese Empire or its dependencies not born of British parents;

“Vessel,” any ship or other sea-going vessel of whatsoever kind or description;

“Master,” the person other than a pilot for the time being in actual command of any such vessel.

2. The master of every vessel having Chinese on board shall, immediately on his arrival from beyond the Colony, in any port of the Colony, and before making any entry at the Customs, deliver to the Collector or other principal officer of Customs a list of such Chinese, specifying the name, the place of birth, the apparent age, the ordinary place of residence, the place and date of shipment, and the calling or occupation of each such Chinese. And for each default herein such master shall be liable to a penalty not exceeding 200*l.*

3. If any vessel shall arrive in any port in Queensland, having on board a greater number of Chinese passengers than in the proportion of one to every 10 tons of the tonnage of such vessel according to the registry thereof if British, and if not, then according to the measurement defined by “The Merchant Shipping Act, 1854,”\* the owner, charterer, or master of such vessel shall be liable on conviction to a penalty not exceeding 10*l.* for each Chinese passenger so carried in excess.

4. Before any Chinese arriving from beyond the Colony shall be permitted to land from any vessel, and before making any entry at the Customs, the master of the vessel shall pay to such Collector or other principal officer the sum of 10*l.* for every such Chinese, to be applied in manner hereinafter provided, and no entry shall be deemed to have been legally made, or to have any legal effect, until such payment shall have been made.

And if any master shall neglect to pay any such sum, or shall land or permit to land any Chinese at any place in the Colony before such sum shall have been paid for or by him, or before such list shall have been delivered, such master shall be liable for every such offence to a penalty not exceeding 20*l.* for each Chinese so landed or permitted to land, in addition to the amount of such sum.

And in every such case, in addition to any such penalty, the vessel shall be forfeited, and may be seized, condemned, and disposed of in like manner as ships forfeited for a breach of any law relating to the Customs.

\* 17 & 18 Vict. c. 104. See Vol. 14. Page 696.

5. Every Chinese arriving in the Colony after the passing of this Act, otherwise than by any vessel, shall pay or have paid for him to some officer whom the Governor in Council may appoint at any places on or near the borders of the Colony, or otherwise conveniently situate for that purpose, a like sum of 10*l.*

6. The Collector or other officer receiving such sum from or for any Chinese shall, without demand, forthwith give him a certificate in writing under his hand of the payment of such sum, which certificate shall be in a form to be prescribed by the Governor in Council. And such certificate, whensoever and wheresoever produced by such Chinese, shall be conclusive evidence on behalf of himself and of any other person who may have paid such sum for him that such sum has been duly paid.

7. All sums so paid by or on behalf of any Chinese shall be paid over to the Colonial Treasurer and be by him applied in manner following, that is to say :—

If at any time within three years from the date of the landing or arrival of any Chinese in respect of whom such sums shall have been paid, such Chinese shall depart from the Colony to parts beyond the seas, and shall before his departure prove to the satisfaction of the Colonial Treasurer that during his residence in the Colony he has not been confined in any gaol or lock-up after conviction of any offence, and that he has paid all fines and penalties imposed upon him under the provisions of any Act in force in the Colony, and that he has paid all expenses incurred in respect of his confinement or medical treatment in any public hospital, benevolent asylum, lunatic asylum, or other place for the care, treatment, or cure of the sick poor or insane, and that no expense or charge has fallen upon the revenue for his support, then, upon production to the Collector or other principal officer of Customs at the port of embarkation of the certificate given to such Chinese on his arrival, the amount so paid in respect of such Chinese shall be repaid to him on board of the ship by which he shall so depart. But if he shall fail to make such proof within the period aforesaid the amount shall be paid into the Consolidated Revenue.

8. If any Chinese shall enter or attempt to enter the Colony without paying or having paid for him the sum of 10*l.* aforesaid, he shall besides such sum be liable to a penalty not exceeding 10*l.*, and may be apprehended and taken before any Justice of the Peace, who may take sufficient bail for his appearance at the next Court of Petty Sessions, or remand him to such Court as to such Justice shall seem fit, unless and until such Chinese shall produce a certificate of payment as aforesaid.

9. At the hearing of any prosecution under this Act the Justices may decide, upon their own view and judgment,

whether any person charged or produced before them is a Chinese within the meaning of this Act.

10. It shall be lawful for the Colonial Treasurer, or any person authorized by him, upon the application of any Chinese, and upon being satisfied that such Chinese was at the time of the passing of this Act a *bona fide* resident of the Colony, and that he desires to be absent therefrom for a temporary purpose only, to grant to such Chinese a certificate that he is exempt from the provisions of this Act for a time to be specified in such certificate. And during the time so specified the holder of such certificate shall be exempt from all payments under this Act.

11. The sum of 10*l.* aforesaid shall not be payable by or in respect of any Chinese who is one of the crew of any vessel unless he shall land from such vessel.

12. All penalties and forfeitures imposed by this Act shall be sued for, prosecuted, and recovered in the name of some officer of Customs or other person thereunto authorized by the Governor in Council.

13. This Act shall be styled and may be cited as "The Chinese Immigrants Regulation Act of 1877."

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*ORDINANCE of the Governor of Hong Kong, with the advice of the Legislative Council thereof, with reference to Passenger Steamers and Emigration.*

AN ORDINANCE enacted by the Governor of Hong Kong, with the advice of the Legislative Council thereof, to relieve a certain class of Passenger Steamers from the Regulations of Schedule A of "The Chinese Passengers Act, 1855,"\* and from the Regulations of Schedule E of "The Chinese Emigration Consolidation Ordinance, 1874," and to substitute other Regulations in regard thereto.

[No. 1.]

[April 29, 1878.]

WHEREAS by Section 2 of "The Chinese Passengers Act, 1855," it is enacted that it should be lawful for the Legislature of Hong Kong, by any Ordinance to be by them enacted for that purpose, to make regulations respecting Chinese passenger ships, and, in the case of British ships, respecting the treatment of passengers therein while at sea, and that until such enactment the regulations contained in Schedule A to the said Act annexed should be in force:

\* 18 & 19 Vict., c. 104. See Vol. 10. Page 66.

And whereas by Section 8 of "The Chinese Emigration Consolidation Ordinance, 1874,"\* it is provided that all ships clearing out or proceeding to sea upon voyages of not more than 30 days' duration shall be subject to the modified regulations contained in Schedule E of that Ordinance, which, as regards such ships, shall be substituted for those contained in Schedule A of "The Chinese Passengers Act, 1855," but that nothing in the said section shall be deemed to relieve Chinese passenger ships from the operation of the said Act, except so far as the same is by the said Schedule expressly modified:

And whereas it is expedient by means of this Ordinance to relieve the passenger steamers hereinafter mentioned from the regulations in the said Schedule E, and to substitute other regulations in regard thereto: Be it enacted by the Governor of Hong Kong, with the advice of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited for all purposes as "The Chinese Passengers Ordinance, 1877 (Special Licences)."<sup>†</sup>

2. In the construction of this Ordinance and of the regulations in the Schedule hereto, the terms and expressions following, that is to say, "Chinese Passenger Ships," "Governor," "British Consul," "Emigration Officer," and "Master" shall have the meanings assigned to them respectively by Section 1 of "The Chinese Passengers Act, 1855."

"Voyage of not more than 30 days' duration" shall mean and include any voyage which, in pursuance of Section 3 of "The Chinese Passengers Act, 1855," is for the time being declared to be a voyage of not more than 30 days' duration.

3. The Governor in Council may, at his discretion, and on payment of a fee of 5 dollars, grant a special licence for any period not exceeding 12 months, or for any number of voyages to be performed within 12 months, to any steamer which is regularly employed in the conveyance of public mails under an existing contract with the Government of the State or Colony for which such mails are carried, or to any other steamer which is approved by the Governor as a first class steamer. Such special licence shall authorize the steamer named therein to carry a limited number of free Chinese passengers upon voyages of not more than 30 days' duration between ports to be specified in the licence under and subject to the regulations contained in the Schedule to this Ordinance.

The number of passengers to be carried shall be inserted in the licence, and shall in no case exceed one passenger for every 10 tons of the registered tonnage of such steamer.

4. The Governor in Council may, if he think fit, annex any

\* See Page 551.

† The figures 1878 were substituted for the figures 1877 in this section by Ordinance No. 2 of May 29, 1879.

special conditions to the granting of any special licence applied for under this Ordinance, and may cause such special conditions to be specified in the licence.

5. A special licence granted under this Ordinance may, at any time, be cancelled by the Governor in Council at his discretion.

6. Every steamer to which a special licence is granted under this Ordinance shall, during the continuance of such licence, be relieved from the regulations contained in Schedule A annexed to "The Chinese Passengers Act, 1855," and from the regulations contained in Schedule E annexed to "The Chinese Emigration Consolidation Ordinance, 1874," but nothing herein contained shall be deemed to relieve such steamer from the operation of any part of "The Chinese Passengers Act, 1855," except the regulations in the said Schedule A.

7. The breach of any regulation contained in the Schedule hereto, or of any condition of a special licence, shall be deemed to be a breach of a regulation respecting Chinese passenger ships within the meaning of "The Chinese Passengers Act, 1855."

Whosoever impedes the emigration officer in the execution or performance of any of the powers or duties vested in or imposed upon him by this Ordinance, or any regulation thereunder, shall be liable, on conviction in a summary way, to a penalty not exceeding 500 dollars for each offence.

8. For the purposes of this Ordinance, the forms of emigration officer's certificate and of the master's bond contained in the Schedule hereto shall be substituted for the forms respectively contained in Schedules B and C to "The Chinese Passengers Act, 1855," annexed.

9. This Ordinance shall not come into operation until Her Majesty's confirmation thereof is proclaimed in the Colony by the Governor.\*

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BRITISH ORDER IN COUNCIL, *fixing the Amount of Additional Fees to be taken at Her Majesty's Consulate at Shanghai.*  
Windsor, February 14, 1883.

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*At the Court at Windsor, the 14th day of February, 1883.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

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WHEREAS the Act of Parliament of the 6th year of the reign of King George the Fourth (chapter 87), "To regulate the payment of salaries and allowances to British Consuls at Foreign

\* Her Majesty's confirmation was proclaimed at Hong Kong, June 10, 1879.

Ports and the disbursements at such ports for certain public purposes," after providing to the effect that Consuls might take the fees therein referred to, further provided (among other things) to the effect (Section 4)\* that it should be lawful for His Majesty, by Order to be made with the advice of his Privy Council, from time to time, as occasion might require, to establish and authorize the payment of any new or additional fees for, or in respect of, any things to be by any Consul done in the execution of such his office:

And whereas it has been made to appear to Her Majesty that it is expedient that additional fees be taken in Her Majesty's Consulate at Shanghai in China:

And whereas Her Majesty has power and jurisdiction over and in relation to Her Majesty's subjects and others in China:

Now, therefore, Her Majesty by virtue and in exercise of the powers in this behalf by the said Act of King George the Fourth, and by "The Foreign Jurisdiction Acts, 1843 to 1878," or otherwise in Her Majesty vested, is pleased by and with the advice of her Privy Council to order, and it is hereby ordered, as follows:

1. The fees set forth in the Schedule to this Order shall be paid to Her Majesty's Consul at Shanghai in respect of the several things in the Schedule mentioned to be by the Consul done in the execution of his office.

2. No further fee shall be taken in the same matter for signature or attestation or for annexing the Consular seal.

3. The taking by the Consul before the passing of this Order of such fees as are authorized by this Order shall be, and shall be deemed to have always been, as lawful and valid to all intents as if those fees had been taken after the passing of this Order.

And the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

The SCHEDULE to which the foregoing Order refers.

*Fees.*

For verification and certification of copies of documents:

For first hundred words .. ..	50 cents.
For every further hundred words .. ..	25 "
For new title deeds of land .. ..	10 dollars.
For transfer of land .. ..	5 "
For cancelment of title-deeds.. ..	5 "

\* See Vol. 4, page 172; and Orders in Council of June 19, 1868, Vol. 13, page 340; and of July 21, 1876, Vol. 14, page 241.



BRITISH ORDER IN COUNCIL, *providing for the Appointment of a Registrar of Shipping at Shanghai.* Windsor, May 22, 1883.

*At the Court at Windsor, the 22nd day of May, 1883.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Merchant Shipping Act, 1873" (section 29\*), it is enacted (among other things) to the effect that where in accordance with the Foreign Jurisdiction Acts, Her Majesty exercises jurisdiction within any port out of Her Majesty's dominions, it shall be lawful for Her Majesty by Order in Council to declare such port a port of registry, therein referred to as a foreign port of registry, and by the same or any subsequent Order in Council to declare the description of persons who are to be the Registrars of British ships at such foreign port of registry, and to make regulations with respect to the registry of British ships thereat;

And whereas in accordance with the Foreign Jurisdiction Acts Her Majesty exercises jurisdiction within the port of Shanghai in China:

And whereas by virtue of the power aforesaid, Her Majesty was pleased, by and with the advice of her Privy Council, by "The China and Japan Maritime Order in Council, 1874,"† to declare and order (among other things) that the port of Shanghai should be a port of registry, and to provide for the appointment of a Registrar there, and for other purposes connected therewith:

And whereas it has been made to appear to Her Majesty that it is expedient to amend the said Order in Council with respect to the mode of appointment of the Registrar and in other respects:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by "The Merchant Shipping Act, 1873," and "The Foreign Jurisdiction Acts, 1843 to 1878," or otherwise in her vested, is pleased, by and with the advice of her Privy Council, to order and declare, and it is hereby ordered and declared, as follows:

1. Articles 5, 7, and 8 (relating to the appointment and the tenure of office of the Registrar) of "The China and Japan Maritime Order in Council, 1874," are hereby repealed.

2. The Registrar of British ships at the port of Shanghai as a foreign port of registry shall be such one of Her Majesty's Consular Officers at Shanghai as one of Her Majesty's Principal Secretaries of State from time to time appoints by writing signed by him.

\* 36 & 37 Vict. c. 85. See Vol. 14. Page 714.

† See Vol. 14. Page 230.

3. The following Articles of "The China and Japan Maritime Order in Council, 1874," are hereby incorporated with this Order, and for the purposes of this Order shall be read as part thereof, namely,—Article 2 (interpretation), Article 3 (application of Order), Article 25 (publication of Order).

4. This Order may be cited as "The Shanghai Shipping Order in Council of 1883," and this Order and "The China and Japan Maritime Order in Council, 1874," may be cited together as "The Shanghai Shipping Registry Orders in Council of 1874 and 1883."

And the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

## DENMARK.

ADDITIONAL ARTICLES to the Money Order Convention between the General Post Office of the United Kingdom of Great Britain and Ireland and the General Post Office of the Kingdom of Denmark, of the <sup>22nd of April,</sup><sub>16th of May,</sub> 1871. (*Money Orders, Iceland.*) Signed at London, December 14, 1883; and at Copenhagen, December 31, 1883.\*

THE Postmaster-General of the United Kingdom of Great Britain and Ireland, on the one part, and the Director-General of the Posts, Telegraphs, and State Railways of the Kingdom of Denmark, on the other part;

Having regard to Article XX of the Money Order Convention concluded between the British Post Office and the Danish Post Office, signed at Copenhagen on the 22nd of April, 1871, and in London on the 16th May, 1871;†

And being of opinion that it is desirable to establish a direct money order service between the United Kingdom and Iceland, in accordance with the system regulated by the said Convention;

Have agreed as follows:—

ART. I. There shall be an exchange of money orders between the United Kingdom of Great Britain and Ireland on the one part, and Iceland on the other.

II. Amounts shall be expressed exclusively in English and Danish currency, and shall be converted from the one currency into the other at the same rate as that fixed for the conversion of the amounts of orders exchanged between the United

\* Signed also in the Danish language.

† See Vol. 13. Page 369.

Kingdom and Denmark, namely, 18 kroner 16 ore to the pound sterling.

But this rate shall be subject to alteration should fluctuations in the market range of exchange between the United Kingdom and Denmark at any time render an alteration necessary.

III. The particulars of all money orders drawn in the United Kingdom upon Iceland shall be entered at the chief office in London in lists similar to Form A in the Appendix to the Convention of the <sup>22nd of April,</sup><sub>10th of May,</sub> 1871; and such lists shall be forwarded direct to the Postmaster of Reykjavik.

One copy of each list, so despatched, shall be sent, on the same day, to the Danish office of exchange at Korsör; and, to prevent inconvenience, in case the original lists should be lost, duplicate lists shall be forwarded by the London office to the Postmaster of Reykjavik by the following mail.

IV. The particulars (including the full addresses of the payees and remitters) of all money orders issued in Iceland shall be entered by the Postmaster of Reykjavik in lists similar to Form A in the aforesaid Convention, and such lists shall be forwarded direct to England, addressed to the Controller, Money Order Office, General Post Office, London.

One copy of each list, so despatched, shall at the same time be forwarded to the Danish office of exchange at Korsör; and duplicates shall be forwarded by the following mail, from the office at Reykjavik, to the Comptroller, Money Order Office, General Post Office, London.

V. When it is necessary to correct errors affecting the payment of orders, the Controller of the Money Order Office in London shall communicate with the Postmaster of Reykjavik direct; and, in like circumstances, the Postmaster of Reykjavik shall communicate with the Controller, Money Order Office, General Post Office, London.

VI. All corrections affecting the amounts of orders and totals of lists shall be immediately notified to the Danish office of exchange at Korsör.

VII. At the end of every calendar month a detailed statement shall be prepared by the office of exchange in London on a form similar to pattern B, annexed to the Convention of the <sup>22nd of April,</sup><sub>10th of May,</sub> 1871, showing the total of each list received from Reykjavik during the month; and a similar statement shall, at the end of every month, be prepared by the Danish office of exchange at Korsör, showing the totals of the lists of orders issued in the United Kingdom and advised to Reykjavik.

VIII. The detailed accounts shall be examined, verified, and accepted in the manner described in Article XVII of the Convention of the <sup>22nd of April,</sup><sub>10th of May,</sub> 1871; and the results shall be incor-

porated by the Danish Post Office in the general account mentioned in Article XVIII of the said Convention.

IX. As regards all particulars not mentioned in the foregoing Additional Articles, the exchange of money orders between the United Kingdom and Iceland shall be carried on under the conditions which regulate the existing exchange of money orders between the United Kingdom and Denmark.

X. The present Articles shall be considered as additional to the Money Order Convention referred to therein, and shall be carried into effect on the 1st day of April, 1884.

Done in duplicate, and signed in London, on the 14th day of December, 1883; and in Copenhagen on the 31st day of December, 1883.

(L.S.) HENRY FAWCETT.

(L.S.) LUND.

## DOMINICAN REPUBLIC.

DOMINICAN DECREE, *appropriating 10 per cent. of the Import Duties towards the Repayment of the Expenses incurred by the British Government through the Detention at Tortola of the steamer Telegrafo, in July, 1869. Santo Domingo, July 15, 1878.*

### THE EXECUTIVE POWER OF THE REPUBLIC,

WHEREAS by a Resolution of the Government of the 27th June, 1876, based upon a decision of the Legislative Chamber taken on the previous day, the debt of 5,000*l.* sterling in favour of Her Majesty's Government was recognized as indemnity for the legal proceedings in the affairs of the steamer *Telegrafo*, for which three bills of exchange were delivered, the first for 2,500*l.*, payable in one year; the second for 1,250*l.*, payable in 18 months; and the third for 1,250*l.*, payable in two years:

Whereas the previous Governments, for reasons unknown to this Administration, were unable to pay when due either the first or the second bill, and that funds have not been specially provided to meet the third bill:

Whereas the Administration which has just been inaugurated has established, as one of the fundamental points of its programme, the obligation to raise the credit of the Republic, and should, therefore, adopt means to attain this end, the default of which might be productive of disagreeable consequences, which, in similar cases, should be avoided as far as it

depends upon the Government, for the honour of the country and its representatives:

The Council of the Secretaries of State having been heard,  
Resolves,—That 10 per cent. of the import duties shall be reserved from this date to pay the international engagement above mentioned, after having deducted the  $3\frac{1}{2}$  per cent. accorded to the American steamers performing the mail service, and the Minister of Finance is charged to take the necessary measures for the execution of this Resolution.

Given at the city of St. Domingo, the 15th July, 1878, in the 35th year of the Independence and the 15th of the Restoration.

IGNACIO M. GONZALES, *President of the Republic.*  
M. DE J. RODRIGUEZ, *Minister of*  
*Finance and Commerce.*

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## EGYPT.

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AGREEMENT *between the British Government and the Suez Canal Company, respecting Tonnage Measurement with regard to the Transit Tariff by the Suez Canal.\* Signed at Cairo, February 21, 1876.†*

[Approved by the Sublime Porte, March 30, 1877.]

THE following has been agreed to between—

M. de Lesseps, G.C.S.I., &c., President Director of the Universal Company of the Maritime Suez Canal, furnished with full powers from the Council of Administration, on the one part; and

Colonel John Stokes, C.B., &c., empowered by Her Britannic Majesty's Government, on the other part:—

ART. I. M. de Lesseps engages to induce the said Company to accept beforehand all that was settled at Constantinople relative to the question of tonnage as regards the transit tariff by the said Suez Canal, in conformity with the Final Report of the International Commission of 18th December, 1873,‡ which was adopted by the Ottoman Porte.

II. In return for this declaration, the British Government will undertake to negotiate, with a view to substitute for the present dispositions relative to the decrease of the surtax, an arrangement by virtue of which the first decrease of 50 c.

\* Laid before Parliament with "Correspondence respecting the Suez Canal (Tonnage Measurement)" in 1878.

† Signed also in the French language.

‡ See State Papers. Vol. 65. Page 790.

shall begin on the 1st January, 1877; the second decrease of 50 c. on the 1st January, 1879; the third on the 1st January, 1881; the fourth on the 1st January, 1882; the fifth on the 1st January, 1883; and the sixth on the 1st January, 1884; so that from this latter date the surtax would be extinguished, and the maximum of 10 francs per ton on the official net tonnage would alone be levied.

III. M. de Lesseps engages that the Company shall execute extraordinary works of construction in addition to works of ordinary repair up to the amount of 1,000,000 of francs a year for 30 years.

IV. As soon as the British Government shall have informed M. de Lesseps of the favourable result of the negotiation mentioned in Article II which precedes, M. de Lesseps will withdraw all his protests against the Ottoman Porte.

Executed in duplicate at Cairo, February 21, 1876.

FERD. DE LESSEPS.

J. STOKES.

*DECLARATION between Russia and Egypt, recording the Accession of Egypt to the International Telegraphic Convention of the 10th July, 1875.\* Signed at Cairo, December 21, 1876; and at St. Petersburg, February 13, 1877.*

SON ALTESSE le Khédivé d'Égypte, ayant accédé à la Convention Télégraphique Internationale conclue à St. Pétersbourg le  $\frac{10}{7}$  Juillet, 1875, par la Déclaration d'Accession dont la teneur suit:—

“Le Soussigné, Ministre des Affaires Étrangères du Gouvernement Égyptien, agissant par ordre de Son Altesse Ismaïl Pacha, Khédivé d'Égypte, et en vertu de la faculté accordée aux États non signataires par l'Article XVIII de la Convention Télégraphique Internationale signée à St. Pétersbourg le  $\frac{10}{7}$  Juillet, 1875, déclare au nom du dit Gouvernement qu'il adhère à la Convention susmentionnée, qui est censée insérée mot pour mot dans la présente Déclaration, et qu'il s'engage formellement envers Sa Majesté l'Empereur de Toutes les Russies, de même qu'envers les autres Parties Contractantes, à concourir de son côté à l'exécution pleine et entière des stipulations contenues dans la Convention dont il s'agit.

“En foi de quoi il a signé la présente Déclaration, et y a fait apposer le sceau du Ministère des Affaires Étrangères du Khédivé.

“Fait au Caire, le 21 Décembre, 1876.

(L.S.) “CHÉRIF.”

\* See Vol. 14. Page 95.

Le Chancelier de l'Empire de Toutes les Russies, dûment autorisé, déclare que le Gouvernement Impérial de Russie accepte formellement la dite accession tant en son nom qu'au nom des autres Parties Contractantes, et s'engage à exécuter envers Son Altesse le Khédivé d'Égypte toutes les stipulations contenues dans la dite Convention.

En foi de quoi le Soussigné a signé la présente Déclaration et l'a revêtue du cachet de ses armes.

Fait à St. Pétersbourg, le  $\frac{1}{13}$  Février, 1877.

(L.S.) GORTCHACOW.

*FIRMAN addressed by the Sultan to the Khedive of Egypt (Tewfik Pasha) relative to Imposts; the conclusion of Commercial and other Conventions (except Political Treaties); Finances; Contraction of Loans; Non-Alienation of Privileges or of Territory; Tribute; Coinage; Levy of Troops; Flags; Appointment of Military, Naval, and Civil Officers; Non-Construction of Iron-clads; Confirmation of Privileges; &c. August 2, 1879.*

A MON Vizir éclairé Tewfik Pacha, appelé au Khédiviat d'Égypte avec le haut rang de Tédaret effectif, décoré de mes Ordres Impériaux de l'Osmanie et du Medjidié en brillants, que le Tout-Puissant perpétue sa splendeur, &c., &c.

Ismail Pacha, Khédivé d'Égypte, ayant été relevé de ses fonctions ce 6 Redjeb, 1296 [Juin 26, 1879], eu égard à tes services, à ta droiture, et à ta loyauté tant à ma personne qu'aux intérêts de mon Empire, à ton expérience des affaires d'Égypte, à ta capacité pour réformer la mauvaise situation dont ce pays souffre depuis quelque temps, et conformément à la règle établie par le Firman du 12 Mouharrem, 1283 [Mai 27, 1866],\* pour la transmission du Khédiviat par ordre de primogéniture, de fils aîné en fils aîné, nous avons conféré à toi, en ta qualité de fils aîné d'Ismail Pacha, le Khédiviat d'Égypte, tel qu'il se trouve formé par ses anciennes limites et en y comprenant les territoires qui y ont été annexés.

L'accroissement de la prospérité de l'Égypte et la consolidation de la sécurité et de la tranquillité de ses habitants constituant l'objet de notre plus haute sollicitude, nous avons rendu, il y a quelque temps, dans ce but, un Firman Impérial qui confirmait aussi les privilèges anciens de cette contrée. Cependant quelques-unes des dispositions du susdit Firman ayant donné lieu aux difficultés actuelles, en vue de confirmer ceux de ces privilèges qui doivent être maintenus intacts, et de corriger et améliorer ceux de ces privilèges qui ont paru

\* See Vol. 14. Page 1025.

nécessiter quelques modifications, nous avons fait insérer, ci-après, les dispositions suivantes :—

*Impôts.*

Tous les impôts de cette province seront perçus en mon nom. Les habitants d'Égypte étant de mes sujets, et ne devant comme tels subir la moindre oppression ni acte arbitraire, à cette condition le Khédiat d'Égypte, auquel est confiée l'administration civile, financière, et judiciaire du pays, aura la faculté d'élaborer et d'établir, d'une manière conforme à la justice, tous réglemens et lois intérieurs nécessaires à cet égard.

*Conventions.*

Le Khédivé sera autorisé à contracter et à renouveler, sans porter atteinte aux Traités politiques de mon Gouvernement Impérial, ni à ses droits souverains sur ce pays, les Conventions avec les Agents des Puissances Étrangères pour les Douanes et le Commerce, et pour toutes les transactions avec les étrangers concernant les affaires intérieures, et cela dans le but de développer le commerce, l'industrie, et l'agriculture, et de régler la police des étrangers et tous leurs rapports avec le Gouvernement et la population. Ces Conventions seront communiquées à ma Sublime Porte avant leur promulgation par le Khédivé.\*

*Finances. Loans.*

Le Khédivé aura la disposition complète et entière des affaires financières du pays. Mais il n'aura pas le droit de contracter des emprunts, sauf pour ce qui concerne exclusivement le règlement de la situation financière présente, et en parfait accord avec ses présents créanciers ou les délégués chargés officiellement de leurs intérêts.

*Non-Alienation of Privileges or of Territory.*

Le Khédiat ne saura, sous aucun prétexte ni motif, abandonner à d'autres, en tout ou en partie, les privilèges accordés à l'Égypte et qui lui sont confiés, et qui sont une émanation des prérogatives inhérentes au pouvoir souverain, ni aucune partie du territoire.†

*Tribute.*

L'Administration Égyptienne aura soin de payer régulièrement le tribut annuel fixé à £T. 750,000.

*Coinage.*

La monnaie sera frappée en Égypte en mon nom.

*Troops.*

En temps de paix 18,000 hommes de troupes suffisent pour

\* See Note. Page 583.

† See Notes. Page 584.



la garde intérieure de l'Égypte. Ce chiffre ne doit pas être dépassé. Cependant, comme les forces Égyptiennes de terre et de mer sont destinées aussi au service de mon Gouvernement, dans le cas où la Sublime Porte se trouverait engagée dans une guerre leur chiffre pourra être augmenté dans la proportion jugée convenable.

*Flags.*

Les drapeaux des forces de terre et de mer et les insignes des différents grades des officiers seront les mêmes que ceux de mes armées.

*Appointments.*

Le Khédiat aura le droit de conférer aux officiers de terre et de mer jusqu'au grade de Colonel inclusivement, et aux employés civils jusqu'au grade de Sanié inclusivement.

*Iron-clads.*

Le Khédive ne pourra, comme par le passé, construire des bâtiments blindés sans l'autorisation expresse de mon Gouvernement.

Je veillerai au strict maintien des conditions qui précèdent, et qui ayant été sanctionnés par mon Iradé Impérial, ont été consignées dans mon présent, orné de mon autographe Impérial, et qui te sera remis par . . . . .

*Communication of Conventions to the Porte.*

*Note from Sawas Pasha to Sir A. H. Layard, explanatory of Firman.*

M. L'AMBASSADEUR, *Sublime Porte, le 29 Juillet, 1879.*

J'ai eu l'honneur de recevoir la note collective en date du 28 Juillet, signée par votre Excellence et par son collègue de France, relative à la clause suivante contenue dans le Firman Impérial destiné à Son Altesse Tewfik Pacha :—

“Ces Conventions seront communiquées à ma Sublime Porte avant leur promulgation par le Khédive.”

En réponse, je m'empresse de déclarer à votre Excellence, au nom de la Sublime Porte, que cette clause exclut toute obligation de la part du Khédive d'obtenir la sanction ou l'autorisation du Sultan pour promulguer ou mettre en pratique les dites Conventions ; toutefois, la Sublime Porte se réservant le droit de refuser de reconnaître ou de sanctionner les dites Conventions, et devant toujours être à temps pour le faire si elles portaient atteinte aux Traités politiques de la Sublime Porte ou à ses droits souverains sur ces pays, comme il est dit dans le texte même du Firman.

Veillez, &c.,  
SAWAS.

*Non-Alienation of Privileges or of Territory.*

*Note from Sawas Pasha to Sir A. H. Layard, explanatory of Firman.*

M. L'AMBASSADEUR,

*Sublime Porte, le 2 Août, 1879.*

Dans la conversation que votre Excellence et son collègue de France ont eu Mercredi matin avec son Altesse le Premier Ministre, il a été convenu, sur votre proposition, que, pour éviter toute obscurité sur le sens du paragraphe: "Le Khédive ne saura sous aucun motif ni prétexte abandonner à d'autres, en tout ou en partie, les privilèges accordés à l'Égypte, et qui lui sont confiés comme une émanation des prérogatives inhérentes au pouvoir souverain, ni aucune partie du territoire," déclaration serait faite que "le présent Firman ne restreint en rien, sauf ce qui y est expressément relaté, les droits, privilèges, et prérogatives précédemment et personnellement accordés aux Khédives d'Égypte."

D'ordre de son Altesse j'ai l'honneur de vous faire cette déclaration, en vous priant d'en prendre acte.

Veillez, &c.,

SAWAS.

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*Joint Note from Sir A. H. Layard and M. Fournier to Sawas Pasha, explanatory of Firman.*

*Thérapia, le 3 Août, 1879.*

LES Soussignés, Ambassadeurs d'Angleterre et de France, ont reçu la déclaration que son Excellence Sawas Pacha leur a adressé à la date du 2 Août, et ainsi conçue:—

"Dans la conversation que votre Excellence et son collègue de la Grande Bretagne ont eu Mercredi matin avec son Altesse le Premier Ministre, il a été convenu, sur vos propositions, que pour éviter toute obscurité sur le sens du paragraphe: 'Le Khédive ne saura sous aucun motif ni prétexte abandonner à d'autres, en tout ou en partie, les privilèges accordés à l'Égypte, et qui lui sont confiés comme une émanation des prérogatives inhérentes au pouvoir souverain ni aucune partie du territoire,' déclaration serait faite que 'le présent Firman ne restreint en rien, sauf ce qui est expressément relaté, les droits, privilèges et prérogatives précédemment et personnellement accordés au Khédive d'Égypte.'"

Ils ont l'honneur de prendre acte au nom de leurs deux Gouvernements de cette déclaration de la Sublime Porte, et saisissent cette occasion, &c.

A. H. LAYARD.  
H. FOURNIER.

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NOTICE *issued by the Egyptian Commission of Liquidation to State Creditors respecting the presentation of their Claims. Cairo, April 20, 1880.*

*Avis aux Créanciers du Gouvernement Égyptien et des Dairas Sanieh et Khassa.*

LA Commission de Liquidation instituée par le Décret Khédivial du 31 Mars, 1880,\* devant, aux termes de ce Décret, entendre les observations des parties intéressés, recevra jusqu'au 20 Mai inclusivement les communications que les créanciers du Gouvernement Égyptien et des Dairas Sanieh et Khassa voudront bien lui adresser.

Elle se réserve de ne pas tenir compte de celles qui seraient postérieures à cette date.

En vue d'accélérer le travail de la liquidation, la Commission invite les créanciers à formuler par écrit ces communications, et à se grouper, autant que possible, entre créanciers ayant des intérêts communs, pour présenter des notes collectives.

Les personnes qui préféreront exposer verbalement leurs observations devront en indiquer sommairement l'objet dans une lettre déposée au Secrétariat de la Commission. Elles seront ensuite avisées, s'il y a lieu, du jour et de l'heure auxquels elles pourront être entendues.

Le Caire, le 20 Avril, 1880.

DECREE *of the Khedive of Egypt, prolonging the Duration of the Mixed Courts in Egypt till February 1, 1884.† Cairo, January 28, 1883.*

*Décret.*

NOUS, Khédivé d'Égypte,

Vu le Règlement d'Organisation Judiciaire pour les Procès Mixtes et notamment l'Article 40 du Titre III;‡

Vu nos Décrets des 6 Janvier, 1881,§ et 28 Janvier, 1882,|| prorogeant successivement jusqu'au 1<sup>er</sup> Février, 1883, le terme de la première période judiciaire des Tribunaux Mixtes;

Considérant que notre Gouvernement et les Gouvernements des Puissances intéressées sont convenus de prolonger d'une année encore la dite période;

Sur la proposition de notre Ministre de la Justice et l'avis conforme de notre Conseil des Ministres;

\* See Page 143.

† Extended to February 1, 1889, by Decree of January 19, 1884.

‡ See Vol. 14. Page 314.

§ See Page 165.

|| See Declaration of January 3, 1882. Page 166.

Décrétons :

ART. 1. La première période judiciaire des Tribunaux Mixtes est prolongée jusqu'au 1<sup>er</sup> Février, 1884.

2. Notre Ministre de la Justice est chargé de l'exécution du présent Décret.

Fait au Palais d'Abdine, le 28 Janvier, 1883 (19 Rabi-el-Ewel, 1300).

MÉHÉMET TEWFIK.

Par le Khédivé :

CHÉRIF, *Président du Conseil des Ministres.*

FAKHRY, *Ministre de la Justice.*

DECREEES issued by the Khedive of Egypt, relative to the institution of an International Commission at Alexandria to deal with Claims arising out of the Insurrection in Egypt in June, 1882. January 13 and February 4, 1883.

(Translation.)

*Decree. January 13, 1883.*

WE, Khedive of Egypt,

Whereas we have decided to grant indemnities to the victims of the insurrection which has taken place in Egypt since the 10th June, 1882 ;

In accordance with our Decree, dated the 4th November, 1882 ;\*

On the advice of our Council of Ministers and in agreement with the Powers interested ;

Decree :

ART. 1. An International Commission is constituted, with exclusive jurisdiction to receive and examine the claims of the victims of the insurrection which has occurred in Egypt since the 10th June, 1882, and to decide, without appeal, on each one of these claims, either by rejecting them or confirming them by fixing an indemnity.

2. Indirect losses, loss of specie, of jewellery, plate, works of art or antiquities, bonds or securities of all kinds, rents or crops, shall give no claim to indemnity.

Nevertheless, the loss of jewellery, plate, works of art, antiquities, in shops for sale or on pledge with third parties, may give a right to indemnity, provided that the existence of the lost articles can be established by the trade books or written documents having a positive date. Other means of proof will

\* " Art. 1. Des Tribunaux Mixtes ne connaîtront pas des demandes d'indemnités dirigées contre le Gouvernement Égyptien et se rattachant aux faits insurrectionnels survenus en Égypte à partir du 10 Juin, 1882.

" 2. Il sera institué ultérieurement une Commission spéciale chargée de statuer sur ces réclamations."

only be admitted in exceptional cases, and when the Commission shall judge it absolutely necessary.

The proprietors of crops stored or ready for threshing, directly appropriated or destroyed by the rebels, shall be indemnified.

The indemnities for buildings shall be calculated on the value which the edifices bore before their destruction.

3. The Commission shall be composed as follows :—

Two members nominated by the Egyptian Government, the President and Vice-President;

One member nominated by each of the Governments of Germany, Austria-Hungary, France, Great Britain, Italy, Russia, the United States of America, and Greece;

One member nominated by agreement between the Governments of Belgium, Denmark, Spain, the Netherlands, Portugal, and Sweden and Norway.

If this last member is not nominated at the time of the meeting of the Commission, of which the date shall be fixed by a future Decree, to be issued simply on the suggestion of our Council of Ministers, it shall be proceeded with notwithstanding; but in this case a special Delegate of the unrepresented nations shall take part in the deliberations and decisions of the Commission, when the interests of one of the nationals of that Power shall be under discussion.

If the Delegate is himself a claimant, the Commission shall summon to take part in the deliberations one of the Delegates of the unrepresented Powers.

4. The Commission shall decide in every case by an absolute majority of votes, and if the votes be equal, the President shall have the casting vote.

It shall be legally competent to take all decisions, even in the absence of one or several Delegates.

Nevertheless, when a claim for indemnity shall come before the Commission in the absence of the Delegate of the nation to which the claimant belongs, the Delegate shall be apprised, but his absence shall not delay the hearing of the case more than 48 hours.

5. The Commission shall, on application, open an account with our Council of Ministers for the funds necessary to carry on its work.

The Commission shall have full powers to proceed to the investigation of claims presented to it; and it shall be able to associate with itself in its labours persons whose assistance may appear useful.

6. The time and ways and means of paying the indemnities awarded by the Commission shall be decided hereafter.

7. Our Ministers are charged, each in so far as it concerns him, with the execution of the present Decree.

Given in our Palace at Ismaïlia, the 13th January, 1883  
(4 Rabi el-Ewel, 1300).

MÉHÉMET TEWFIK.

By the Khedive:  
CHÉRIF, *President of the Council of Ministers.*

*Decree. February 4, 1883.*

WE, Khedive of Egypt,  
Having regard to our Decree of the 3rd [? 13th] January, 1883, instituting a Commission charged to deal with the indemnities to be awarded to the victims of the insurrection;

On the proposal of our Council of Ministers,

Decree:

ART. 1. The Commission of Indemnities instituted by our Decree, dated the 3rd [? 13th] January, 1883, shall meet at Alexandria on Tuesday, the 6th February, 1883, and shall be composed as follows:—

President: Abder Rahman Rouchdy Bey.

Vice-President: Yacoub Artin Bey.

Members: MM. Bargher.

P. Cavalli.

Ch. A. Cookson.

Elbert E. Farman.

Kleczkowski.

Count Maragna.

Spiegelberg.

Ducis Stefanou.

2. Borelli Bey will perform the duties of Legal Adviser to the President and Vice-President.

3. Our Ministers are severally charged with the execution of the present Decree.

Done at our Palace at Abdin, the 4th February, 1883  
(26 Rabi-Ewel, 1300).

MÉHÉMET TEWFIK.

By the Khedive:  
CHÉRIF, *President of the Council of Ministers.*

DECREE of the Khedive of Egypt, modifying the Statutes of the "Crédit Foncier Égyptien," and conferring on the Egyptian Government the right to control the Operations of the Bank. Cairo, May 5, 1883.

(Translation.)

*Decree.*

WE, Khedive of Egypt,  
With reference to our Decree of the 15th February, 1880, authorizing the institution of the "Crédit Foncier Égyptien,"

And whereas, by the object and nature of its operations, that Company is concerned with the well-being of the population and the national prosperity, and that it is therefore important to assure its control and superintendence ;

At the instance of Ministers :

Decree :

ART. 1. An additional chapter is added to the Statutes of the "Crédit Foncier Égyptien," the text of which is annexed to the present Decree.

Except in so far as concerns this additional chapter, no alteration is made in the provisions of our Decree of the 15th February, 1880, or of the said Statutes.

2. Our Finance Minister is charged with the execution of the present Decree.

Done at the Abdin Palace, the 5th May, 1883 (28 Djemad-Akher, 1300).

MÉHÉMET TEWFIK.

Countersigned :

CHÉRIF, *President of the Council of Ministers.*

Haidar, *Minister of Finance.*

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(Annex).—*Additional Chapter as to the Commissary-General and Controllers of the Egyptian Government.*

ART. 1. A Commissary-General and two Censors are appointed by the Egyptian Government to the "Crédit Foncier." They are appointed by Decree and their duties are gratuitous.

2. The Commissary-General is charged generally with the control and superintendence of the "Crédit Foncier;" he has the right to attend at all the meetings of the Administrative Council and at the General Assembly; he has a consultative voice in all matters; he may, if he thinks fit, and in consultation with the Censors, call an Extraordinary General Meeting of the shareholders.

3. The Censors, with the Commissary-General, are charged with the superintendence of the operations of the "Crédit Foncier," and with seeing that the Laws, Statutes, and Regulations are observed; they may attend the Council with a consultative voice upon the request of the Commissary-General; they may examine the inventories and annual accounts, and lay their observations on these matters before the general meeting when they think proper. The account books and, generally speaking, all documents, must be shown to them whenever they may so require; they may at any moment verify the state of the chest and the acceptances.

At least once a year they shall report the result of their observations to the Council of Ministers.

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## FRANCE.

LOI sur les Douanes (*Commissaires Experts*). *Saint-Cloud, le 27 Juillet, 1822.\**

ART. XIX. Il y aura près du Ministère de l'Intérieur trois Commissaires Experts chargés de statuer sur les doutes et difficultés qui peuvent s'élever relativement à l'espèce, à l'origine ou à la qualité des produits, soit pour l'application des droits, des primes et des privilèges coloniaux, soit pour la suite des instances qui ne sont pas dévolues au jury créé par l'Article LIX de la Loi du 28 Avril, 1816. Le Ministre leur adjointra, pour chaque affaire et selon la nature, au moins deux négociants ou fabricants qui auront voix consultative.

DETAILED REGULATIONS *for executing the Convention concerning the Exchange of Postal Money Orders between the United Kingdom of Great Britain and Ireland and France. Signed at Paris, December 9; and at London, December 19, 1882.†*

THE Postmaster-General of the United Kingdom of Great Britain and Ireland, of the one part;

And the Minister of the Posts and Telegraphs of France, of the other part;

Having regard to Articles II, V, VI, and VIII of the Convention concerning the exchange of postal money orders, concluded between Great Britain and France on the 8th December, 1882,‡

Have agreed as follows:—

ART. I. The Postal Administration of Great Britain shall supply the Postal Administration of France, in the shortest time possible, with a list of the names of British post offices authorized to issue money orders on France and Algeria and to pay money orders originating in France and Algeria.

Reciprocally, the Postal Administration of France shall supply the Postal Administration of Great Britain, in the shortest time possible, with a list of the names of French post offices authorized to issue money orders on the United Kingdom, and to pay money orders originating in the United Kingdom.

The two Administrations shall notify to each other in advance the alterations which they may have occasion to make in their respective lists of names.

\* Referred to in Art. IV of the Supplementary Convention with France of 24th January, 1874. See Vol. 14. Page 350.

† Signed also in the French language.

‡ See Page 188.



II. The two Administrations shall notify to each other, before putting it into operation, the tariff which they shall have adopted in execution of Article II of the Convention, as well as any changes which may be made subsequently in that tariff.

III. The money orders issued by the British Post Offices shall be according to the pattern A, No. 2, annexed to the present Regulations.

The money orders issued by the French Post Offices shall be according to the pattern A, No. 1, also annexed to the present Regulations.

Each office shall be at liberty to alter the money order form it may employ, but these alterations must be communicated to the other office.

IV. The money orders must be free from erasure or addition, even though countersigned.

The amount of each money order shall be inscribed on it in figures and also fully in words in the money of the country of origin.

The money orders must be impressed with the stamp of the issuing office, and must bear the signature of the receiver or Postmaster of the issuing office.

They shall be delivered to the remitters to be sent by them to the payees.

V. The post office which issues a money order shall send, through the medium of the London office, to the office which will pay the money order, an advice according to the pattern B, No. 1, or B, No. 2, annexed to the present Regulations, showing very legibly and fully in words the following particulars:—

1. The name of the issuing office;
2. The name of the office and country of destination;
3. The surname and Christian names, or at least the initials of the Christian names of the payee;
4. The surname and Christian names, or at least the initials of the Christian names of the remitter;
5. The sum in money of the issuing country, payable in the country of destination, expressed in figures and fully in words.

The above-mentioned advice shall bear, in addition, the date stamp of the issuing office, as well as the signature of the issuing receiver or Postmaster. It shall be despatched to London on the same day that the money order shall have been issued.

The advices relating to the money orders drawn in France, on the United Kingdom, shall be forwarded by the issuing offices in covers according with or analogous to pattern C, annexed to the present Regulations.

VI. The London Office shall convert into French money the

sums entered on money orders payable in France, and, *vice versa*, into British money the sums entered on money orders drawn on the United Kingdom.

The conversion of the moneys shall be affected on the basis indicated in Tables D, No. 1, and D, No. 2, annexed to the present Regulations.

No account shall be taken for purposes of payment of the fractions of a half-décime, or a halfpenny, which may result from the conversion into the money of the country of destination of sums paid in in the money of the country of origin.

VII. The London office shall impress on the advices of money orders drawn by British offices on French offices a stamp bearing the following words:—

<p><b>MANDAT valable en France</b></p> <p>pour _____ francs</p> <p>_____ centimes.</p>	
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and shall indicate within the limits of that stamp the sum which the French office of destination will have to pay.

The London office shall then forward the advices in question, on the same day that they shall have been received, to the French paying offices, inclosed in covers according to the pattern C, annexed to the present Regulations.

Every advice not impressed with the above-mentioned stamp shall be regarded as invalid.

VIII. Inaccurate or incomplete advices shall be immediately returned for rectification, thus:

If the question concerns money orders issued in Great Britain, by the French paying offices, to the London office;

If the question concerns money orders issued in France, by the British paying offices to the London office, and by this last to the French offices of origin.

As soon as they shall have been rectified the advices in question shall be again sent by the London office to the French paying offices, and, *vice versa*, by the French offices of origin to the London office.

In each of these cases the advices shall be sent in covers according to Annex C of the present Regulations.

IX. Advices non-received, lost, mislaid, or destroyed, shall be replaced, at the request of the paying office, by duplicates of those advices, to be supplied by the issuing office with the least delay possible.

Applications for duplicate advices and the duplicates themselves shall be entered on a form in accordance with or analogous to the pattern E, annexed to the present Regulations.

Applications of this kind, relating to money orders from the United Kingdom for France, shall be addressed to the London office, and shall be returned by it to the French paying offices duly filled in and impressed with the stamp mentioned in Article VII.

Reciprocally, applications of the same kind, relating to money orders from France for the United Kingdom, shall be addressed through the medium of the London office to the French issuing offices, and returned by them to the London office duly filled in.

The forms relating to duplicate advices shall be sent in covers in accordance with or analogous to Annex C of the present Regulations.

X. Payment of money orders cannot be claimed except at the post office named in the money order as the paying office, and after the arrival at that office of the advice mentioned in the foregoing Articles V and VII.

The payment of money orders issued in either country shall be governed by the regulations in force in the inland service of the country of destination, as regards everything not provided for by the present Regulations.

XI. Money orders which shall not have been paid from either of the following causes—

1. Differences or omissions in the names or sums entered either in the advice or in the money order ;

2. Omission of the stamps ;

shall be rectified by the Administration which shall have issued the money order, and through the medium of the office and the Administration of the country in which payment shall have been claimed.

XII. Money orders issued in either country shall be payable during a period of 12 months from the day of their issue.

After this period, the advices relating to unpaid money orders shall be returned to the Administration of the issuing country, and the sum paid in by the remitter shall no longer be payable to the payee, excepting under a special authority granted by the Administration of the issuing country, at the request of the Administration governing the office at which the order shall have been presented.

XIII. Money orders may be repaid to the remitters within the period fixed by the preceding Article on the simple pro-

duction of the money order at the issuing office after the return to that office of the advice.

The advice shall be returned to the Administration of the country of origin by the Administration of the country of destination.

XIV. Money orders mislaid, lost, or destroyed, may be replaced by an authority to pay, issued by the Administration with which the money shall have been lodged.

This authority can only be granted on the application of the Administration governing the office where payment shall have been demanded, and after it shall have been shown that the money orders have not already been paid or the money returned.

To obtain payment of the sum sent by means of a money order which may have been mislaid, lost, or destroyed, the payee must make a declaration to the effect that the order has not been transferred to any other person, that it never reached him, or that it has been mislaid or destroyed since he received it.

XV. The British Postal Administration shall prepare and send every day, except Sunday, to the French Postal Administration, a detailed account of payments made by British post offices, sending therewith as vouchers the paid money orders duly receipted.

The French Postal Administration shall prepare and send twice a month to the British Postal Administration a detailed account of payments made by French post offices from the 1st to the 15th inclusive, and from the 16th to the last day of the month inclusive, sending therewith as vouchers the paid money orders duly receipted.

To the total amount of orders paid shall be added, in each detailed account, a half per cent. of such total amount by way of commission.

The detailed accounts in question shall be prepared, respectively, on forms in accordance with the patterns F, No. 1, and F, No. 2, annexed to the present Regulations.

XVI. As soon as the detailed accounts relating to each monthly period shall have been approved by both parties, they shall be recapitulated by the French Postal Administration in a general account drawn up so as to show each month the definitive results of the exchange of money orders between the two countries.

The general account shall be made out on a form in accordance with the pattern G, annexed to the present Regulations; after this account has been checked and accepted by the two Administrations the balance shall be paid immediately in French money by the Administration which shall be found to be indebted to the other.

The payment of the balance resulting from the two accounts shall be effected as follows:—

If the balance is in favour of England, either by means of a cheque, in francs, payable in London at the rate of exchange of the day, or by means of a bill of exchange in sterling payable in London and representing, at the rate of exchange of the day of purchase in Paris, the amount of the balance in French currency;

If the balance is in favour of France, by means of a bill of exchange in francs payable in Paris.

XVII. The present Regulations shall be brought into operation from the day on which the Convention of the 8th December, 1882, shall be put into force, and shall last during the same period as the Convention.

Done in duplicate, and signed at London the 19th of December, 1882; and at Paris the 9th of December, 1882.

(L.S.) G. SHAW LEFEVRE, *Postmaster-General of the United Kingdom.*

(L.S.) AD. COCHERY, *Ministre des Postes et des Télégraphes de France.*

## GERMANY.

ARRANGEMENT *between the British and North German Governments relative to the Disposal of the Effects of Deceased Seamen. London, October, November, 1869.*

M. LE CHARGÉ D'AFFAIRES, *Foreign Office, October 19, 1869.*

WITH reference to my note of the 16th ultimo, I have now the honour to inform you that the Lords, &c., of Trade have stated to me that it is in their power to deliver to the Consul-General in London of the North German Confederation, without the usual formalities, the money and effects of North German seamen under the value of 50*l.*, received by their Lordships under the provisions of "The Merchant Shipping Act, 1854,"\* and their Lordships are willing to agree to do so, on the understanding that the North German Government will engage to deliver to the respective British Consuls, property of British seamen on board North German vessels, or on North German territory.

I beg to assure you that it will give Her Majesty's Government much pleasure to meet the wishes of your Government in this matter, and I request that you will be so good as to ascertain whether this arrangement will be agreeable to them.

I have, &c.,

*M. de Katte.*

CLARENDON.

\* 17 & 18 Vict., c. 104. See Vol. 9. Page 777.

MY LORD, (Translation.) *Prussia House, November 1, 1869.*

I HAVE had the honour of receiving your Excellency's courteous note of the 16th ultimo, relative to the agreement to be come to between the Government of the North German Confederation and the Royal British Government respecting the delivery of the effects left by German sailors, deceased, in the British Service, and British sailors, deceased, in the German Service; and I have made the Chancellor of the Confederation acquainted therewith. Whereupon I am now authorized to declare the acceptance of the proposition made in that note by the Lords of Trade in regard to effects under the value of 50*l.*, with an assurance of reciprocity on the part the North German Confederation. In making that declaration hereby on behalf of the Confederation, I beg leave at the same time to state, with reference to the previous negotiations, that by the expression "the respective British Consuls," made use of in the note of the 19th October, the Administration of the Confederation concludes that that British Consul is intended in whose district the crew of the German ship to which the deceased British seaman belonged is passed in examination. Should this acceptance not be in accordance with that of Her Britannic Majesty's Government, I beg that your Excellency will be so good as to give me further information on the subject.

I have, &c.,

*The Earl of Clarendon.*

KATTE.

M. LE CHARGÉ D'AFFAIRES, *Foreign Office, November 18, 1869.*

I LOST no time in referring to the Lords of Trade the inquiry contained in your note of the 1st instant as to the signification of the words "the respective British Consuls," as used by that Board in reference to the proposed arrangements for the reciprocal delivery of the effects of British sailors, deceased, on board German vessels, or of German sailors on board British vessels; and I have now the honour to inform you that the Administration of the North German Confederation is correct in their conclusion as to the interpretation of the words in question.

I have, &c.,

*M. de Katte.*

CLARENDON.

ARRANGEMENT *between the Post Office of India and the Post Office of Germany for the mutual Exchange of Objects of the Parcel Post. Signed at Berlin, April 15; and at London, April 23, 1875.*

PURSUANT to Article XVI of the Arrangement concluded on the 9th of May, 1874,\* between the Post Office of India and the

\* See Page 194.

Post Office of Germany for the regular exchange of correspondence, the Post Offices of the afore-mentioned countries, in order to facilitate the transmission of objects of the parcel post, have agreed upon the following stipulations:—

ART. I. There shall be a regular exchange of objects of the parcel post between the Post Office of India and the Post Office of Germany.

This exchange shall take place until further notice *viâ* Trieste, Venice, Alexandria, Suez, and Bombay, and shall be effected on the route Trieste-Venice by means of steam-vessels of the Austro-Hungarian Lloyd, between Venice and Alexandria by means of steam-vessels of the Peninsular and Oriental Steam Navigation Company, between Alexandria and Suez by means of the Egyptian Railway, and between Suez and Bombay by means of steam-vessels of the Peninsular and Oriental Steam Navigation Company.

The expenses of conveyance shall be borne—

If the parcels originate in Germany, for the transit to Venice by Germany, and by the Post Office of India for the transit beyond Venice to the place of destination; and

If the parcels originate in India, by the Post Office of India for the transit to Venice, and by Germany for the transit beyond Venice to the place of destination.

The parcels shall be mutually exchanged in closed boxes suitable for the voyage, and these boxes shall be mutually delivered in Venice, as far as possible immediately on board of the vessel undertaking the further conveyance, or, if this should be impossible, to the agent of the Steam Navigation Company undertaking the further transportation of the parcels, at the expense of the party delivering the cargo.

II. There shall be admitted for transmission parcels originating in Germany up to a weight of 22 kilogrammes, and in India up to a weight of 50 lbs. (English). The parcels must not exceed  $\frac{3}{4}$  metre in length and  $\frac{1}{4}$  metre in width and depth when they originate in Germany, and 2 feet in length and 1 foot in width and depth when they originate in India.

All parcels including articles of a dangerous or damaging character, or liquids, or opium, or any contraband article or substance, shall be excluded from transmission.

Each parcel must bear the full address of the receiver, and the exact indication of his place of residence; the parcels must also, appropriately to the length of the conveyance by land and sea, be durably packed in wood or tin boxes, linen, or strong waterproof or other substantial material, and securely closed; furthermore, each parcel must be furnished by the sender with a Custom-house declaration, written in English or German, giving an accurate statement of the contents and the value of the

parcel and the address of the addressee, as well as the sender's signature and place of abode.

In other respects the regulations concerning the transmission of such articles existing in the country of origin shall be valid.

III. The postage for the conveyance of parcels from the place of posting to the place of destination shall be, irrespective of distance :

When prepaid in Germany,

One mark for each 500 grammes or fraction thereof;

When prepaid in India,

Eight annas for each 40 tolas (1 lb. English) or fraction thereof.

IV. From the postage raised in accordance with Article III, the German Post Office shall pay to the Post Office of India for parcels sent to India  $8\frac{1}{2}d.$  for each 500 grammes or fractional part thereof, and the Post Office of India on the other shall pay to the German Post Office for parcels sent to Germany  $3\frac{1}{2}d.$  for each 40 tolas (1 lb. English) or fractional part thereof.

V. The postage (Article III) must be paid in advance by the sender to the place of destination. No objects partially prepaid shall be accepted for transmission.

VI. If a parcel has been lost or damaged (cases of sea-risk, however, or of *vis major*, or of the own negligence of the sender excepted), the responsible Post Office shall compensate the sender, or, on the sender's request, the addressee, for the damage sustained; this compensation, however, shall not exceed the amount of 3s. (British) for each 500 grammes, or for each 40 tolas. Fractional parts of weight exceeding 500 grammes or 40 tolas shall be considered to equal full 500 grammes, or 40 tolas, and the amounts above mentioned, when paid in Germany or India, shall be discharged at the respective rate of 1 mark or 8 annas to the shilling (British).

Furthermore, when compensation is paid by the Post Office of Germany to a person in India, or by the Post Office in India to a person in Germany, the payment may be made by the responsible post office through the medium of the other post Office, a special request for payment being issued by the former to the latter.

Each office shall be answerable for the transit for which it has to pay the expenses according to Article I.

VII. In case the addressee should refuse to accept a parcel, or should not be found, the parcel shall not be re-directed at once, but the sender shall be asked beforehand, through the medium of the offices of exchange, for his directions as to the disposal of the object.

VIII. Under the conditions stated above, parcels may be



forwarded to Germany on one side, and to the whole continent of India and to British Burmah on the other hand. These stipulations, however, do not refer to the other British possessions in Asia (Ceylon, Aden, Penang, Singapore, &c.) whither, until further notice, parcels cannot be sent. On the other hand, parcels from India and British Burmah may be forwarded through Germany to all countries situated beyond Germany with which that country has parcel post relations, and to which it forms a convenient route. The names of such countries, as well as the special conditions relating to the exchange therewith in respect of Custom-house declarations or otherwise, shall be separately communicated by the German Post Office to the Post Office of India.

Parcels destined for places beyond Germany shall be considered as prepaid to the German frontier of issue, and the postage for the transit beyond that point shall be collected from the addressee. Parcels posted in foreign countries and conveyed to India through the medium of the German Post Office shall be delivered to the Post Office of India prepaid to the place of destination.

IX. The exchange of parcels shall take place—

For Germany, through the Post Office at Trieste, and  
For India, through the Post Office at Bombay.

Both these offices shall exchange direct invoices of parcels by means of the weekly mails *viâ* Venice, Alexandria, and Suez, available for the time being.

The invoices shall be prepared according to the annexed Forms A and AA,\* and shall be accompanied by the Custom-house declarations of the parcels entered therein. The invoices of each calendar year shall be numbered consecutively, the entries in each invoice always commencing with number one. The offices of exchange shall affix labels of the Forms annexed, B and BB,\* to each parcel. On these labels shall be noted the number of the invoice, the number under which the parcel is entered in the invoice, and the number of the rates of postage.

The Custom-house declaration shall also be inscribed with the number of the invoice and the number under which the article is entered in the invoice. The invoices, together with the accompanying papers, shall be inclosed in one of the boxes containing the parcels.

X. As soon as the mail shall have reached the receiving office of exchange, that office shall verify the contents of the mail.

If it should be found by the receiving office that a parcel entered in the invoice has not arrived, or has been damaged,

\* For Forms, see State Papers. Vol. 68. Pages 620 to 623.

the circumstance, after a second officer has been called to witness it, shall be stated by protocol, the protocol being sent, together with a communication on the subject, to the despatching office of exchange by the return mail.

Other errors in the entries of the invoices shall be corrected and reported to the despatching office by the return mail, by means of a note of error of the annexed Form C.\*

If the notifications to be despatched according to the above stipulations are not given, the mail shall be considered as duly delivered so long as no evidence to the contrary shall have been furnished.

XI. Of the payments and claims resulting from the transactions of the parcel post, an account in conformity with the annexed Form D\* shall be made out quarterly and combined with the account of the letter post.

XII. The present Arrangement shall be brought into operation on the 1st July, 1875. It shall then continue in force until one year after the date at which one of the contracting parties shall have notified the other of its intention to terminate it.

Done in duplicate, and signed, at London the 23rd April, 1875; at Berlin 15th April, 1875.

A. M. MONTEATH.  
STEPHAN.

GERMAN LAW *relating to the Naturalization of Foreigners in the German Service.* Berlin, December 20, 1875.

(Translation.)

WE, William, by the grace of God German Emperor, King of Prussia, &c.:

Decree, in the name of the German Empire, the assent of the Federal Council and of the Parliament having been given, as follows:—Foreigners employed in the Imperial Service, receiving a salary from the Imperial Treasury, and having their official residence abroad, shall not be refused the Document of Naturalization by the Federal State in which they solicit the concession of nationality.

Authentically given under our august sign manual and Imperial Great Seal hereto impressed.

Berlin, December 20, 1875.

(L.S.) WILLIAM.

PRINCE V. BISMARCK.

\* For Forms, see State Papers. Vol. 68. Pages 620 to 623.

## GREAT BRITAIN.

*ACT of Parliament, respecting the Nationality of Children born abroad of British Parents.*

[4 Geo. II, cap. 21.]

[May 7, 1731.\*]

AN ACT to explain a Clause in an Act made in the 7th Year of the Reign of Her late Majesty Queen Anne, for Naturalizing Foreign Protestants, which relates to the Children of the Natural-born Subjects of the Crown of England or of Great Britain.

WHEREAS by an Act of Parliament made in the 7th year of the reign of Her late Majesty Queen Anne, intituled "An Act for Naturalizing of Foreign Protestants," it is, amongst other things, enacted, that the children of all natural-born subjects, born out of the ligeance of Her said late Majesty, her heirs and successors, should be deemed, adjudged, and taken to be natural-born subjects of this kingdom to all intents, constructions, and purposes whatsoever:

And whereas in the 10th year of Her said late Majesty's reign another Act was made and passed to repeal the said Act (except what related to the children of Her Majesty's natural-born subjects, born out of Her Majesty's allegiance):

And whereas some doubts have arisen upon the construction of the said recited clause in the said Act of the 7th year of Her late Majesty's reign:

Now for the explaining the said recited clause in the said Act, relating to children of natural-born subjects, and to prevent any disputes touching the true intent and meaning thereof, may it please your Most Excellent Majesty that it may be declared and enacted, and be it declared and enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, that all children born out of the ligeance of the Crown of England or of Great Britain, or which shall hereafter be born out of such ligeance, whose fathers were or shall be natural-born subjects of the Crown of England or of Great Britain, at the time of the birth of such children respectively, shall and may, by virtue of the said recited clause in the said Act of the 7th year of the reign of Her said late Majesty, and of this present Act, be adjudged and taken to be, and all such children are hereby declared to be natural-born subjects of the Crown of Great Britain, to all intents, constructions, and purposes whatsoever.

\* In force, January 1, 1835.

2. Provided always, and be it further enacted and declared by the authority aforesaid, that nothing in the said recited Act of the 7th year of Her said late Majesty's reign, or in this present Act contained, did, doth, or shall extend, or ought to be construed, adjudged, or taken to extend, to make any children born or to be born out of the ligeance of the Crown of England, or of the Crown of Great Britain, to be natural-born subjects of the Crown of England, or of Great Britain, whose fathers at the time of the birth of such children respectively were or shall be attainted of high treason, by judgment, outlawry, or otherwise, either in this kingdom or in Ireland, or whose fathers at the time of the birth of such children respectively, by any law or laws made in this kingdom or in Ireland, were or shall be liable to the penalties of high treason or felony, in case of their returning into this kingdom or into Ireland without the licence of His Majesty, his heirs or successors, or of any of His Majesty's Royal predecessors, or whose fathers at the time of the birth of such children respectively were or shall be in the actual service of any foreign Prince or State then in enmity with the Crown of England or of Great Britain; but that all such children are, were, and shall be and remain in the same state, plight, and condition, to all intents, constructions, and purposes whatsoever, as they would have been in if the said Act of the 7th year of Her said late Majesty's reign, or this present Act, had never been made; anything herein, or in the said Act of the 7th year of Her said late Majesty's reign, contained to the contrary in any wise notwithstanding.

3. Provided always, and be it further enacted by the authority aforesaid, that if any child, whose father at the time of the birth of such child was attainted of high treason as aforesaid, or was liable to the penalties of high treason or felony, in case of returning into this kingdom or Ireland without licence as aforesaid, or was in the actual service of any foreign Prince or State then in enmity with the Crown of England or of Great Britain (other than and excepting always out of this proviso all children of such persons who went out of Ireland in pursuance of the Articles of Limerick), hath come into Great Britain or Ireland, or any other of the dominions belonging to the Crown of Great Britain, and hath continued to reside within Great Britain or Ireland, or other the dominions aforesaid, for the space of two years, at any time between the 16th day of November, in the year of Our Lord 1708, and the 25th day of March, in the year of Our Lord 1731, and during such residence had professed the Protestant religion; or if any child, whose father at the time of his or her birth was within any of the descriptions before mentioned, hath come into Great Britain or Ireland, or any other of the dominions belonging to the Crown of Great Britain, and professed the Protestant religion, and died within Great Britain

or Ireland, or any other of the dominions aforesaid, at any time between the said 16th day of November, in the year of Our Lord 1708, and the said 25th day of March, in the year of Our Lord 1731; or if any child, whose father at the time of his or her birth was within any of the descriptions before mentioned, hath been and continued in the actual possession or receipt of the rents and profits of any lands, tenements, or hereditaments in Great Britain or Ireland, for the space of one whole year, at any time between the said 16th day of November, in the year of Our Lord 1708, and the said 25th day of March, in the year of Our Lord 1731, or hath *bonâ fide*, and for good and valuable consideration, sold, conveyed, or settled any lands, tenements, or hereditaments in Great Britain or Ireland, and any person claiming title thereto, under such sale, conveyance, or settlement, hath been and continued in the actual possession or receipt of the rents and profits thereof for the space of six months, between the said 16th day of November, in the year of Our Lord 1708, and the said 25th day of March, in the year of Our Lord 1731, every such child shall be deemed, adjudged, and taken to be and to have been a natural-born subject of the Crown of England, or of the Crown of Great Britain, to all intents, constructions, and purposes whatsoever, anything herein contained to the contrary thereof in any wise notwithstanding.

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ACT of Parliament, respecting the Nationality of Children of Children born abroad of British Parents.

[13 Geo. III, cap. 21.]

[March 16, 1773.\*]

AN ACT to extend the Provisions of an Act, made in the 4th Year of the Reign of His late Majesty King George II, intituled "An Act to explain a Clause in an Act made in the 7th Year of the Reign of Her late Majesty Queen Anne, for Naturalizing Foreign Protestants, which relates to the Children of the Natural-born Subjects of the Crown of England, or of Great Britain"† to the Children of such Children.

WHEREAS divers natural-born subjects of Great Britain, who profess and exercise the Protestant religion, through various lawful causes, especially for the better carrying on of commerce, have been, and are, obliged to reside in several trading cities, and other foreign places, where they have contracted marriages, and brought up families:

And whereas it is equally just and expedient that the kingdom should not be deprived of such subjects nor lose the

\* In force, January 1, 1886.

† See Page 601.

benefit of the wealth that they have acquired; and therefore that not only the children of such natural-born subjects, but their children also, should continue under their allegiance of His Majesty, and be entitled to come into this kingdom, and to bring hither and realize or otherwise employ their capital; but no provision hath hitherto been made to extend farther than to the children born out of the ligeance of His Majesty, whose fathers were natural-born subjects of the Crown of England, or of Great Britain:

May it therefore please your Most Excellent Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all persons born, or who hereafter shall be born, out of the ligeance of the Crown of England, or of Great Britain, whose fathers were or shall be, by virtue of a statute made in the 4th year of King George II, to explain a clause in an Act made in the 7th year of the reign of Her Majesty Queen Anne, for naturalizing foreign Protestants, which relates to the natural-born subjects of the Crown of England, or of Great Britain, entitled to all the rights and privileges of natural-born subjects of the Crown of England, or of Great Britain, shall and may be adjudged and taken to be and are hereby declared and enacted to be natural-born subjects of the Crown of Great Britain, to all intents, constructions, and purposes whatsoever, as if he and they had been and were born in this kingdom; anything contained in an Act of the 12th year of the reign of King William III, intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subjects," to the contrary in anywise notwithstanding.

Provided always, and be it enacted and declared by the authority aforesaid, that nothing in this present Act contained shall extend, or be construed, adjudged, or taken to extend, to make any persons born, or to be born, out of the ligeance of the Crown of England, or of the Crown of Great Britain, to be natural-born subjects of the Crown of Great Britain, contrary to all or any of the provisoes, exceptions, limitations, and restrictions contained in the aforesaid Act, made in the 4th year of the reign of His said late Majesty, or to repeal, abridge, or alter the same; but all such clauses shall be and remain in the same state, plight, and condition, to all intents, constructions, and purposes whatsoever, as they would have been if this present Act had never been made.

Provided also, and be it further enacted by the authority aforesaid, that nothing in this present Act contained shall extend, or be construed, adjudged, or taken to repeal, abridge, or any ways alter, an Act made in the 5th year of the reign of

His late Majesty King George I, intituled "An Act to prevent the Inconveniences arising from seducing Artificers in the Manufactures of Great Britain into Foreign Parts"; nor to repeal, abridge, or any ways alter any law, statute, custom, or usage whatsoever, now in force, concerning aliens, duties, customs, and impositions, nor to cause any privilege, exemption, or abatement relating thereto, in favour of any person naturalized by virtue of this Act, unless such person shall come into this realm, and there inhabit and reside, and shall take and subscribe the oaths, and make, repeat, and subscribe the declaration appointed by an Act, made in the 1st year of the reign of His late Majesty King George I, intituled "An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors," in such manner and form, and at such place and places, as are in and by the said Act directed, and also receive the Sacrament of the Lord's Supper, according to the usage of the Church of England, or in some Protestant or reformed congregation within this kingdom of Great Britain, within three months before their taking the oaths in the said Act mentioned; and shall, at the time and place of taking and subscribing the said oaths, and of the making, repeating, and subscribing the said declaration, produce a certificate signed by the person administering the said Sacrament, and attested by two credible witnesses, whereof an entry shall be made of record in the Court and Courts respectively wherein such oaths shall have been taken and subscribed without any fee or reward.

Provided always, and be it further enacted by the authority aforesaid, that no person shall be enabled hereby to defeat any estate, right, or interest, which upon the last day of this session shall be lawfully vested in any other person, or to claim or demand any estate or interest which shall hereafter accrue, unless such claim or demand be made within five years next after the same shall accrue.

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*ACT of Parliament for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, until the 6th day of April, 1845; so far as relates to the Exemption of Temporary Residents from the Payment of Income Tax.*

[5 & 6 Vict., cap. 35.]

[June 22, 1842.]

§ 39. AND be it enacted, that any subject of Her Majesty whose ordinary residence shall have been in Great Britain, and who shall have departed from Great Britain and gone into any

parts beyond the seas, for the purpose only of occasional residence, at the time of the execution of this Act, shall be deemed, notwithstanding such temporary absence, a person chargeable to the duties granted by this Act as a person actually residing in Great Britain, and shall be assessed and charged accordingly (in manner hereinafter directed), upon the whole amount of his profits or gains, whether the same shall arise from property in Great Britain or elsewhere, or from any allowance, annuity, or stipend (except as herein is excepted), or from any profession, employment, trade, or vocation in Great Britain or elsewhere: provided always, that no person who shall on or after the passing of this Act actually be in Great Britain for some temporary purpose only, and not with any view or intent of establishing his residence therein, and who shall not actually have resided in Great Britain at one time or several times for a period equal in the whole to six months in any one year, shall be charged with the said duties mentioned in Schedule (D)\*, as a person residing in Great Britain, in respect of the profits or gains received from or out of any possessions in Ireland, or any other of Her Majesty's dominions, or any foreign possessions, or from securities in Ireland, or any other of Her Majesty's dominions or foreign securities; but nevertheless every such person shall, after such residence in Great Britain for such space of time as aforesaid, be chargeable to the said duties for the year commencing on the 6th day of April preceding: provided also, that any person who shall depart from Great Britain after claiming such exemption, and shall again return to Great Britain on or before the 5th day of April next, after such claim made, shall be chargeable to the said duties as a person residing in Great Britain for the whole of the year in which such claim shall have been made.

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*ACT of Parliament to amend the Laws relating to the Customs; so far as relates to the Import Duty on Foreign Wines.*

[23 Vict., cap. 22.]

[May 15, 1860.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

2. In lieu of the duties and drawbacks of Customs now charged or allowed on the articles under mentioned, the following duties of Customs shall, on and after the 29th day of February, 1860, be charged thereon, on importation into Great Britain and Ireland, until the 31st day of December, 1860, inclusive; that is to say:

\* See Vol. 7. Page 521.



Wine of or from foreign countries :—	£	s.	d.
Red .. .. . the gallon	0	3	0
White .. .. . the gallon	0	3	0
Lees of such wine .. .. . the gallon	0	3	0

With an allowance for drawback on exportation until the said 31st day of December, 1860, inclusive, of 3s. per gallon on such wine exported or used as ship's stores, but no drawback shall be granted on lees of wine.

On and after the 1st day of January 1861—  
And without any allowance for drawback.

Wine containing less than the following rates of proof spirit, verified by Sykes's hydrometer; viz. :—

	18 Degrees.	26 Degrees.	40 Degrees.	If imported in bottles.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Wine of or from foreign countries :—				
Red, the gallon.. ..	0 1 0	0 1 6	0 2 0	0 2 0
White, the gallon ..	0 1 0	0 1 6	0 2 0	0 2 0
Lees of such wine, the gallon.. ..	0 1 0	0 1 6	0 2 0	0 2 0
Wine the growth and produce of any British Possession :—				
Red, the gallon.. ..	0 1 0	0 1 6	0 2 0	0 2 0
White, the gallon ..	0 1 0	0 1 6	0 2 0	0 2 0
Lees of such wine, the gallon.. ..	0 1 0	0 1 6	0 2 0	0 2 0

Provided always, that the Commissioners of Customs may by their order from time to time determine into what ports in Great Britain and Ireland wine may or may not be imported; and all wine imported into any port contrary thereto shall be forfeited or otherwise dealt with as the said Commissioners may see fit to direct.

*ACT of Parliament to regulate the exercise of Powers under Special Acts for the Construction and Maintenance of Telegraphs; so far as relates to the Power of Her Majesty's Government to assume Control over the Transmission of Messages in times of Emergency.*

[26 & 27 Vict., cap. 112.] — [July 28, 1863.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

52. Where, in the opinion of one of Her Majesty's Principal

Secretaries of State, an emergency has arisen in which it is expedient for the public service that Her Majesty's Government should have control over the transmission of messages by the company's telegraphs, the Secretary of State, by warrant under his hand, may direct and cause the company's works, or any part thereof, to be taken possession of in the name and on behalf of Her Majesty, and to be used for Her Majesty's Service, and, subject thereto, for such ordinary service as may seem fit; or may direct and authorize such persons as he thinks fit to assume the control of the transmission of messages by the company's telegraphs, either wholly or partly, and in such manner as he directs. Any such warrant shall not have effect for a longer time than one week from the issuing thereof; but the Secretary of State may issue successive warrants from week to week as long as, in his opinion, such emergency continues. The Commissioners of Her Majesty's Treasury shall pay to the company, as compensation for any loss of profit sustained by the company by reason of the exercise by the Secretary of State of any of the powers of the present section, out of money to be provided by Parliament for the purpose, such sum as may be settled between the Secretary of State and the company by agreement, or, in case of difference, by arbitration,—such arbitration to be conducted in manner provided in the last foregoing section, the Secretary of State being only substituted for the Board of Trade.

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*ACT of Parliament relating to Duties of Customs and Inland Revenue; so far as relates to the Import Duty on Wines, and to the Income Tax payable on Foreign and Colonial Dividends.*

[29 Vict., cap. 36.]

[June 11, 1866.]

1. THERE shall be charged, collected, and paid, for the use of Her Majesty, her heirs and successors, the several rates and duties of Customs and Inland Revenue respectively specified and contained in the several Schedules marked respectively (A), (B), and (C) to this Act annexed; and the said rates and duties shall respectively take effect at or from the respective times, and shall continue to be charged, collected, and paid for and during the periods respectively specified or mentioned in that behalf in the said Schedules respectively, and where no period is specified or limited for the duration thereof the same shall continue to be charged, collected, and paid respectively until Parliament shall otherwise order; and the said several Schedules shall be deemed to be part of this Act.

*As to Income Tax.*

6. The sum charged as the annual value or amount of any property, profits, or gains in the several and respective assessments of income tax made in pursuance of the Act passed in the 27th year of Her Majesty's reign, chapter 18, under Schedules (A) and (B) respectively of the Act passed in the 16th and 17th years of Her Majesty's reign, chapter 34,\* for the year ended on the 5th day of April, 1866, shall (except as to the several and respective concerns described in No. III of Schedule (A) of the Act passed in the 5th and 6th years of Her Majesty's reign, chapter 35,† and otherwise as provided by the Acts relating to income tax) be taken as the annual value or amount of such property, profits, or gains respectively for the year commencing on the 6th day of April, 1866, and the duties of income tax granted by this Act, and chargeable under the said Schedules respectively, shall be computed, assessed, and charged according to such annual value or amount; and the Commissioners executing the Income Tax Acts shall, for each place within their several and respective districts, cause duplicates of the assessments of the said duties so computed, assessed and charged under the said Schedules (A) and (B) for the said last-mentioned year to be made out and delivered, together with warrants for collecting the same; and in England the said Commissioners shall appoint such persons, being inhabitants of the place to which the duplicate shall relate, as they the said Commissioners shall think fit, to be collectors of the duties thereby charged, in like manner as if such persons had been presented to them by assessors under the Acts now in force: provided always, that the said assessments shall be subject to be increased in like manner as the assessments made for the year ended on the 5th day of April, 1866, and subject also to be abated or discharged at the end of the year commencing on the 6th day of April, 1866, for any cause allowed by the said Acts; provided that whenever it shall appear that any property, profits, or gains chargeable under the said Schedules (A) and (B) respectively have not been charged by the assessments made for the year ended on the 5th day of April, 1866, such property, profits, and gains shall be assessed to the duties of income tax granted by this Act under the provisions of the said several Acts applicable thereto.

7. No assessors shall be appointed for the duties payable under the said Schedules (A) and (B), but the Inspectors or Surveyors of Taxes shall act as assessors in respect of such duties whenever it shall be necessary; and in lieu of the poundage granted by Section 183 of the Act of the 5th and 6th

\* See Vol. 9. Page 406.

† See Vol. 7. Page 520.

years of Her Majesty, chapter 35, to be divided between the assessors and collectors in regard to the duties which shall be collected under the said Schedules (A) and (B), there shall be paid a poundage of three halfpence to the collectors of the said duties.

9. The provisions made by the several Income Tax Acts in force on the 5th day of April, 1866, for assessing and charging the duties on dividends and shares of annuities payable out of the revenue of any foreign State or Colonial Government, and all interest, dividends, or other annual payments payable out of or in respect of the funds, stocks, shares, or securities of any foreign or colonial company, society, adventure, or concern, intrusted to any person in the United Kingdom for payment to any person therein, shall be and the same are hereby extended and shall be applied to the assessing and charging of the income tax on all such dividends and shares of annuities, and interest, dividends, and other annual payments, where the right or title of the person to whom the same may be payable is shown by the registration or entry of the name of such person in any book or list ordinarily kept in the United Kingdom; and for the purpose of such assessment and charge the agent or other person having the ordinary custody of such book or making such list shall be deemed to be the person intrusted with the payment of such dividends and shares of annuities, and interest, dividends, and other annual payments, within the meaning of the said Income Tax Acts.

## SCHEDULES.

### SCHEDULE (A.)

*Containing the Duties of Customs granted by this Act.*

In lieu of the duties of Customs now charged on wine, the following duties shall be charged thereon, on the Importation thereof into Great Britain and Ireland, on and after the 9th day of May, 1866; that is to say,

	Containing less than the following rates of proof spirit verified by Sykes' hydrometer, viz. :—					
	26 Degrees.			42 Degrees.		
	£	s.	d.	£	s.	d.
Red wine, the gallon .. .. .	0	1	0	0	2	6
White wine .. .. .	0	1	0	0	2	6
Lees of such wine .. .. .	0	1	0	0	2	6

and for every degree of strength beyond the highest above specified an additional duty of 3*d.* per gallon. Ten per cent. of proof spirit may be used in the fortifying of any wine in bond, provided that the wine so fortified be not thereby raised to a greater degree of strength than 40 per cent. of such proof spirit, if for home consumption.

SCHEDULE (B).

*Containing the Duties of Excise granted by this Act.*

Mileage duty on stage carriages.  
On licences to let horses for hire.

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ACT of Parliament to alter and amend "*The Telegraph Act, 1868*;"\* so far as relates to the Purchase of Undertakings of Companies out of the United Kingdom, and the Transmission of Foreign Messages.

[32 & 33 Vict., cap. 73.]

[August 9, 1869.]

8. THE Postmaster-General shall, upon the request in writing of any Telegraph Company existing on the 22nd day of July, 1869, purchase the whole or any part of the undertaking of such company, provided such request be made within 12 months after the passing of this Act: and he shall accordingly, within one month after the receipt by him of any such request, give notice in writing of his intention to make such purchase; and it shall be lawful for such Telegraph Company, and they are hereby required, to sell, convey, and assure their undertaking accordingly, and to give valid discharges for the purchase money.

9. Provided always, that the Postmaster-General shall not by virtue of this Act be authorized or required to purchase the whole or any part of the undertaking of any company or persons engaged in the transmission of telegrams to or from any place out of the United Kingdom of Great Britain and Ireland.

12. The Postmaster-General may, upon the reasonable request in writing of any company or persons constituted for the transmission of telegrams to or from any place out of the United Kingdom of Great Britain and Ireland, make all necessary arrangements for the transmission of such telegrams within the said United Kingdom, and for the connection with that view of the cables or other apparatus of such companies or persons with the wires or other apparatus of the Postmaster-General; and if any question arises as to the reasonableness of such request, or as to the nature or sufficiency of such arrangements, or as to the payments to be made by the company or person requiring the same, in respect of the acts done

\* See Vol. 13. Page 1126.

or services performed by the Postmaster-General with respect to the matters aforesaid, every such question shall from time to time be settled by arbitration in the manner prescribed by "The Companies Clauses Consolidation Act, 1845,"\* with respect to the settlement of disputes by arbitration: Provided that the Postmaster-General may contract with any such company or person with respect to any of the matters aforesaid, and with respect to the construction or use of wires and other telegraphic apparatus in connection with those of the Postmaster-General for the purpose of the transmission of such telegrams, and provided also that the powers by this section given to the Postmaster-General shall not be exercised in contravention of any of the agreements referred to in the Schedule to "The Telegraph Act, 1868," and thereby confirmed so far as any such agreement is for the time being in force.

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ACT of Parliament, to amend the Merchant Shipping Acts; so far as relates to the Registry of Ships, and Masters and Seamen.

[34 & 35 Vict., cap. 110.]

[August 21, 1871.]

*Registry (Part II of "Merchant Shipping Act, 1854").*†

5. THE Board of Trade may, in any case or class of cases in which they think it expedient so to do, direct any person appointed by them for the purpose to record, in such manner and with such particulars as the Board of Trade direct, the draught of water of any sea-going ship, as shown on the scale of feet on her stem and on her stern-post, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea: and such person shall thereupon keep such record, and shall from time to time forward the same, or a copy thereof, to the Board of Trade; and such record, or any copy thereof, if produced by or out of the custody of the Board of Trade, shall be admissible in evidence of the draught of water of the ship at the time specified in the record.

The master of every British sea-going ship shall, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea, record her draught of water in the official log-book (if any), and shall produce such record to any principal officer of Customs whenever required by him so to do, or in default of such production shall incur a penalty not exceeding 20*l.*

6. With respect to the names of British ships, the following rules shall be observed:—

\* 8 & 9 Vict., c. 16.

† 17 & 18 Vict., c. 104. See Vol. 9. Page 780.

(1.) A ship shall not be described by any name other than that by which she is for the time being registered :

(2.) No change shall be made in the name of a ship without the previous permission of the Board of Trade signified in writing under their seal, or under the hand of one of their Secretaries or Assistant Secretaries. Upon such permission being granted, the ship's name shall forthwith be altered in the register book, in the ship's certificate of registry, and on her bows and stern :

(3.) If in any case it is shown to the satisfaction of the Board of Trade that the name of any ship has been changed without such permission as aforesaid, they shall direct that her name be altered into that which she bore before such change, and the name shall be altered in the register book, in the ship's certificate of registry, and on her bows and stern accordingly :

(4.) Where a ship having once been registered has ceased to be so registered, no person, unless ignorant of such previous registry (proof whereof shall lie on him), shall apply to register, and no registrar shall knowingly register such ship, except by the name by which she was previously registered, unless with the permission of the Board of Trade granted as aforesaid :

Every person who acts or suffers any person under his control to act in contravention of this section, or who omits to do, or suffers any person under his control to omit to do, anything required by this section, shall for each offence incur a penalty not exceeding 100*l.*, and any principal officer of Customs may detain the ship until the provisions of this section are complied with.

Application for a change of name shall be made in writing to the Board of Trade. If the Board are of opinion that the application is made on reasonable grounds they may entertain the same, and shall thereupon require notice thereof to be published in such form and manner as they think fit.

*Masters and Seamen (Part III of " Merchant Shipping Act, 1854 ")*.

7. Whenever in any proceeding against any seaman or apprentice belonging to any ship for desertion, or for neglecting or refusing to join or to proceed to sea in his ship, or for being absent from or quitting the same without leave, it is alleged by one-fourth of the seamen belonging to such ship, or, if the number of such seamen exceed 20, by not less than 5 such seamen, that such ship is by reason of unseaworthiness, overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, or that the accommodation in such ship is insufficient, the Court having cognizance of the case shall take such means as may be in their power to satisfy themselves concerning the truth or untruth of such allegation, and shall for that purpose receive the evidence

of the person or persons making the same, and shall have power to summon any other witnesses whose evidence they may think it desirable to hear; the Court shall thereupon, if satisfied that the allegation is groundless, proceed to adjudge, but if not so satisfied shall cause such ship to be surveyed.

Provided that no seaman or apprentice charged with desertion, or with quitting his ship without leave, shall have any right to apply for a survey under this section unless previously to his quitting his ship he has complained to the master of the circumstances so alleged in justification.

For the purposes of this section, the Court shall require any of the surveyors appointed by the Board of Trade, under "The Merchant Shipping Act, 1854," or any person appointed for the purpose by the Board of Trade, or, if such surveyor or person cannot be obtained without unreasonable expense or delay, or is not, in the opinion of the Court, competent to deal with the special circumstances of the case, then any other impartial surveyor appointed by the Court, and having no interest in the ship, her freight, or cargo, to survey the ship, and to answer any question concerning her which the Court may think fit to put. Such surveyor or other person shall survey the ship, and make his report in writing to the Court, including an answer to every question put to him by the Court. The Court shall cause such report to be communicated to the parties, and unless it is proved to the satisfaction of the Court that the opinions expressed in such report are erroneous, the Court shall determine the questions before them in accordance with those opinions.

For the purposes of such survey, a surveyor shall have all the powers of an inspector appointed by the Board of Trade, under "The Merchant Shipping Act, 1854."

The costs (if any) of the survey shall be determined by the Board of Trade according to a scale of fees to be fixed by them, and shall be paid in the first instance out of the Mercantile Marine Fund.

If it is proved, to the satisfaction of the Court, that the ship is in a fit condition to proceed to sea, or, as the case may be, that the accommodation is sufficient, the costs of the survey shall be paid by the person or persons upon whose demand, or in consequence of whose allegation, the survey was made, and may be deducted by the master or owner out of the wages due or to become due to such person or persons, and shall be paid over to the Board of Trade.

If it is proved that the ship is not in a fit condition to proceed to sea, or, as the case may be, that the accommodation is insufficient, the costs of the survey shall be paid to the Board of Trade by the master or owner.

8. Any Naval Court may, if they think fit, direct a survey of



any ship which is the subject of an investigation held before them, and such survey shall be made in the same way, and the surveyor who makes the same shall have the same powers, as if the survey had been directed by a competent Court in the course of proceedings against a seaman or apprentice for desertion or a kindred offence.

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*ACT of Parliament, to consolidate the Customs Laws; so far as relates to the Coasting Trade, &c.*

[39 & 40 Vict., cap. 36.]

[July 24, 1876.]

101. THE master of every ship in which any goods are to be exported from the United Kingdom to parts beyond the seas, or his agent, shall, before any goods be taken on board, except as is hereafter provided, deliver to the collector a certificate from the proper officer of the due clearance inwards or coastwise of such ship of her last voyage, and shall also deliver therewith an entry outwards of such ship, verified by his signature in the form No. 6 in Schedule B to this Act, and containing the several particulars indicated in or required thereby, or in such other form or manner as the Commissioners of Customs may direct; and if such ship shall have commenced her lading at some other port, the master shall deliver to the proper officer the clearance of such goods from such other port; and if any goods be taken on board any ship at any port before she shall have entered outwards at such port (unless a stiffening order, when necessary, shall be issued by the proper officer to lade any heavy goods for exportation on board such ship), the master shall forfeit the sum of 100*l.*; provided that, on the arrival at any port in the United Kingdom of any ship about to deliver her cargo at more than one port in the United Kingdom, it shall be lawful, subject to such regulations as the Commissioners of Customs may deem necessary, to allow the entry outwards of such ship, and to permit the shipment of goods, other than spirits or tobacco, for exportation in such ship to the foreign destination for which such ship shall be entered outwards, before the whole of the goods imported in such ship shall have been discharged therefrom, the complete separation of such goods from the inward cargo being effected to the satisfaction of the collector or other proper officer of the port: Provided also, that on any ship commencing to load goods for exportation to parts beyond the seas not having on board any drawback or other goods liable to duties of Customs or excise, and about to proceed to any other port in the United Kingdom to complete her loading, it shall be lawful, subject to such regulations

as the Commissioners of Customs may deem necessary, to permit such ship, notwithstanding any provisions to the contrary, to convey goods not entitled to drawback or liable to duties of Customs or excise from the port at which such ship shall commence loading to any other port or ports in the United Kingdom for delivery there, the complete separation of such goods from the cargo to be exported to be effected to the satisfaction of the collector or other proper officer at the port of shipment.

138.\* The following goods may, by Proclamation or Order in Council, be prohibited either to be exported or carried coastwise: arms, ammunition, and gunpowder, military and naval stores, and any articles which Her Majesty shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food for man, and if any goods so prohibited shall be exported or brought to any quay or other place to be shipped for exportation from the United Kingdom or carried coastwise, or be water-borne to be so exported or carried, they shall be forfeited.

139. The Commissioners of Customs may, by order under their hands, require due entry and clearance before shipment, and in such manner as they may direct, of any goods intended for exportation or carriage coastwise, on being satisfied that the public interests render such course expedient, and if upon such entry the goods shall not be found to correspond with the particulars contained therein, they may be detained until the cause be explained to the satisfaction of the Commissioners of Customs, who may thereupon restore the same on such terms as they may see fit; and any exporter and shipper of any cask or package, containing any explosives as defined by "The Explosives Act, 1875,"† or by any Order in Council made pursuant thereto, shall duly enter the same before shipment thereof, and in the entry outwards or coastwise thereof shall correctly describe such explosive according to such definition; and if he shall fail or neglect to make such entry, or if the same be false in any particular, he shall forfeit the sum of 100*l.* and such cask or package, and the contents thereof, shall also be forfeited.

140. All trade by sea from any one part of the United Kingdom to any other part thereof shall be deemed to be a coasting trade, and all ships while employed therein shall be deemed to be coasting ships, and no part of the United Kingdom, however situated with regard to any other part, shall be deemed in law, with reference to each other, to be parts beyond the seas; and if any doubt shall at any time arise as to what or to or from what parts of the coast of the United Kingdom shall be

\* See also Act of Parliament 42 & 43 Vict., c. 21, July 3, 1879. Vol. 14. Page 1224.

† 33 Vict., c. 17.

deemed a passage by sea, the Commissioners of the Treasury may determine and direct in what cases the trade by water from one port or place in the United Kingdom to another of the same shall or shall not be deemed a trade by sea within the meaning of this or any Act relating to the Customs.

141. Every foreign ship proceeding either with cargo or passengers or in ballast on any voyage from one part of the United Kingdom to another, or from the Islands of Guernsey, Jersey, Alderney, Sark, or Man to the United Kingdom, or from the United Kingdom to any of the said islands, or from any of the said islands to any other of them, or from any part of any of the said islands to any other part of the same, shall be subject, as to stores for the use of the crew and in all other respects, to the same laws, rules, and regulations to which British ships when so employed are now subject; but no such foreign ship nor any goods carried therein shall, during the time she is so employed, be subject to any higher or other rate of dock, pier, harbour, light, pilotage, tonnage, or other dues, duties, tolls, rates, or other charges whatsoever, or to any other rules as to the employment of pilots, or any other rules or restrictions whatsoever, than British ships employed in like manner or goods carried therein, any law, charter, special privilege, or grant to the contrary notwithstanding; nor shall any body corporate or person having or claiming any right or title to any such higher or other rates, dues, duties, tolls, or other charges as aforesaid be entitled to any compensation in respect thereof under any law or statute relating thereto, or otherwise howsoever.

142. No goods shall be carried in any coasting ship, except such as shall be laden to be carried coastwise at some port or place in the United Kingdom, [and no goods shall be laden on board any ship to be carried coastwise until all goods brought in such ship from parts beyond the seas shall have been unladen,]\* and if any goods shall be taken into or put out of any coasting ship at sea or over the sea, or if any coasting ship shall touch at any place over the sea, or deviate from her voyage, unless forced by unavoidable circumstances, or if the master of any coasting ship which shall have touched at any place over the sea shall not declare the same in writing under his hand to the collector or other proper officer at the port in the United Kingdom where such ship shall afterwards first arrive, the master of such ship shall forfeit the sum of 100*l*.

143. If any goods shall be unshipped from any ship arriving coastwise, or be shipped or water-borne to be shipped to be carried coastwise, on Sundays or holidays, or unless in the presence or with the authority of the proper officer of the Cus-

\* The words within brackets were repealed by Act of Parliament 47 & 48 Vict., c. 62, § 2.

toms, or unless at such times and places as shall be appointed or approved by him for that purpose, the same shall be forfeited, and the master of the ship shall forfeit the sum of 50*l*.

144. The master of every coasting ship shall keep or cause to be kept a cargo-book, stating the names of the ship, the master, and the port to which she belongs, and of the port to which she is bound on each voyage, and shall at every port of lading enter in such book the name of such port, and an account of all goods there taken on board such ship, stating the descriptions of the packages and the quantities and descriptions of the goods therein, and the quantities and descriptions of any goods stowed loose, and the names of the respective shippers and consignees, so far as such particulars are known to him, and shall at every port of discharge of such goods note the respective days on which the same or any of them are delivered out of such ship, and the respective times of departure from every port of lading and of arrival at every port of discharge; and such master shall, on demand, produce such book for the inspection of any officer of Customs, who shall be at liberty to make any note or remark therein; and if upon examination any package entered in the cargo-book as containing foreign goods shall be found not to contain such goods, such package, with its contents, shall be forfeited, or if any package shall be found to contain foreign goods not entered in such book, such goods shall be forfeited; and if such master shall fail correctly to keep such cargo-book, or to produce the same, or if at any time there be found on board such ship any goods not entered in such book as laden, or any goods noted as delivered, or if any goods entered as laden or any goods not noted as delivered be not on board, the master of such ship shall forfeit the sum of 20*l*.

145. Before any coasting ship shall depart from her port or place of lading, an account, with a duplicate thereof, in the form No. 11 in Schedule B to this Act, and containing the several particulars indicated in or required thereby, and signed by the master, shall be delivered to the collector or other proper officer, who shall retain the duplicate, and return the original, dated and signed by him; and such account shall be the clearance of the ship for the voyage, and the transire or pass for the goods expressed therein; and if the master shall fail to deliver a correct account he shall forfeit a sum of 20*l*.; provided that the Commissioners of the Customs may, when deemed by them expedient, permit general transires to be given, under such regulations as they may direct, for the lading and clearance and for the entry and unloading of any coasting ship and goods, but the same may be revoked by notice in writing under the hand of the proper officer delivered to the master or owner of any ship or any of the crew on board.

146. Within 24 hours after the arrival of any coasting ship at the port or place of discharge, and before any goods be unladen, the transire, with the name of the place or wharf where the lading is to be discharged noted thereon, shall be delivered to the collector or other proper officer, who shall note thereon the date of delivery; and if any of the goods on board such ship be subject to any duty of excise, the same shall not be unladen without the authority or permission of the proper officer of excise; and if any goods on board any coasting ship arriving in Great Britain or Ireland from the Isle of Man shall be the growth or produce of that isle, or manufactures of that isle from materials the growth or produce thereof, or from materials not subject to duty in Great Britain or Ireland, or from materials upon which the duty shall have been paid and not drawn back in Great Britain or Ireland, the same shall not be unladen until a certificate be produced to the collector or other proper officer from the collector or other proper officer at the port or place of shipment, that proof had there been made in manner required by law that such goods were of such growth, produce, or manufacture, as the case may be: and if any goods shall be unladen contrary hereto, the master shall forfeit the sum of 20*l.*; and if any goods shall be laden on board any ship and carried coastwise, or be brought to any port or place in the United Kingdom for that purpose, or having been brought coastwise shall be unladen in any such port or place contrary to the Customs Acts, such goods shall be forfeited.

147. Any collector or other proper officer of Customs may go on board any coasting ship in any port or place in the United Kingdom, or at any period of her voyage, search such ship, and examine all goods on board, and all goods then lading or unloading, and demand all documents which ought to be on board such ship, and may require all or any such documents to be brought to him for inspection, and the master of any ship refusing to produce such documents on demand, or to bring the same to the collector or other proper officer when required, shall forfeit the sum of 20*l.*

148. If the master of any ship bringing any goods not liable to duty coastwise from any port of the United Kingdom to another shall desire to proceed with such goods or any of them to parts beyond the seas, he may, subject to such regulations as the Commissioners of Customs may see fit, enter such ship and goods outwards for the intended voyage without first landing the same.

155. No goods shall be laden or water-borne to be laden on board any ship, or unladen from any ship, in the Channel Islands, until due entry shall have been made of such goods and warrant granted for the lading or unloading of the same; and no

goods shall be so laden or water-borne or so unladen in the said Channel Islands except at some place at which an officer of the Customs is appointed to attend the lading and unloading of goods, or at some place for which a sufferance shall be granted by the proper officer of Customs for the lading and unloading of such goods, and in the presence or with the permission of such officer; but the Commissioners of Customs may make such regulations for the carrying coastwise of any goods, or for the removing of any goods for shipment in the said islands, as to them shall appear expedient; and all goods laden, water-borne, or unladen contrary hereto, or to any regulations to be so made, shall be forfeited.

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*ACT of Parliament, respecting Customs and Inland Revenue; so far as relates to the Coasting Trade.*

[42 & 43 Vict., cap. 21.]

[July 3, 1879.]

9. THE master of every coasting ship shall keep or cause to be kept a cargo-book, stating the names of the ship, the master, and the port to which she belongs and of the port to which she is bound on each voyage, and unless the Commissioners of Customs otherwise direct shall at every port of lading enter in such book the name of such port, and an account of all goods there taken on board such ship, stating the descriptions of the packages, and the quantities and descriptions of the goods therein, and the quantities and descriptions of any goods stowed loose, and the names of the respective shippers and consignees, so far as such particulars are known to him, and shall at every port of discharge of such goods note the respective days on which the same or any of them are delivered out of such ship, and the respective times of departure from every port of lading and of arrival at every port of discharge; and such master shall, on demand, produce such book for the inspection of any officer of Customs, who shall be at liberty to make any note or remark therein; and if upon examination any package entered in the cargo-book as containing foreign goods shall be found not to contain such goods, such package with its contents shall be forfeited, or if any package shall be found to contain foreign goods not entered in such book, such goods shall be forfeited; and if such master shall fail correctly to keep such cargo-book or to produce the same, or if at any time there be found on board such ship any goods not entered in such book as laden or any goods noted as delivered, or if any goods entered as laden or any goods not noted as delivered be not on board, the master of such ship shall forfeit the sum of 20*l*.

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*ACT of Parliament, to provide for the re-hearing of Investigations into Shipping Casualties, and to amend the rules as to the mode of holding, and procedure at, such Investigations.*

[42 & 43 Vict., cap. 72.]

[August 15, 1879.]

2. (1.) WHERE an investigation into the conduct of a master, mate, or engineer, or into a shipping casualty, has been held under "The Merchant Shipping Act, 1854,"\* or any Act amending the same, or under any provision for holding such investigations in a British possession, the Board of Trade may, in any case, and shall, if new and important evidence which could not be produced at the investigation has been discovered, or if for any other reason there has, in their opinion, been ground for suspecting a miscarriage of justice, order that the case be re-heard, either generally or as to any part thereof, and either by the court or authority by whom it was heard in the first instance, or by the Wreck Commissioner, or in England or Ireland by a Judge of Her Majesty's High Court of Justice exercising jurisdiction in Admiralty cases, or in Scotland by the Senior Lord Ordinary, or any other Judge in the Court of Session whom the Lord President of that Court may appoint for the purpose, and the case shall be so re-heard accordingly.

(2.) Where, in any such investigation, a decision has been given with respect to the cancelling or suspension of the certificate of a master, mate, or engineer, and an application for a re-hearing under this section has not been made, or has been refused, an appeal shall lie from the decision to the following Courts; namely,

- (a.) If the decision is given in England, or by a Naval Court, the Probate, Divorce, and Admiralty Division of Her Majesty's High Court of Justice;
- (b.) If the decision is given in Scotland, either Division of the Court of Session;
- (c.) If the decision is given in Ireland, the High Court of Admiralty, or the Judge or Division of Her Majesty's High Court of Justice exercising jurisdiction in Admiralty cases.

(3.) Any re-hearing or appeal under this section shall be subject to and conducted in accordance with such conditions and regulations as may from time to time be prescribed by general rules made under Section 30 of "The Merchant Shipping Act, 1876."†

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\* 17 & 18 Vict., c. 104. See Vol. 9. Page 851.

† 39 & 40 Vict., c. 80.

ACT of Parliament, relating to the Payment of Wages and Rating of Merchant Seamen (*Unauthorized Persons on board Ships, Desertion, &c.*).

[43 & 44 Vict., cap. 16.]

[August 2, 1880.]

*Conditional Advance Notes illegal.*

2. (1.) AFTER the 1st day of August, 1881, any document authorizing or promising, or purporting to authorize or promise, the future payment of money on account of a seaman's wages conditionally on his going to sea from any port in the United Kingdom, and made before those wages have been earned, shall be void.

(2.) No money paid in satisfaction or in respect of any such document shall be deducted from a seaman's wages, and no person shall have any right of action, suit, or set-off against the seaman or his assignee in respect of any money so paid, or purporting to have been so paid.

(3.) Nothing in this section shall affect any allotment note made under "The Merchant Shipping Act, 1854."\*

*Allotment Notes.*

3. (1.) Every agreement with a seaman which is required by "The Merchant Shipping Act, 1854," to be made in the form sanctioned by the Board of Trade shall, if the seaman so require, stipulate for the allotment of any part not exceeding one-half of the wages of the seaman in favour of one or more of the persons mentioned in Section 169 of "The Merchant Shipping Act, 1854," as amended by this section.

(2.) The allotment may also be made in favour of a savings bank, and in that case shall be in favour of such persons and carried into effect in such manner as may be for the time being directed by regulations of the Board of Trade, and Section 169 of "The Merchant Shipping Act, 1854," shall be construed as if the said persons were named therein.

(3.) The sum received in pursuance of such allotment by a savings bank shall be paid out only on an application made, through a superintendent of a mercantile marine office or the Board of Trade, by the seaman himself, or, in case of death, by some person to whom the same might be paid under Section 199 of "The Merchant Shipping Act, 1854."

(4.) A payment under an allotment note shall begin at the expiration of one month, or, if the allotment is in favour of a savings bank, of three months, from the date of the agreement, or at such later date as may be fixed by the agreement, and shall be paid at the expiration of every subsequent month,

\* 17 & 18 Vict., c. 104.



or of such other periods as may be fixed by the agreement, and shall be paid only in respect of wages earned before the date of payment.

(5.) For the purposes of this section "savings bank" means a savings bank established under one of the Acts mentioned in the first Schedule to this Act.

*Rules as to Payment of Wages.*

4. In the case of foreign sea-going ships—

(1.) The owner or master of the ship shall pay to each seaman on account, at the time when he lawfully leaves the ship at the end of his engagement, 2*l.*, or one-fourth of the balance due to him, whichever is least; and shall pay him the remainder of his wages within two clear days (exclusive of any Sunday, fast day in Scotland, or bank holiday) after he so leaves the ship.

(2.) The master of the ship may deliver the account of wages mentioned in Section 171 of "The Merchant Shipping Act, 1854," to the seaman himself at or before the time when he leaves the ship, instead of delivering it to a superintendent of a mercantile marine office.

(3.) If the seaman consents, the final settlement of his wages may be left to the superintendent of a mercantile marine office, under regulations to be made by the Board of Trade, and the receipt of the superintendent shall in that case operate as a release by the seaman under Section 175 of "The Merchant Shipping Act, 1854."

(4.) In the event of the seaman's wages, or any part thereof, not being paid or settled as in this section mentioned, then, unless the delay is due to the act or default of the seaman, or to any reasonable dispute as to liability, or to any other cause not being the act or default of the owner or master, the seaman's wages shall continue to run and be payable until the time of the final settlement thereof.

(5.) Where a question as to wages is raised before the superintendent of a mercantile marine office between the master or owner of a ship, and a seaman or apprentice, if the amount in question does not exceed 5*l.*, the superintendent may adjudicate, and the decision of the superintendent in the matter shall be final; but if the superintendent is of opinion that the question is one which ought to be decided by a Court of Law he may refuse to decide it.

*Penalty for being on board Ship without Permission before Seamen leave.*

5. Where a ship is about to arrive, is arriving, or has arrived at the end of her voyage, every person, not being in Her

Majesty's service, or not being duly authorized by law for the purpose, who—

- (a.) goes on board the ship, without the permission of the master, before the seamen lawfully leave the ship at the end of their engagement, or are discharged (whichever last happens); or,
- (b.) being on board the ship, remains there after being warned to leave by the master, or by a police officer, or by any officer of the Board of Trade, or of the Customs,

shall for every such offence be liable on summary conviction to a fine not exceeding 20*l.*, or, at the discretion of the Court, to imprisonment for any term not exceeding six months; and the master of the ship or any officer of the Board of Trade may take him into custody, and deliver him up forthwith to a constable, to be taken before a Court or Magistrate capable of taking cognizance of the offence, and dealt with according to law.

*Provisions contained in Section 5 to apply to Ships belonging to Foreign Countries in certain Cases.*

6. Whenever it is made to appear to Her Majesty—

- (1.) That the Government of any foreign country has provided that unauthorized persons going on board of British ships which are about to arrive or have arrived within its territorial jurisdiction shall be subject to provisions similar to the provisions contained in the last preceding section as applicable to persons going on board British ships at the end of their voyages; and
- (2.) That the Government of such foreign country is desirous that the provisions of the said section shall apply to unauthorized persons going on board of ships belonging to such foreign country within the limits of British territorial jurisdiction;

Her Majesty may, by Order in Council, declare that the provisions of the said last preceding section shall apply to the ships of such country; and thereupon so long as the Order remains in force those provisions shall apply and have effect as if the ships of such country were British ships arriving, about to arrive, or which had arrived at the end of their voyage.\*

#### *Rating of Seamen.*

7. A seaman shall not be entitled to the rating of A.B., that is to say, of an able-bodied seaman, unless he has served at sea for four years before the mast, but the employment of fishermen

\* See Order in Council, March 2, 1881 (Italy). Page 221.

in registered decked fishing vessels shall only count as sea service up to the period of three years of such employment; and the rating of A.B. shall only be granted after at least one year's sea service in a trading vessel, in addition to three or more years' sea service on board of registered decked fishing vessels.

Such service may be proved by certificates of discharge, by a certificate of service from the Registrar-General of Shipping and Seamen (which certificate the Registrar shall grant on payment of a fee not exceeding 6*d.*), and in which shall be specified whether the service was rendered in whole or in part in steam ship or in sailing ship, or by other satisfactory proof.

Nothing in this section shall affect a seaman who has been rated and served as A.B. before the passing of this Act.

*Power of Court to rescind Contract between Owner or Master and Seaman or Apprentice.*

8. Where a proceeding is instituted in or before any Court in relation to any dispute between an owner or master of a ship and a seaman or apprentice to the sea service, arising out of or incidental to their relation as such, or is instituted for the purpose of this section, the Court, if, having regard to all the circumstances of the case, they think it just so to do, may rescind any contract between the owner or master and the seaman or apprentice, or any contract of apprenticeship, upon such terms as the Court may think just, and this power shall be in addition to any other jurisdiction which the Court can exercise independently of this section.

For the purposes of this section the term "Court" includes any Magistrate or Justice having jurisdiction in the matter to which the proceeding relates.

*Licensing of Seamen's Lodging-houses.*

9.\* It shall be lawful for the sanitary authority of any seaport town to pass bye-laws for the licensing of seamen's lodging-houses, for the periodical inspection of the same, for the granting to the persons to whom such licences are given the authority to designate their houses as seamen's licensed lodging-houses, and for prescribing the penalties for the breach of the provisions of the bye-laws: Provided always, that no such bye-laws shall take effect till they have received the approval of the Board of Trade.

*Desertion and Absence without Leave.*

10.† The following provisions shall, from the commencement of this Act, have operation in the United Kingdom:—

A seaman or apprentice to the sea service shall not be liable to imprisonment for deserting or for neglecting or refusing

\* Repealed by Act 46 & 47 Vict., c. 41, § 55.

† Ditto, so far as this section is applicable to fishing boats.

without reasonable cause to join his ship or to proceed to sea in his ship, or for absence without leave at any time within 24 hours of his ship's sailing from any port, or for absence at any time without leave and without sufficient reason from his ship or from his duty.

Whenever, either at the commencement or during the progress of any voyage, any seaman or apprentice neglects or refuses to join, or deserts from or refuses to proceed to sea in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband, or consignee may, with or without the assistance of the local police officers or constables, who are hereby directed to give the same, if required, convey him on board: Provided that if the seaman or apprentice so requires he shall first be taken before some Court capable of taking cognizance of the matters to be dealt with according to law; and that if it appears to the Court before which the case is brought that the seaman or apprentice has been conveyed on board or taken before the Court on improper or insufficient grounds, the master, mate, owner, ship's husband, or consignee, as the case may be, shall incur a penalty not exceeding 20*l.*, but such penalty, if inflicted, shall be a bar to any action for false imprisonment.

If a seaman or apprentice to the sea service intends to absent himself from his ship or his duty, he may give notice of his intention, either to the owner or to the master of the ship, not less than 48 hours before the time at which he ought to be on board his ship; and in the event of such notice being given, the Court shall not exercise any of the powers conferred on it by Section 247 of "The Merchant Shipping Act, 1854."\*

Subject to the foregoing provision of this section, the powers conferred by Section 247 of "The Merchant Shipping Act, 1854,"\* may be exercised, notwithstanding the abolition of imprisonment for desertion and similar offences, and of apprehension without warrant.

Nothing in this section shall affect Section 239 of "The Merchant Shipping Act, 1854."

*"Employers and Workmen Act, 1875."*

11. The 13th section of "The Employers and Workmen Act, 1875,"† shall be repealed in so far as it operates to exclude seamen and apprentices to the sea service from the said Act, and the said Act shall apply to seamen and apprentices to the sea service accordingly; but such repeal shall not, in the absence of any enactment to the contrary, extend to or affect any provision contained in any other Act of Parliament passed, or to be passed, whereby workman is defined by reference to

\* 17 & 18 Vict., c. 104. See Vol. 9. Page 821.

† 38 & 39 Vict., c. 90.

the persons to whom "The Employers and Workmen Act, 1875," applies.

*Repeal of Enactments in Second Schedule.*

12. The enactments described in the second Schedule to this Act shall be repealed as from the commencement of this Act within the United Kingdom.

Provided that this repeal shall not affect—

- (1.) Anything duly done or suffered before the commencement of this Act under any enactment hereby repealed; or
- (2.) Any right or privilege acquired or any liability incurred before the commencement of this Act, under any enactment hereby repealed; or
- (3.) Any imprisonment, fine, or forfeiture or other punishment incurred or to be incurred, in respect of any offence committed before the commencement of this Act, under any enactment hereby repealed; or
- (4.) The institution or prosecution to its termination of any investigation or legal proceeding, or any other remedy for prosecuting any such offence, or ascertaining, enforcing, or recovering any such liability, imprisonment, fine, forfeiture, or punishment as aforesaid, and any such investigation, legal proceeding, and remedy may be carried on as if this repeal had not been enacted.

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## SCHEDULES.

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### FIRST SCHEDULE.

Chapter.	.. ..	.. ..	Savings Banks.
24 & 25 Vict., c. 14	..	..	Post Office Savings Banks.
26 & 27 Vict., c. 87	..	..	} Trustee Savings Banks. Seamen's Savings Banks.
17 & 18 Vict., c. 104, s. 180	..	..	
19 & 20 Vict., c. 41	..	..	

### SECOND SCHEDULE.

(17 & 18 Vict., c. 104, in part.)

"The Merchant Shipping Act, 1854," in part, namely—

In Section 243, Sub-section (1), the words "to imprisonment for any period not exceeding 12 weeks with or without hard labour; and also."

In Section 243, Sub-section (2), the words "to imprisonment for any period not exceeding 10 weeks with or without hard labour, and also at the discretion of the Court."

Section 246.

In Section 247 the words "instead of committing the offender to prison."

And Section 248.

ACT of Parliament, to amend "*The Merchant Shipping Act, 1854.*"  
 [Numbers of Joint Owners of Ships.]

[43 & 44 Vict., cap. 18.] ————— [August 2, 1880.]

2. SUB-SECTION 2 of Section 37 of the recited Act [17 & 18 Vict., cap. 104] is hereby repealed, and in place thereof it is enacted that the following words shall be deemed and be taken to be Sub-section 2 of Section 37 of the recited Act, and the recited Act shall be read and construed as if Sub-section 2 of Section 37 thereof had been originally expressed in the following words; videlicet,

Subject to the provisions with respect to joint owners or owners by transmission hereinafter contained, not more than 64 individuals shall be entitled to be registered at the same time as owners of any one ship; but this rule shall not affect the beneficial title of any number of persons of any company represented by or claiming under or through any registered owner or joint owner.

ACT of Parliament, to amend "*The Merchant Shipping Act, 1854,*"  
 so far as regards certain Fees and Expenses and Sums receivable and payable by the Board of Trade. [Application of Proceeds of Unclaimed Wreck.]

[43 & 44 Vict., cap. 22.] ————— [August 12, 1880.]

2. WHEREAS under Section 475 of "*The Merchant Shipping Act, 1854,*"\* a Receiver of Wreck appointed under that Act is required to pay into the Exchequer the net proceeds of the sale of unclaimed wreck:

And whereas in pursuance of Section 457 of "*The Merchant Shipping Act, 1854,*" the fees received by such Receiver of Wreck are carried to the Mercantile Marine Fund, and applied in defraying any expenses duly incurred in carrying into effect the purposes of the eighth part of that Act, in such manner as the Board of Trade direct:

And whereas the fees have been insufficient to defray such expenses, and the deficiency has been paid out of the said proceeds of unclaimed wreck, and the balance alone of such proceeds has been paid into the Exchequer, and it is expedient to sanction the payment of the said deficiency; be it therefore enacted as follows:

Any deficiency so paid as aforesaid, before the 31st day of March, 1880, out of the proceeds of unclaimed wreck, shall be deemed to have been properly paid.

\* 17 & 18 Vict., c. 104. See Vol. 9. Page 855.

ACT of Parliament, to provide for the Safe Carriage of Grain  
Cargoes by Merchant Shipping.

[43 & 44 Vict., cap. 43.] — [September 7, 1880.]

3. WHERE a grain cargo is laden on any British ship, all necessary and reasonable precautions (whether prescribed by this Act or not) shall be taken in order to prevent the grain cargo from shifting.

If such precautions have not been taken in the case of any such ship, the master of the ship and any agent of the owner who was charged with the loading of the ship or the sending her to sea shall each be liable to a penalty not exceeding 300*l.*, and the owner of the ship shall also be liable to the same penalty, unless he shows that he took all reasonable means to enforce the observance of this section, and was not privy to the breach thereof.

4. Where a British ship laden with a grain cargo at any port in the Mediterranean or Black Sea is bound to ports outside the Straits of Gibraltar, or where a British ship is laden with a grain cargo on the coast of North America, the following precautions to prevent the grain cargo from shifting shall be adopted; that is to say,

(a.) There shall not be carried between the decks, or, if the ship has more than two decks, between the main and upper decks, any grain in bulk, except such as may be necessary for feeding the cargo in the hold, and is carried in properly constructed feeders.

(b.) Where grain (except such as may be carried in properly constructed feeders) is carried in bulk in any hold or compartment, and proper provision for filling up the same by feeders is not made, not less than one-fourth of the grain carried in the hold or compartment (as the case may be) shall be in bags supported on suitable platforms laid upon the grain in bulk: Provided that this regulation with respect to bags shall not apply—

(i.) To oats, or cotton seed; nor

(ii.) To a ship which is a sailing ship of less than 400 tons registered tonnage, and is not engaged in the Atlantic trade; nor

(iii.) To a ship laden at a port in the Mediterranean or Black Sea if the ship is divided into compartments which are formed by substantial transverse partitions, and are fitted with longitudinal bulkheads or such shifting boards as hereafter in this section mentioned, and if the ship does not carry more than one-fourth of the grain cargo, and not more than 1,500 quarters, in any one compartment, bin, or division, and provided that

each division of the lower hold is fitted with properly constructed feeders from the between decks; nor

(iv.) To a ship in which the grain cargo does not exceed one-half of the whole cargo of the ship, and the rest of the cargo consists of cotton, wool, flax, barrels or sacks of flour, or other suitable cargo so stowed as to prevent the grain in any compartment, bin, or division from shifting.

(c.) Where grain is carried in the hold or between the decks, whether in bags or bulk, the hold or the space between the decks shall be divided by a longitudinal bulkhead or by sufficient shifting boards which extend from deck to deck or from the deck to the keelson and are properly secured, and if the grain is in bulk are fitted grain-tight with proper fillings between the beams.

(d.) In loading, the grain shall be properly stowed, trimmed, and secured.

In the event of the contravention of this section in the case of any ship, reasonable precautions to prevent the grain cargo of that ship from shifting shall be deemed not to have been taken, and the owner and master of the ship and any agent charged with loading her or sending her to sea shall be liable accordingly to a penalty under this Act.

Provided that nothing in this section shall exempt a person from any liability, civil or criminal, to which he would otherwise be subject for failing to adopt any reasonable precautions which, although not mentioned in this section, are reasonably required to prevent grain cargo from shifting.

5. The precautions required by this Act to be adopted by ships laden with a grain cargo at a port in the Mediterranean or Black Sea, or on the coast of North America, shall not apply to ships loaded in accordance with regulations for the time being approved by the Board of Trade; nor to any ship constructed and loaded in accordance with any plan approved by the Board of Trade.

6. Before a British ship laden with grain cargo at any port in the Mediterranean or Black Sea, bound to ports outside the Straits of Gibraltar, or laden with grain cargo on the coast of North America, leaves her final port of loading, or within 48 hours after leaving such port, the master shall deliver or cause to be delivered to the British Consular officer, or, if it is in Her Majesty's dominions, to the principal officer of Customs at that port, a notice stating—

(1.) The draught of water and clear side, as defined by Section 5 of "The Merchant Shipping Act, 1871,"\* and Section 4

\* 34 & 35 Vict., c. 110. See Page 612.



of "The Merchant Shipping Act, 1873,"\* of the said ship after the loading of her cargo has been completed at the said last port of loading;

(2.) And also stating the following particulars in respect to the grain cargo; namely,

(a.) The kind of grain and the quantity thereof, which quantity may be stated in cubic feet, or in quarters, or bushels, or in tons weight; and

(b.) The mode in which the grain cargo is stowed; and

(c.) The precautions taken against shifting.

The master shall also deliver a similar notice to the principal Collector or other proper officer of Customs in the United Kingdom, together with the report required to be made by "The Customs Consolidation Act, 1876,"† on the arrival of the ship in the United Kingdom.

Every such notice shall be sent to the Board of Trade as soon as practicable by the officer receiving the same.

If the master fails to deliver any notice required by this section he shall be liable to a penalty not exceeding 100*l.*: Provided always, that the Board of Trade may, by notice published in the London Gazette, or in such other way as it may deem expedient, exempt ships laden at any particular port or any class of such ships from the provisions of this section.

7. Any master of a ship, who in any notice required by this Act wilfully makes any false statement or wilfully omits any material particular, shall be liable to a penalty not exceeding 100*l.*

8. For the purpose of securing the observance of this Act, any officer having authority in that behalf from the Board of Trade, either general or special, shall have the same power as an inspector appointed under "The Merchant Shipping Act, 1854,"‡ and shall also have power to inspect any grain cargo, and the mode in which the same is stowed.

9. Every offence punishable under this Act may be prosecuted summarily, and every penalty under this Act may be recovered and enforced summarily in like manner as offences and penalties under "The Merchant Shipping Act, 1854," and the Acts amending the same.

10. For the purposes of this Act—

The expression "grain" means any corn, rice, paddy, pulse, seeds, nuts, or nut kernels.

The expression "ship laden with a grain cargo" means a ship carrying a cargo of which the portion consisting of grain is more than one-third of the registered tonnage of the ship, and such third shall be computed, where the grain is reckoned in measures of capacity, at the rate of 100 cubic feet for each ton

\* 36 & 37 Vict., c. 85. See Vol. 14. Page 712.

† 39 & 40 Vict., c. 36, §§ 50, 51.

‡ 17 & 18 Vict., c. 104.

of registered tonnage, and where the grain is reckoned in measures of weight, at the rate of 2 tons weight for each ton of registered tonnage.

11. Section 22 of "The Merchant Shipping Act, 1876,"\* is hereby repealed as from the commencement of this Act :

Provided that any offence against that section committed before the commencement of this Act may be prosecuted, and the penalty recovered and enforced, in like manner as if the said section had continued to remain force.

*ACT of Parliament, relating to Customs and Inland Revenue ; so far as relates to Exportation and Importation of Beer, Coasting Trade, the Warehousing of Foreign Wines, and Probate and Legacy Duty.*

[44 Vict., cap. 12.]

[June 3, 1881.]

*Customs Duties on Beer.*

3. IN lieu of the duties of Customs now payable under "The Customs Tariff Act, 1876,"† on beer and ale, there shall be charged and paid the duties following; (that is to say.)

For every 36 gallons of beer of the descriptions called mum, spruce, or black beer, where the worts thereof were before fermentation of a specific gravity—

	£	s.	d.
Not exceeding 1,215 degrees .. ..	1	6	0
Exceeding 1,215 degrees .. ..	1	10	6

For every 36 gallons of beer of any other description, where the worts thereof were before fermentation of a specific gravity of—

1,057 degrees.. .. .	0	6	6
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And so in proportion for any difference in gravity.

*Drawback on the Exportation of Imported Beer.*

4. In respect of all beer imported or brought into Great Britain and Ireland, and subsequently exported as merchandise, or shipped for use as ship stores, or removed to the Isle of Man, and on which beer the duties of Customs under this Act shall have been paid, there shall be allowed and paid the drawback under Section 36 of "The Inland Revenue Act, 1880,"‡ upon the exportation of beer brewed in the United Kingdom.

*Provisions as to Importation of Beer.*

5. (1.) The importer of any beer into Great Britain or Ireland, or his agent, and any person bringing in beer into Great Britain or Ireland from the Isle of Man, or his agent, shall deliver to the proper officer of Customs at the place at or to which the beer is so imported or brought in, a declaration of the original gravity of the worts from which the beer was brewed, such declaration to be duly verified by signature, and to be in such form as the Commissioners of Customs may direct.

\* 39 & 40 Vict., c. 80. See Vol. 14. Page 751.

† 39 & 40 Vict., c. 35.

‡ 43 & 44 Vict., c. 20.

(2.) For the purpose of charging the proper duty of Customs on beer so imported or brought in, the original gravity of the beer may be ascertained by an officer of Customs, or an officer of Inland Revenue, in the manner provided by Section 15 of "The Inland Revenue Act, 1880," for determining the original gravity of beer brewed in the United Kingdom, and duty shall be charged according to the gravity stated in the declaration or that ascertained by the officer, whichever shall be the highest.

(3.) If the gravity ascertained by the officer shall exceed by 2 per centum the gravity stated in the declaration the beer shall be forfeited, and, if the gravity so ascertained shall exceed by 5 per centum the gravity stated in the declaration, the importer or person bringing in the beer, and the agent declaring, if any, shall forfeit a penalty of 100*l.*

*Beer imported may be exported.*

6. (1.) It shall be lawful for any person to export as merchandise to foreign parts or for use as ships' stores, or to remove to the Isle of Man, any beer imported or brought into Great Britain or Ireland, and, except as is hereinafter provided, the enactments contained in Sections 37, 38, and 39 of "The Inland Revenue Act, 1880," shall extend and apply to the exportation or removal of beer imported or brought in.

(2.) It shall not be necessary for the declaration mentioned in Section 37 of the said Act to be produced upon the exportation or removal of beer imported or brought in; but the notice thereby required to be given to the proper officer at the place from which the beer is to be exported or removed shall specify that the full duties of Customs have been charged and paid upon the beer, and such notice, which may be given by the exporter or his agent, shall be duly verified by signature, and shall be deemed an instrument within Section 168 of "The Customs Consolidation Act, 1876."\*

*Duties on Spirits imported.*

7. In lieu of the duties of Customs now payable under "The Customs Tariff Act, 1876," on spirits or strong waters, and of the duties of excise on spirits manufactured or distilled in the Islands of Guernsey, Jersey, Alderney, and Sark respectively, and imported into the United Kingdom, there shall be charged and paid the duties of Customs following: (that is to say,)

	£	s.	d.
For every gallon computed at hydrometer proof of spirits of any description (except perfumed spirits), including naphtha or methylic alcohol, purified so as to be potable, and mixtures and preparations containing spirits .. .. .	0	10	4
For every gallon of perfumed spirits .. .. .	0	16	6
And so in proportion for any less quantity.			

\* 39 & 40 Vict., c. 36.

Where a person importing liqueurs, cordials, or other preparations containing spirits in bottle, may have entered the same in such a manner as to indicate that the strength is not to be tested, duty shall be charged and paid at the rate following; (that is to say,)

	£	s.	d.
For every gallon thereof .. .. .	0	14	0
And so in proportion for any less quantity.			

*Coasting Trade.*

10. If any goods shall be unshipped from any ship arriving coastwise, or be shipped or waterborne to be shipped for carriage coastwise on Sundays or holidays, except by the special permission of the Commissioners of Customs, or on any other day unless in the presence or with the authority of the proper officer of Customs, or unless at such times and places as shall be appointed or approved by him for that purpose, the same shall be forfeited, and the master of the ship shall forfeit the penalty of 50*l.*

*Warehousing Foreign Wine in an Excise Warehouse.*

17. (1.) Foreign wine warehoused in a Customs warehouse of which an account has been taken by the proper officer of Customs may, upon such security being given, and subject to such regulations being observed as the Commissioners of Customs or the Commissioners of Inland Revenue respectively shall from time to time prescribe, be removed, without payment of duty, to an Excise warehouse, and from thence to any other Excise or Customs warehouse or for exportation or ships' stores.

(2.) Foreign wine warehoused in an Excise warehouse may, upon payment of the proper duties of Customs, be delivered for home consumption.

(3.) The enactments contained in "The Spirits Act, 1880,"\* in relation to a proprietor or occupier of an Excise warehouse, and to a proprietor of spirits warehoused, and to the warehousing and treatment of spirits in an Excise warehouse, and the delivery of the same thereout, and the collecting and accounting for the duty thereon, shall have effect in relation to foreign wine warehoused in the same manner and to the same extent as if the term "foreign wine" was included in the term "spirits," wherever used in those enactments.

*Probate and Legacy Duty.*

28. On and after the 1st day of June, 1881, in the case of a person dying domiciled in any part of the United Kingdom, it shall be lawful for the person applying for the probate or letters of administration in England or Ireland, or exhibiting the inventory in Scotland, to state in his affidavit the fact of such

\* 43 & 44 Vict., c. 24.

domicile, and to deliver therewith or annex thereto a schedule of the debts due from the deceased to persons resident in the United Kingdom, and the funeral expenses, and in that case, for the purpose of the charge of duty on the affidavit or inventory, the aggregate amount of the debts and funeral expenses appearing in the schedule shall be deducted from the value of the estate and effects as specified in the account delivered with or annexed to the affidavit, or whereof the inventory shall be exhibited.

Debts to be deducted under the power hereby given shall be debts due and owing from the deceased and payable by law out of any part of the estate and effects comprised in the affidavit or inventory, and are not to include voluntary debts expressed to be payable on the death of the deceased, or payable under any instrument which shall not have been bona fide delivered to the donee thereof three months before the death of the deceased, or debts in respect whereof any real estate may be primarily liable or a reimbursement may be capable of being claimed from any real estate of the deceased or from any other estate or person.

Funeral expenses to be deducted under the power hereby given shall include only such expenses as are allowable as reasonable funeral expenses according to law.

ACT of Parliament, to consolidate "*The Army Discipline and Regulation Act, 1879*,"\* and the subsequent Acts amending the same; so far as relates to the *Exemption of Foreign Consuls from having Soldiers billeted on them.*†

[44 & 45 Vict., cap. 58.] — [August 27, 1881.‡]

§ 104. (Liability to provide billets.)

Par. 2. Provided that an officer or soldier shall not be billeted—

(g.) In the house of residence of any foreign Consul duly accredited as such.

ACT of Parliament, to amend the Law with respect to *Fugitive Offenders in Her Majesty's Dominions, and for other Purposes connected with the Trial of Offenders.*

[44 & 45 Vict., cap. 69.] — [August 27, 1881.‡]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and

\* 42 & 43 Vict., c. 33.

† British Consular Officers in France are exempted from having soldiers billeted on them. (Note from French Government, November 4, 1884.)

‡ In force January 1, 1885.

Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say):

1. This Act may be cited as "The Fugitive Offenders Act, 1881."

PART I.—*Return of Fugitives.*

2. Where a person accused of having committed an offence (to which this part of this Act applies) in one part of Her Majesty's dominions has left that part, such person (in this Act referred to as a fugitive from that part) if found in another part of Her Majesty's dominions, shall be liable to be apprehended and returned in manner provided by this Act to the part from which he is a fugitive.

A fugitive may be so apprehended under an endorsed warrant or a provisional warrant.

3. Where a warrant has been issued in one part of Her Majesty's dominions for the apprehension of a fugitive from that part, any of the following authorities in another part of Her Majesty's dominions in or on the way to which the fugitive is or is suspected to be; (that is to say),

- (1.) A Judge of a Superior Court in such part; and
- (2.) In the United Kingdom a Secretary of State and one of the Magistrates of the Metropolitan Police Court in Bow Street; and
- (3.) In a British Possession the Governor of that Possession,

if satisfied that the warrant was issued by some person having lawful authority to issue the same, may endorse such warrant in manner provided by this Act, and the warrant so endorsed shall be a sufficient authority to apprehend the fugitive in the part of Her Majesty's dominions in which it is endorsed, and bring him before a Magistrate.

4. A Magistrate of any part of Her Majesty's dominions may issue a provisional warrant for the apprehension of a fugitive who is or is suspected of being in or on his way to that part on such information, and under such circumstances, as would in his opinion justify the issue of a warrant if the offence of which the fugitive is accused had been committed within his jurisdiction, and such warrant may be backed and executed accordingly.

A Magistrate issuing a provisional warrant shall forthwith send a report of the issue, together with the information or a certified copy thereof, if he is in the United Kingdom, to a Secretary of State, and if he is in a British Possession to the Governor of that Possession, and the Secretary of State or Governor may, if he think fit, discharge the person apprehended under such warrant.

5. A fugitive when apprehended shall be brought before a

Magistrate, who (subject to the provisions of this Act) shall hear the case in the same manner and have the same jurisdiction and powers, as near as may be (including the power to remand and admit to bail), as if the fugitive were charged with an offence committed within his jurisdiction.

If the endorsed warrant for the apprehension of the fugitive is duly authenticated, and such evidence is produced as (subject to the provisions of this Act) according to the law ordinarily administered by the Magistrate, raises a strong or probable presumption that the fugitive committed the offence mentioned in the warrant, and that the offence is one to which this part of this Act applies, the Magistrate shall commit the fugitive to prison to await his return, and shall forthwith send a certificate of the committal and such report of the case as he may think fit, if in the United Kingdom, to a Secretary of State, and if in a British Possession to the Governor of that Possession.

Where the Magistrate commits the fugitive to prison he shall inform the fugitive that he will not be surrendered until after the expiration of 15 days, and that he has a right to apply for a writ of *habeas corpus*, or other like process.

A fugitive apprehended on a provisional warrant may be from time to time remanded for such reasonable time, not exceeding seven days at any one time, as under the circumstances seems requisite for the production of an endorsed warrant.

6. Upon the expiration of 15 days after a fugitive has been committed to prison to await his return, or if a writ of *habeas corpus* or other like process is issued with reference to such fugitive by a Superior Court, after the final decision of the Court in the case,

- (1.) If the fugitive is so committed in the United Kingdom, a Secretary of State; and
- (2.) If the fugitive is so committed in a British Possession, the Governor of that Possession,

may, if he thinks it just, by warrant under his hand order that fugitive to be returned to the part of Her Majesty's dominions from which he is a fugitive, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or some one or more of them, and to be held in custody, and conveyed by sea or otherwise to the said part of Her Majesty's dominions, to be dealt with there in due course of law as if he had been there apprehended, and such warrant shall be forthwith executed according to the tenor thereof.

The Governor or other chief officer of any prison, on request of any person having the custody of a fugitive under any such warrant, and on payment or tender of a reasonable amount for expenses, shall receive such fugitive and detain him for such

reasonable time as may be requested by the said person for the purpose of the proper execution of the warrant.

7. If a fugitive who, in pursuance of this part of this Act, has been committed to prison in any part of Her Majesty's dominions to await his return, is not conveyed out of that part within one month after such committal, a Superior Court, upon application by or on behalf of the fugitive, and upon proof that reasonable notice of the intention to make such application has been given, if the said part is the United Kingdom to a Secretary of State, and if the said part is a British Possession to the Governor of the Possession, may, unless sufficient cause is shown to the contrary, order the fugitive to be discharged out of custody.

8. Where a person accused of an offence and returned in pursuance of this part of this Act to any part of Her Majesty's dominions, either is not prosecuted for the said offence within six months after his arrival in that part, or is acquitted of the said offence, then if that part is the United Kingdom a Secretary of State, and if that part is a British Possession the Governor of that Possession, may, if he think fit, on the request of such person, cause him to be sent back free of cost and with as little delay as possible to the part of Her Majesty's dominions in or on his way to which he was apprehended.

9. This part of this Act shall apply to the following offences, namely, to treason and piracy, and to every offence, whether called felony, misdemeanour, crime, or by any other name, which is for the time being punishable in the part of Her Majesty's dominions in which it was committed, either on indictment or information, by imprisonment with hard labour for a term of 12 months or more, or by any greater punishment; and for the purposes of this section, rigorous imprisonment, and any confinement in a prison combined with labour, by whatever name it is called, shall be deemed to be imprisonment with hard labour.

This part of this Act shall apply to an offence notwithstanding that by the law of the part of Her Majesty's dominions in or on his way to which the fugitive is or is suspected of being it is not an offence, or not an offence to which this part of this Act applies; and all the provisions of this part of this Act, including those relating to a provisional warrant and to a committal to prison, shall be construed as if the offence were in such last-mentioned part of Her Majesty's dominions an offence to which this part of this Act applies.

10. Where it is made to appear to a Superior Court that by reason of the trivial nature of the case, or by reason of the application for the return of a fugitive not being made in good faith in the interests of justice or otherwise, it would, having regard to the distance, to the facilities for communication, and



to all the circumstances of the case, be unjust or oppressive or too severe a punishment to return the fugitive either at all or until the expiration of a certain period, such Court may discharge the fugitive, either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises as to the Court seems just.

11. In Ireland the Lord Lieutenant or Lords Justices or other Chief Governor or Governor of Ireland, also the chief secretary of such Lord Lieutenant, may, as well as a Secretary of State, execute any portion of the powers by this part of this Act vested in a Secretary of State.

## PART II.—*Intercolonial Backing of Warrants, and Offences.*

### *Application of part of Act.*

12. This part of this Act shall apply only to those groups of British Possessions to which, by reason of their contiguity or otherwise, it may seem expedient to Her Majesty to apply the same.

It shall be lawful for Her Majesty from time to time by Order in Council to direct that this part of this Act shall apply to the group of British Possessions mentioned in the Order, and by the same or any subsequent Order to except certain offences from the application of this part of this Act, and to limit the application of this part of this Act by such conditions, exceptions, and qualifications as may be deemed expedient.

### *Backing of Warrants.*

13. Where in a British Possession of a group to which this part of this Act applies a warrant has been issued for the apprehension of a person accused of an offence punishable by law in that Possession, and such person is or is suspected of being in or on the way to another British Possession of the same group, a Magistrate in the last-mentioned Possession, if satisfied that the warrant was issued by a person having lawful authority to issue the same, may endorse such warrant in manner provided by this Act, and the warrant so endorsed shall be a sufficient authority to apprehend, within the jurisdiction of the endorsing Magistrate, the person named in the warrant, and bring him before the endorsing Magistrate or some other Magistrate in the same British Possession.

14. The Magistrate before whom a person so apprehended is brought, if he is satisfied that the warrant is duly authenticated as directed by this Act, and was issued by a person having lawful authority to issue the same, and is satisfied on

oath that the prisoner is the person named or otherwise described in the warrant, may order such prisoner to be returned to the British Possession in which the warrant was issued, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or any one or more of them, and to be held in custody and conveyed by sea or otherwise into the British Possession in which the warrant was issued, there to be dealt with according to law, as if he had been there apprehended. Such order for return may be made by warrant under the hand of the Magistrate making it, and may be executed according to the tenor thereof.

A Magistrate shall, so far as is requisite for the exercise of the powers of this section, have the same power, including the power to remand and admit to bail a prisoner, as he has in the case of a person apprehended under a warrant issued by him.

15. Where a person required to give evidence on behalf of the prosecutor or defendant on a charge for an offence punishable by law in a British Possession of a group to which this part of this Act applies, is or is suspected of being in or on his way to any other British Possession of the same group, a Judge, Magistrate, or other officer who would have lawful authority to issue a summons requiring the attendance of such witness, if the witness were within his jurisdiction, may issue a summons for the attendance of such witness, and a Magistrate in any other British Possession of the same group, if satisfied that the summons was issued by some Judge, Magistrate, or officer having lawful authority as aforesaid, may endorse the summons with his name; and the witness, on service in that Possession of the summons so endorsed, and on payment or tender of a reasonable amount for his expenses, shall obey the summons, and in default shall be liable to be tried and punished either in the Possession in which he is served or in the Possession in which the summons was issued, and shall be liable to the punishment imposed by the law of the Possession in which he is tried for the failure of a witness to obey such a summons. The expression "summons" in this section includes any subpoena or other process for requiring the attendance of a witness.

16. A Magistrate in a British Possession of a group to which this part of this Act applies, before the endorsement in pursuance of this part of this Act of a warrant for the apprehension of any person, may issue a provisional warrant for the apprehension of that person, on such information and under such circumstances as would in his opinion justify the issue of a warrant if the offence of which such person is accused were an offence punishable by the law of the said Possession, and had been committed within his jurisdiction, and such warrant may be backed and executed accordingly; provided that a person

arrested under such provisional warrant shall be discharged unless the original warrant is produced and endorsed within such reasonable time as may under the circumstances seem requisite.

17. If a prisoner in a British Possession whose return is authorized in pursuance of this part of this Act is not conveyed out of that Possession within one month after the date of the warrant ordering his return, a Magistrate or a Superior Court, upon application by or on behalf of the prisoner, and upon proof that reasonable notice of the intention to make such application has been given to the person holding the warrant and to the chief officer of the police of such Possession or of the province or town where the prisoner is in custody, may, unless sufficient cause is shown to the contrary, order such prisoner to be discharged out of custody.

Any order or refusal to make an order of discharge by a Magistrate under this section shall be subject to appeal to a Superior Court.

18. Where a prisoner accused of an offence is returned in pursuance of this part of this Act to a British Possession, and either is not prosecuted for the said offence within six months after his arrival in that Possession or is acquitted of the said offence, the Governor of that Possession, if he thinks fit, may, on the requisition of such person, cause him to be sent back, free of cost, and with as little delay as possible, to the British Possession in or on his way to which he was apprehended.

19. Where the return of a prisoner is sought or ordered under this part of this Act, and it is made to appear to a Magistrate or to a Superior Court that by reason of the trivial nature of the case, or by reason of the application for the return of such prisoner not being made in good faith in the interests of justice or otherwise, it would, having regard to the distance, to the facilities of communication, and to all the circumstances of the case, be unjust or oppressive, or too severe a punishment, to return the prisoner either at all or until the expiration of a certain period, the Court or Magistrate may discharge the prisoner either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises as to the Magistrate or Court seems just.

Any order or refusal to make an order of discharge by a Magistrate under this section shall be subject to an appeal to a Superior Court.

### PART III.

#### *Trial, &c., of Offences.*

20. Where two British Possessions adjoin, a person accused of an offence committed on or within the distance of 500 yards

from the common boundary of such Possessions may be apprehended, tried, and punished in either of such Possessions.

21. Where an offence is committed on any person, or in respect of any property in or upon any carriage, cart, or vehicle whatsoever employed in a journey, or on board any vessel whatsoever employed in a navigable river, lake, canal, or inland navigation, the person accused of such offence may be tried in any British Possession through a part of which such carriage, cart, vehicle, or vessel passed in the course of the journey or voyage during which the offence was committed; and where the side, bank, centre, or other part of the road, river, lake, canal, or inland navigation along which the carriage, cart, vehicle, or vessel passed in the course of such journey or voyage is the boundary of any British Possession, a person may be tried for such offence in any British Possession of which it is the boundary :

Provided that nothing in this section shall authorize the trial for such offence of a person who is not a British subject, where it is not shown that the offence was committed in a British Possession.

22. A person accused of the offence (under whatever name it is known) of swearing or making any false deposition, or of giving or fabricating any false evidence, for the purposes of this Act, may be tried either in the part of Her Majesty's dominions in which such deposition or evidence is used, or in the part in which the same was sworn, made, given, or fabricated, as the justice of the case may require.

23. Where any part of this Act provides for the place of trial of a person accused of an offence, that offence shall, for all purposes of and incidental to the apprehension, trial, and punishment of such person, and of and incidental to any proceedings and matters preliminary, incidental to, or consequential thereon, and of and incidental to the jurisdiction of any Court, constable, or officer with reference to such offence, and to any person accused of such offence, be deemed to have been committed in any place in which the person accused of the offence can be tried for it; and such person may be punished in accordance with "The Courts (Colonial) Jurisdiction Act, 1874."\*

24. Where a warrant for the apprehension of a person accused of an offence has been endorsed in pursuance of any part of this Act in any part of Her Majesty's dominions, or where any part of the Act provides for the place of trial of a person accused of an offence, every Court and Magistrate of the part in which the warrant is endorsed or the person accused of the offence can be tried shall have the same power of issuing a warrant to search for any property alleged to be stolen or to

\* 37 & 38 Vict., c. 27.

be otherwise unlawfully taken or obtained by such person, or otherwise to be the subject of such offence, as that Court or Magistrate would have if the property had been stolen or otherwise unlawfully taken or obtained, or the offence had been committed wholly within the jurisdiction of such Court or Magistrate.

25. Where a person is in legal custody in a British Possession either in pursuance of this Act or otherwise, and such person is required to be removed in custody to another place in or belonging to the same British Possession, such person, if removed by sea in a vessel belonging to Her Majesty or any of Her Majesty's subjects, shall be deemed to continue in legal custody until he reaches the place to which he is required to be removed; and the provisions of this Act with respect to the retaking of a prisoner who has escaped, and with respect to the trial and punishment of a person guilty of the offence of escaping or attempting to escape, or aiding or attempting to aid a prisoner to escape, shall apply to the case of a prisoner escaping while being lawfully removed as aforesaid, in like manner as if he were being removed in pursuance of a warrant endorsed in pursuance of this Act.

#### PART IV.—*Supplemental.*

##### *Warrants and Escape.*

26. An endorsement of a warrant in pursuance of this Act shall be signed by the authority endorsing the same, and shall authorize all or any of the persons named in the endorsement, and of the persons to whom the warrant was originally directed, and also every constable, to execute the warrant within the part of Her Majesty's dominions or place within which such endorsement is by this Act made a sufficient authority, by apprehending the person named in it, and bringing him before some Magistrate in the said part or place, whether the Magistrate named in the endorsement or some other.

For the purposes of this Act every warrant, summons, subpoena, and process, and every endorsement made in pursuance of this Act thereon, shall remain in force, notwithstanding that the person signing the warrant or such endorsement dies or ceases to hold office.

27. Where a fugitive or prisoner is authorized to be returned to any part of Her Majesty's dominions in pursuance of Part I or Part II of this Act, such fugitive or prisoner may be sent thither in any ship belonging to Her Majesty or to any of her subjects.

For the purpose aforesaid, the authority signing the warrant for the return may order the master of any ship belonging to any subject of Her Majesty bound to the said part of Her

Majesty's dominions to receive and afford a passage and subsistence during the voyage to such fugitive or prisoner, and to the person having him in custody, and to the witnesses, so that such master be not required to receive more than one fugitive or prisoner for every 100 tons of his ship's registered tonnage, or more than one witness for every 50 tons of such tonnage.

The said authority shall endorse or cause to be endorsed upon the agreement of the ship such particulars with respect to any fugitive prisoner or witness sent in her as the Board of Trade from time to time require.

Every such master shall, on his ship's arrival in the said part of Her Majesty's dominions, cause such fugitive or prisoner, if he is not in custody of any person, to be given into the custody of some constable, there to be dealt with according to law.

Every master who fails on payment or tender of a reasonable amount for expenses to comply with an order made in pursuance of this section, or to cause a fugitive or prisoner committed to his charge to be given into custody as required by this section, shall be liable on summary conviction to a fine not exceeding 50*l.*, which may be recovered in any part of Her Majesty's dominions in like manner as a penalty of the same amount under "The Merchant Shipping Act, 1854,"\* and the Acts amending the same.

28. If a prisoner escape, by breach of prison or otherwise, out of the custody of a person acting under a warrant issued or endorsed in pursuance of this Act, he may be retaken in the same manner as a person accused of a crime against the law of that part of Her Majesty's dominions to which he escapes may be retaken upon an escape.

A person guilty of the offence of escaping or of attempting to escape, or of aiding or attempting to aid a prisoner to escape, by breach of prison or otherwise, from custody under any warrant issued or endorsed in pursuance of this Act, may be tried in any of the following parts of Her Majesty's dominions, namely, the part to which and the part from which the prisoner is being removed, and the part in which the prisoner escapes, and the part in which the offender is found.

#### *Evidence.*

29. A Magistrate may take depositions for the purposes of this Act in the absence of a person accused of an offence in like manner as he might take the same if such person were present and accused of the offence before him.

Depositions (whether taken in the absence of the fugitive or otherwise) and copies thereof, and official certificates of or judicial documents stating facts, may, if duly authenticated, be received in evidence in proceedings under this Act.

\* 17 & 18 Vict., c. 104.

Provided that nothing in this Act shall authorize the reception of any such depositions, copies, certificates, or documents in evidence against a person upon his trial for an offence.

Warrants and depositions, and copies thereof, and official certificates of or judicial documents stating facts, shall be deemed duly authenticated for the purposes of this Act if they are authenticated in manner provided for the time being by law, or if they purport to be signed by or authenticated by the signature of a Judge, Magistrate, or officer of the part of Her Majesty's dominions in which the same are issued, taken, or made, and are authenticated either by the oath of some witness, or by being sealed with the official seal of a Secretary of State, or with the public seal of a British Possession, or with the official seal of a Governor of a British Possession, or of a Colonial Secretary, or of some Secretary or Minister administering a Department of the Government of a British Possession.

And all Courts and Magistrates shall take judicial notice of every such seal as is in this section mentioned, and shall admit in evidence without further proof the documents authenticated by it.

*Miscellaneous.*

30. The jurisdiction under Part I of this Act to hear a case and commit a fugitive to prison to await his return shall be exercised,—

- (1.) In England, by a Chief Magistrate of the Metropolitan Police Courts or one of the other Magistrates of the Metropolitan Police Court at Bow Street; and
- (2.) In Scotland, by the Sheriff or Sheriff Substitute of the county of Edinburgh; and
- (3.) In Ireland, by one of the Police Magistrates of the Dublin Metropolitan Police District; and
- (4.) In a British Possession, by any Judge, Justice of the Peace, or other officer having the like jurisdiction as one of the Magistrates of the Metropolitan Police Court in Bow Street, or by such other Court, Judge, or Magistrate as may be from time to time provided by an Act or Ordinance passed by the Legislature of that Possession.

If a fugitive is apprehended and brought before a Magistrate who has no power to exercise the jurisdiction under this Act in respect of that fugitive, that Magistrate shall order the fugitive to be brought before some Magistrate having that jurisdiction, and such order shall be obeyed.

31. It shall be lawful for Her Majesty in Council from time to time to make Orders for the purposes of this Act, and to

revoke and vary any Order so made, and every Order so made shall while it is in force have the same effect as if it were enacted in this Act.

An Order in Council made for the purposes of this Act shall be laid before Parliament as soon as may be after it is made if Parliament is then in session, or if not, as soon as may be after the commencement of the then next session of Parliament.

32. If the Legislature of a British Possession pass any Act or Ordinance—

- (1.) For defining the offences committed in that Possession to which this Act or any part thereof is to apply; or
- (2.) For determining the Court, Judge, Magistrate, officer, or person by whom and the manner in which any jurisdiction or power under this Act is to be exercised; or
- (3.) For payment of the costs incurred in returning a fugitive or a prisoner, or in sending him back if not prosecuted or if acquitted, or otherwise in the execution of this Act; or
- (4.) In any manner for the carrying of this Act or any part thereof into effect in that Possession,

it shall be lawful for Her Majesty by Order in Council to direct, if it seems to Her Majesty in Council necessary or proper for carrying into effect the objects of this Act, that such Act or Ordinance, or any part thereof, shall with or without modification or alteration be recognized or given effect to throughout Her Majesty's dominions and on the high seas as if it were part of this Act.

*Application of Act.*

33. Where a person accused of an offence can, by reason of the nature of the offence, or of the place in which it was committed, or otherwise, be, under this Act or otherwise, tried for or in respect of the offence in more than one part of Her Majesty's dominions, a warrant for the apprehension of such person may be issued in any part of Her Majesty's dominions in which he can, if he happens to be there, be tried; and each part of this Act shall apply as if the offence had been committed in the part of Her Majesty's dominions where such warrant is issued, and such person may be apprehended and returned in pursuance of this Act, notwithstanding that in the place in which he is apprehended a Court has jurisdiction to try him:

Provided that if such person is apprehended in the United Kingdom a Secretary of State, and if he is apprehended in a British Possession the Governor of such Possession may, if satisfied that, having regard to the place where the witnesses for the prosecution and for the defence are to be found, and to



all the circumstances of the case, it would be conducive to the interests of justice so to do, order such person to be tried in the part of Her Majesty's dominions in which he is apprehended, and in such case any warrant previously issued for his return shall not be executed.

34. Where a person convicted by a Court in any part of Her Majesty's dominions of an offence committed either in Her Majesty's dominions or elsewhere is unlawfully at large before the expiration of his sentence, each part of this Act shall apply to such person, so far as is consistent with the tenor thereof, in like manner as it applies to a person accused of the like offence committed in the part of Her Majesty's dominions in which such person was convicted.

35. Where a person accused of an offence is in custody in some part of Her Majesty's dominions, and the offence is one for or in respect of which, by reason of the nature thereof or of the place in which it was committed or otherwise, a person may under this Act or otherwise be tried in some other part of Her Majesty's dominions, in such case a Superior Court, and also if such person is in the United Kingdom a Secretary of State, and if he is in a British Possession the Governor of that Possession, if satisfied that, having regard to the place where the witnesses for the prosecution and for the defence are to be found, and to all the circumstances of the case, it would be conducive to the interests of justice so to do, may by warrant direct the removal of such offender to some other part of Her Majesty's dominions in which he can be tried, and the offender may be returned, and, if not prosecuted or acquitted, sent back free of cost in like manner as if he were a fugitive returned in pursuance of Part I of this Act, and the warrant were a warrant for the return of such fugitive, and the provisions of this Act shall apply accordingly.

36. It shall be lawful for Her Majesty from time to time by Order in Council to direct that this Act shall apply as if, subject to the conditions, exceptions, and qualifications (if any) contained in the Order, any place out of Her Majesty's dominions in which Her Majesty has jurisdiction, and which is named in the Order, were a British Possession, and to provide for carrying into effect such application.

37. This Act shall extend to the Channel Islands and Isle of Man as if they were part of England and of the United Kingdom, and the United Kingdom and those islands shall be deemed for the purpose of this Act to be one part of Her Majesty's dominions; and a warrant endorsed in pursuance of Part I of this Act may be executed in every place in the United Kingdom and the said islands accordingly.

38. This Act shall apply where an offence is committed before the commencement of this Act, or, in the case of Part II

of this Act, before the application of that part to a British Possession or to the offence, in like manner as if such offence had been committed after such commencement or application.

*Definitions and Repeal.*

89. In this Act, unless the context otherwise requires—

The expression “Secretary of State” means one of Her Majesty’s Principal Secretaries of State :

The expression “British Possession” means any part of Her Majesty’s dominions, exclusive of the United Kingdom, the Channel Islands, and Isle of Man ; all territories and places within Her Majesty’s dominions which are under one Legislature shall be deemed to be one British Possession and one part of Her Majesty’s dominions :

The expression “Legislature,” where there are Local Legislatures as well as a Central Legislature, means the Central Legislature only :

The expression “Governor” means any person or persons administering the government of a British Possession, and includes the Governor and Lieutenant-Governor of any part of India :

The expression “constable” means, out of England, any policeman or officer having the like powers and duties as a constable in England :

The expression “Magistrate” means, except in Scotland, any Justice of the Peace, and in Scotland means a Sheriff or Sheriff Substitute, and in the Channel Islands, Isle of Man, and a British Possession means any person having authority to issue a warrant for the apprehension of persons accused of offences and to commit such persons for trial :

The expression “offence punishable on indictment” means, as regards India, an offence punishable on a charge or otherwise :

The expression “oath” includes affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing, and the expression “swear” and other words relating to an oath or swearing shall be construed accordingly :

The expression “deposition” includes any affidavit, affirmation, or statement made upon oath as above defined :

The expression “Superior Court” means :

- (1.) In England, Her Majesty’s Court of Appeal and High Court of Justice ; and
- (2.) In Scotland, the High Court of Judiciary ; and
- (3.) In Ireland, Her Majesty’s Court of Appeal and Her Majesty’s High Court of Justice at Dublin ; and

- (4.) In a British Possession, any Court having in that Possession the like criminal jurisdiction to that which is vested in the High Court of Justice in England, or such Court or Judge as may be determined by any Act or Ordinance of that Possession.

40. This Act shall come into operation on the 1st day of January, 1882, which date is in this Act referred to as the commencement of this Act.

41. The Act specified in the Schedule to this Act is hereby repealed as from the commencement of this Act:

Provided that this repeal shall not affect—

- (a.) Any warrant duly endorsed or issued, nor anything duly done or suffered before the commencement of this Act; nor
- (b.) Any obligation or liability incurred under an enactment hereby repealed; nor
- (c.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor
- (d.) Any legal proceeding or remedy in respect of any such warrant, obligation, liability, penalty, forfeiture, or punishment as aforesaid: and any such warrant may be endorsed and executed, and any such legal proceeding and remedy may be carried on, as if this Act had not passed.

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SCHEDULE.

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Year and chapter.	Title.
6 & 7 Vict., c. 34	An Act for the better Apprehension of certain Offenders.*

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**BRITISH ORDER IN COUNCIL** *making additional Regulations for the Lettering, Numbering, and Registering of British Sea Fishing Boats.* Windsor, May 3, 1882.

*At the Court at Windsor, the 3rd day of May, 1882.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

AND whereas it has been made to appear that it is expedient

\* See Vol. 10. Page 790.

that numbers and letters should be assigned to fishing boats belonging to the Collectorship of Customs in Barrow-in-Furness :

And whereas it has also been made to appear to be expedient that, in any case of a Customs port being reduced to the position of a creek or merged in any way in another Customs port, the distinguishing letters theretofore used for the boats belonging to the port so reduced or merged may be used as alternative letters for the enlarged port :

Now, therefore, Her Majesty, in exercise of the powers vested in her by the said recited Act, by and with the advice of her Privy Council, is pleased to make the Regulations which are set forth in the Schedule hereto annexed and to direct that the same shall come into force from the date of the present Order.

C. L. PEEL.

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SCHEDULE to which the foregoing Order refers.

ADDITIONAL REGULATIONS for the Lettering, Numbering, and Registering of British Sea Fishing Boats under Part II of "The Sea Fisheries Act, 1868" (31 & 32 Vict., cap. 45).\*

1. There shall be a series of numbers and distinguishing letters for fishing boats belonging to the Collectorship of Barrow-in-Furness and the distinguishing letters shall be B.W.

2. In any case of a Customs port being reduced to the position of a creek or merged in any way in another Customs port, the distinguishing letters theretofore used for the boats belonging to the ports so reduced or merged may be used as alternative letters for the enlarged port.

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ACT of Parliament, to amend "*The Documentary Evidence Act, 1868,*" and other enactments† relating to the evidence of documents by means of copies printed by the Government Printers.

[45 Vict., cap. 9.]

[June 19, 1882.]

2. WHERE any enactment, whether passed before or after the passing of this Act, provides that a copy of any Act of Parliament, Proclamation, Order, Regulation, Rule, Warrant, Circular, List, Gazette, or Document shall be conclusive evidence, or be evidence, or have any other effect, when purporting to be printed by the Government Printer, or the Queen's Printer, or a printer authorized by Her Majesty, or otherwise under Her Majesty's authority, whatever may be the precise

\* See Vol. 13. Page 422.

† 31 & 32 Vict., c. 37 ; 33 & 34 Vict., c. 75, § 83 ; 33 & 34 Vict., c. 79, § 21 ; 34 & 35 Vict., c. 70, § 5 ; 40 & 41 Vict., c. 21, § 91 ; 40 & 41 Vict., c. 53, § 58.

expression used, such copy shall also be conclusive evidence, or evidence, or have the said effect (as the case may be), if it purports to be printed under the superintendence or authority of Her Majesty's Stationery Office.

3. If any person prints any copy of any Act, Proclamation, Order, Regulation, Royal Warrant, Circular, List, Gazette, or Document which falsely purports to have been printed under the superintendence or authority of Her Majesty's Stationery Office, or tenders in evidence any copy which falsely purports to have been printed as aforesaid, knowing that the same was not so printed, he shall be guilty of felony, and shall, on conviction, be liable to penal servitude for a term not exceeding seven years, or to be imprisoned for a term not exceeding two years with or without hard labour.

4. "The Documentary Evidence Act, 1868,"\* as amended by this Act, shall apply to Proclamations, Orders, and Regulations issued by the Lord Lieutenant or other Chief Governor or Governors of Ireland, either alone or acting with the advice of the Privy Council in Ireland, as fully as it applies to Proclamations, Orders, and Regulations issued by Her Majesty.

In the same Act, the term "the Privy Council" shall include the Privy Council in Ireland, or any Committee thereof.

In the same Act, and in this Act, the term "the Government Printer" shall include any printer to Her Majesty in Ireland and any printer printing in Ireland under the superintendence or authority of Her Majesty's Stationery Office.

*ACT of Parliament, for the prevention of Crime in Ireland; so far as relates to the Re-enacting of the Act of 1848 for the Removal of Aliens, &c.*

[45 & 46 Vict., cap. 25.]

[July 12, 1882.]

WHEREAS by reason of the action of secret societies and combinations for illegal purposes in Ireland the operation of the ordinary law has become insufficient for the repression and prevention of crime, and it is expedient to make further provision for that purpose:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

12. (1.) If a constable finds in a proclaimed district any stranger under circumstances giving rise to a reasonable suspicion of a criminal intent, he may arrest such stranger and bring him before a Justice of the Peace, and if such Justice, after

\* 31 & 32 Vict., c. 37. See Vol. 13. Page 1113.

inquiry into the circumstances of the case by evidence on oath, is satisfied that such stranger has not a lawful object in being in such place, the Justice may require him to give security by entering into a recognizance with two sufficient sureties to an amount not exceeding 50*l.* for each surety, to keep the peace and to be of good behaviour towards all Her Majesty's subjects during the ensuing six months, and, in default of his giving such security, may commit him to prison until he gives such security or is discharged in pursuance of this section, so however that he shall not be so imprisoned for more than one month.

15. The Act of the session of the 11th and 12th years of the reign of Her present Majesty, cap. 20, intituled "An Act to authorize for one year and to the end of the then next session of Parliament the Removal of Aliens from the Realm," and a copy of which is set forth in the third Schedule to this Act, is hereby re-enacted, and shall continue in force for the same period as this Act.

Provided as follows :—

- (1.) For the purposes of construction the Act mentioned in this section shall be deemed to have been passed at the date of the passing of this Act, and expressions in the said Act referring to its commencement or passing shall be construed accordingly, but Section 7 of the said Act, providing for its duration, shall be of no effect :
- (2.) An alien convicted of a misdemeanour under Section 2 of the said Act shall be treated as a misdemeanant of the first class or division :
- (3.) The place in which any examination of witnesses or hearing of a case before the Lords of the Privy Council, in pursuance of Section 3 of the said Act is held, shall be in open Court :
- (4.) The said Act shall extend to the Isle of Man in like manner as if that isle were declared by the said Act to form part of Great Britain.

37. This Act shall continue in force until the expiration of three years next after the passing thereof, and to the end of the then current session of Parliament.

Provided that the expiration of this Act shall not affect the validity of anything done in pursuance of this Act, and any person convicted under this Act may be punished as if this Act continued in force, and all appeals, prosecutions, and other legal proceedings pending under this Act at the time of the expiration thereof may be carried on, completed, and carried into effect, and the sentences carried into execution, as if this Act had not expired.

## THIRD SCHEDULE.

Alien Act, 11 Vict., c. 20.

[See Vol. 8. Page 294.]

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*ACT of Parliament, to amend the Law of Copyright relating to Musical Compositions.*

[45 &amp; 46 Vict., cap. 40.] — [August 10, 1882.]

WHEREAS it is expedient to amend the law relating to copyright in musical compositions, and to protect the public from vexatious proceedings for the recovery of penalties for the unauthorized performance of the same :

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. On and after the passing of this Act the proprietor of the copyright in any musical composition first published after the passing of this Act, or his assignee, who shall be entitled to and be desirous of retaining in his own hands exclusively the right of public representation or performance of the same, shall print or cause to be printed upon the title-page of every published copy of such musical composition a notice to the effect that the right of public representation or performance is reserved.

2. In case, after the passing of this Act, the right of public representation or performance of, and the copyright in, any musical composition shall be or become vested before publication of any copy thereof in different owners, then, if the owner of the right of public representation or performance shall desire to retain the same, he shall, before any such publication of any copy of such musical composition, give to the owner of the copyright therein notice in writing requiring him to print upon every copy of such musical composition a notice to the effect that the right of public representation or performance is reserved; but in case the right of public representation or performance of, and the copyright in, any musical composition shall, after publication of any copy thereof subsequently to the passing of this Act, first become vested in different owners, and such notice as aforesaid shall have been duly printed on all copies published after the passing of this Act previously to such vesting, then, if the owner of the right of performance and representation shall desire to retain the same, he shall, before the publication of any further copies of such musical

composition, give notice in writing to the person in whom the copyright shall be then vested, requiring him to print such notice as aforesaid on every copy of such musical composition to be thereafter published.

3. If the owner for the time being of the copyright in any musical composition shall, after due notice being given to him or his predecessor in title at the time, and generally in accordance with the last preceding section, neglect or fail to print legibly and conspicuously upon every copy of such composition published by him or by his authority, or by any person lawfully entitled to publish the same, and claiming through or under him, a note or memorandum stating that the right of public representation or performance is reserved, then and in such case the owner of the copyright at the time of the happening of such neglect or default, shall forfeit and pay to the owner of the right of public representation and performance of such composition the sum of 20*l.*, to be recovered in any Court of competent jurisdiction.

4. Notwithstanding the provisions of the Act passed in the 3rd and 4th years of His Majesty King William IV [cap. 15\*], to amend the laws relating to dramatic literary property, or any other Act in which those provisions are incorporated, the costs of any action or proceedings for penalties or damages in respect of the unauthorized representation or performance of any musical composition published before the passing of this Act shall, in cases in which the plaintiff shall not recover more than 40*s.* as penalty or damages, be in the discretion of the Court or Judge before whom such action or proceedings shall be tried.

5. This Act may be cited as "The Copyright (Musical Compositions) Act, 1882."

*ACT of Parliament, to authorize the Commutation of a Portion of a Pension in pursuance of "The Pensions Commutation Act, 1871."*†

[45 & 46 Vict., cap. 44.]

— [August 18, 1882.]

3. WHERE the Treasury have power, in pursuance of "The Pensions Commutation Act, 1871," to commute the pension of any person, the Treasury also have power to commute a portion of such pension, and the provisions of "The Pensions Commutation Acts, 1871† and 1876,"‡ shall apply accordingly to the portion of the pension in like manner, so nearly as circumstances admit, as they apply to the whole pension.

\* See Vol. 7. Page 401.

† 34 & 35 Vict., c. 36. See Vol. 13. Page 1247.

‡ 39 & 40 Vict., c. 73.



ACT of Parliament, to amend the Law with respect to the Charges on and Payments to the Mercantile Marine Fund, and to Expenses of Prosecutions for Offences committed at Sea.

[45 & 46 Vict., cap. 55.] — [August 18, 1882.]

3. THERE shall be charged on and payable out of the Mercantile Marine Fund the following sums, so far as they are not paid by any private person:—

- (a.) The salaries of all surveyors and officers appointed, and all expenses incurred in connection with the survey and measurement of ships under "The Merchant Shipping Acts, 1854 to 1876":
- (b.) The salaries and expenses of persons employed under "The Passengers Act, 1855,"\* as amended by "The Merchant Shipping Act, 1872":†
- (c.) The superannuation, allowances, gratuities, pensions, and other allowances granted either before or after the passing of this Act to any of the said surveyors or persons:
- (d.) The expenses of obtaining depositions, reports, and returns respecting wrecks and casualties:
- (e.) The allowances and expenses paid for the relief of distressed British seamen and apprentices, including the expenses declared by any of "The Merchant Shipping Acts, 1854 to 1882," to be payable as such expenses, and any contributions to seamen's refuges and hospitals:
- (f.) Any sums which the Board of Trade, in their discretion, think fit to pay in respect of claims to moneys carried to the Mercantile Marine Fund on account of the wages and effects of deceased seamen, or on account of the proceeds of wreck:
- (g.) All costs and expenses incurred by the Board of Trade under "The Boiler Explosions Act, 1882"‡ (so far as not otherwise provided for), including any remuneration paid in pursuance of Section 7 of that Act, and any costs and expenses ordered by the Court in pursuance of that Act to be paid by the Board of Trade.

4. There shall be accounted for and paid to the Mercantile Marine Fund—

- (a.) All fees, charges, and expenses payable in respect of the survey or measurement of ships under "The Merchant Shipping Acts, 1854 to 1876":

\* 18 & 19 Vict., c. 119. See Vol. 10. Page 348.

† 35 & 36 Vict., c. 73. See Vol. 13. Page 1263.

‡ 45 & 46 Vict., c. 22.

- (b.) All fees and other sums payable in respect of any services performed by any person employed under the authority of "The Passengers Act, 1855,"\* as amended by "The Merchant Shipping Act, 1872":†
- (c.) The net proceeds of wreck which otherwise would be payable into the Exchequer under Section 475 of "The Merchant Shipping Act, 1854,"‡ as amended by section 53 of "The Merchant Shipping Act Amendment Act, 1862":§
- (d.) The moneys arising from the unclaimed wages and effects of deceased seamen, except where the same are required to be paid as directed by the Accountant-General of Her Majesty's Navy:
- (e.) All such sums in respect of expenses incurred with respect to distressed seamen and apprentices as are recovered by the Board of Trade under Section 213 of "The Merchant Shipping Act, 1854,"|| and the enactments amending the same:
- (f.) All costs and expenses ordered by the Court to be paid to the Board of Trade in pursuance of "The Boiler Explosions Act, 1882."

All the fees in this section mentioned shall be paid at such times and in such manner as the Board of Trade from time to time direct.

5. There shall be paid to the Mercantile Marine Fund, out of moneys provided by Parliament, an annual sum of 40,000*l.*, or after the expiration of five years from the commencement of this Act such other sum as may be from time to time determined by the Commissioners of Her Majesty's Treasury, with the concurrence of the Board of Trade, having regard to the receipts and expenditure of the Mercantile Marine Fund under Sections 3 and 4 of this Act.

6. The Board of Trade may, if they think fit, at any time after the passing of this Act, abolish or suspend the fees payable upon engagements and discharges effected before shipping masters in pursuance of Section 125 of "The Merchant Shipping Act, 1854," and in the event of such abolition, or pending such suspension, no deduction shall be made in pursuance of Section 126 of the said Act from the wages of any person engaged or discharged.

7. The accounts of the Mercantile Marine Fund shall be deemed to be public accounts within the meaning of Section 33

\* 18 & 19 Vict., c. 119. See Vol. 10. Page 348.

† 35 & 36 Vict., c. 73. See Vol. 13. Page 1263.

‡ 17 & 18 Vict., c. 104. See Vol. 9. Page 855.

§ 25 & 26 Vict., c. 63.

|| See Vol. 9. Page 813.

of "The Exchequer and Audit Departments Act, 1866,"\* and shall be examined and audited accordingly.

8. Where a surveyor appointed under "The Merchant Shipping Acts, 1854 to 1876," or a person employed under "The Passengers Act, 1855," has in pursuance of Section 39 of "The Merchant Shipping Act, 1876,"† received during part of his term of service his salary out of moneys provided by Parliament, his service during the period that his salary was paid out of moneys provided by Parliament, and his service during the period that his salary was paid out of the Mercantile Marine Fund, shall be reckoned indifferently as the same service for the purpose of entitling him to any superannuation allowance, gratuity, pension, or other allowance out of the Mercantile Marine Fund.

9. Such costs and expenses of and incidental to any prosecution for a felony or misdemeanour as are by law payable out of any county or other local rate shall, where such felony or misdemeanour was committed within the jurisdiction of the Admiralty of England, be paid in the same manner and subject to the same regulations as if such felony or misdemeanour had been committed in the county in which the same is heard and determined, or when the same is heard and determined at the Central Criminal Court as if the same had been committed in the county of Middlesex, and all sums properly paid out of any county or other local rate in respect of the said costs and expenses shall be repaid out of moneys provided by Parliament.

The expenses under Section 268 of "The Merchant Shipping Act, 1854,"‡ of imprisoning any such offender as therein mentioned, and of conveying him and the witnesses to the United Kingdom, or to such British Possession as mentioned in that section, in any manner other than in the ship to which they respectively belong, shall, where not paid as part of the costs of the prosecution, be paid out of moneys provided by Parliament.

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ACT of Parliament, to amend "The Merchant Shipping Acts, 1854 to 1880," with respect to Colonial Courts of Inquiry.

[45 & 46 Vict., cap. 76.]

[August 18, 1882.]

WHEREAS it is expedient to amend "The Merchant Shipping Acts, 1854 to 1880," with respect to inquiries held in British Possessions abroad into charges of incompetency or misconduct on the part of masters, mates, or engineers of ships, or into shipwrecks or other casualties affecting ships:

\* 29 & 30 Vict., c. 39.

† 39 & 40 Vict., c. 80.

‡ See Vol. 9. Page 826.

§ In force, January 1, 1885.

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Merchant Shipping (Colonial Inquiries) Act, 1882."

2. This Act shall be construed as one with "The Merchant Shipping Act, 1854,"\* and the Acts amending the same, and the said Acts and this Act may be cited collectively as "The Merchant Shipping Acts, 1854 to 1882."

3. Every Court or tribunal which is already authorized or which may hereafter be authorized by the Legislative Authority in any British Possession to make inquiry into charges of incompetency or misconduct on the part of masters, mates, or engineers of ships, or as to shipwrecks or other casualties affecting ships, shall in the cases following ; that is to say,

- I. When the incompetency or misconduct has occurred on board of a British ship on or near the coasts of the British Possession or on board of a British ship in the course of a voyage to a port within the British Possession ;
- II. When the incompetency or misconduct has occurred in any part of the world on board a British ship registered in the British Possession ;
- III. When the shipwreck or casualty occurs to a British ship on or near the coasts of the British Possession or to a British ship in the course of a voyage to a port within the British Possession ;
- IV. When the shipwreck or casualty occurs in any part of the world to a British ship registered in the British Possession ;
- V. When the master, mate, or engineer of a British ship who is charged with incompetency or misconduct on board of such British ship is found in the British Possession ;
- VI. When some of the crew of a British ship which has been wrecked or to which a casualty has occurred, and who are competent witnesses to the facts, are found in the British Possession ;

wherever the incompetency, misconduct, shipwreck, or casualty has occurred, have the same jurisdiction as such Court or tribunal would have had if such incompetency, misconduct, shipwreck, or casualty had occurred within the ordinary jurisdiction of such Court or tribunal, but subject to all provisions, restrictions, and conditions which would have been applicable if they had so occurred : Provided that no inquiry shall be held under this Act into any shipwreck, or other casualty, or charge of

\* 17 & 18 Vict., c. 104. See Vol. 9. Page 777.

incompetency or misconduct, which has once been the subject of such an inquiry and has been reported on by any competent Court or tribunal in any part of Her Majesty's dominions, or in respect of which the certificate of a master, mate, or engineer has been suspended or cancelled by a Naval Court; and provided also, that where any inquiry has been commenced in the United Kingdom no inquiry shall be made in the same case under the authority of this Act in any British Possession.

In all the above cases the "British Possession" shall mean the British Possession by the Legislative Authority whereof the Court or tribunal is authorized to make inquiry.

4. The Legislative Authority in any British Possession is hereby empowered to authorize Courts or tribunals to make inquiries in the cases enumerated in the last preceding section of this Act into charges of incompetency or misconduct on the part of masters, mates, or engineers of ships, or as to shipwrecks or other casualties affecting ships, subject to the provisions in the last preceding section of this Act mentioned.

5. The powers of suspending or cancelling the certificate of any master, mate, or engineer of a ship, conferred by the provisions of "The Merchant Shipping Acts, 1854 to 1880," upon or after any inquiry or investigation held under the provisions of the said Acts, shall be applicable to and be exercised upon or after any inquiry by any Court or tribunal authorized by this Act, or authorized by the Legislative Authority of any British Possession under the powers conferred by this Act. Such power of suspension or cancellation shall be exercised by the Court or tribunal holding the inquiry in the manner provided by Section 23 of "The Merchant Shipping Act Amendment Act, 1862,"\* and the Board of Trade shall in such cases have all the powers conferred upon them by the said section.

6. Whenever any inquiry authorized by or in pursuance of this Act has been held, a rehearing of the case may be ordered, and if an application for such rehearing has not been made or has been refused, an appeal shall lie from any order of finding of the Court or tribunal holding such inquiry to the following Court, namely, the Probate, Divorce, and Admiralty Division of Her Majesty's High Court of Justice in England.

Provided always, that no appeal shall lie from any order or finding in an inquiry into a casualty affecting a ship registered in a British Possession, or from any decision respecting the suspension or cancellation of the certificate of a master, mate, or engineer, unless such certificate has been granted under the authority of "The Merchant Shipping Act, 1854," or any Act amending the same, or of "The Merchant Shipping Colonial Act, 1869."†

\* 25 & 26 Vict., c. 63. See Vol. 12. Page 1004.

† 32 & 33 Vict., c. 11. See Vol. 13. Page 1130.

Any such appeal shall be subject to and conducted in accordance with such conditions and regulations as may from time to time be prescribed by general rules made under Section 30 of "The Merchant Shipping Act, 1876."\*

7. The words "and such report is confirmed by the Governor or person administering the government of such Possession" in Case (V) of the cases enumerated in Section 242 of "The Merchant Shipping Act, 1854,"† are hereby repealed, and this repeal shall be deemed to take effect as if the said words had been expressly repealed by "The Merchant Shipping Act Amendment Act, 1862."‡ The confirmation of the report required by the said words shall be deemed to have been no longer necessary after the passing of "The Merchant Shipping Act Amendment Act, 1862," as a condition precedent to the suspension or cancellation of the certificate of any master, mate, or engineer.

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BRITISH ORDER IN COUNCIL, *fixing the Dues to be levied in respect of the Great Basses Lighthouse and the Little Basses Lighthouse, in the Colony of Ceylon, and in respect of the Lighthouse on the Island of Minicoy. Windsor, May 22, 1883.*

*At the Court at Windsor, the 22nd day of May, 1883.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Merchant Shipping Act Amendment Act, 1855" [cap. 91, § 2], it was enacted:

[See Vol. 9. Page 972.]

And whereas lighthouses have, by and with the consent of the Legislative Authority of the Colony of Ceylon, been constructed and placed on the Great Basses Rock, and on the Little Basses Rock, in the said Colony, and a light has been exhibited from each of such lighthouses:

And whereas by an Order in Council dated the 11th day of November, 1869, Her Majesty was pleased to direct that the dues to be paid in respect of ships passing and deriving benefit from the lights exhibited from the said Great Basses Rock and the said Little Basses Rock, as in the said Order in Council appearing, should be one due of one penny halfpenny per ton in respect of both of the said lights:

And whereas it is proposed to construct a lighthouse on the Island of Minicoy between the Maldive and Laccadive Islands, and to exhibit a light therefrom:

And whereas the Legislative Authorities of India, Ceylon,

\* 39 & 40 Vict., c. 80.

† See Vol. 9. Page 818.

‡ 25 & 26 Vict., c. 63. See Vol. 12. Page 1004.

the Straits Settlements, and Mauritius, have given such consents as are necessary either to the erection of the lighthouse or to the collection of dues in respect thereof :

And whereas by Section 10 of "The Public Works Loan Act, 1881,"\* the Public Works Loan Commissioners are empowered, in the event of provision being made by Order in Council and otherwise for the levy of dues in respect of any lighthouse to be erected on the said Island of Minicoy, to advance a sum or sums not exceeding 20,000*l.*, for the purpose of constructing the said lighthouse :

And whereas by the same section of the said Act provision is made for the application of any dues levied in respect of the said lighthouse to the fund formed by the dues levied in respect of the Great Basses Lighthouse and the Little Basses Lighthouse therein referred to as the Basses Lights Fund, and it is provided that such fund shall be applicable to the maintenance of the said Great Basses Lighthouse, Little Basses Lighthouse, and Minicoy Lighthouse :

And whereas by the same section of the said Act it is further provided that so long as any money is due to the Public Works Loan Commissioners on account of any loan under that section, the dues payable in respect of the Great Basses Lighthouse and the Little Basses Lighthouse, or the Minicoy Lighthouse, shall be altered only with the consent of the Commissioners of Her Majesty's Treasury :

And whereas it is expedient that provision should be made for the payment of such of the said dues as may be payable in India, Ceylon, the Straits Settlements, and Mauritius, including the Seychelles Islands, in the currency of the respective countries in which they are payable :

And whereas the Lords Commissioners of Her Majesty's Treasury have signified their consent to the dues specified in the two Schedules hereto annexed :

And whereas the several classes of ships following, that is to say,—

Every ship which in the same voyage by the southward of Ceylon shall cross a line drawn from the southernmost point of Ceylon to the north-westernmost point of the Island of Sumatra, and also a line from the southernmost point of Ceylon to Cape Guardafui on the eastern coast of Africa, and vice versâ ;

Every ship which in any voyage to or from any place in the Maldivé Islands shall cross a line drawn from the southernmost point of Ceylon to the north-westernmost point of Sumatra ;

Every ship which in any voyage from any port on the eastern coast of Africa, south of Cape Guardafui, or from

\* 44 & 45 Vict., c. 38.

any port in Madagascar, Bourbon, Mauritius, or any island adjacent to the same, including the Seychelles and the Chagos Islands, or in any voyage in which such ship shall have rounded the Cape of Good Hope eastwards, shall cross a line drawn from the southernmost point of Ceylon to the southernmost point of the coast of Tenasserim, and shall, between the 1st day of April and the 30th day of September, both included, arrive at any port situated north of such line ;

Every ship which having departed between the 1st day of October and the 31st day of March, both included, from any port situated to the northward of such last-mentioned line, and also to the westward of the 90th meridian of longitude east from Greenwich, in any voyage to any port on the eastern coast of Africa south of Cape Guardafui, or to any port in Madagascar, Bourbon, Mauritius, or any island adjacent thereto, including the Seychelles and the Chagos Islands, or in any voyage in which such ship shall round the Cape of Good Hope westward, shall cross the latitude of the Great Basses Lighthouse, or the Little Basses Lighthouse, on the eastward side of the said Lighthouse,

will pass the said Great Basses Lighthouse and the said Little Basses Lighthouse, and will derive benefit therefrom :

And whereas the several classes of ships following, that is to say,—

Every ship which in any voyage shall or may pass between the Laccadive Islands and the Maldiv Islands through the channel known as the Nine Degree Channel, north of Minicoy Island, or through that known as the Eight Degree Channel, south of Minicoy Island,

will pass the said Minicoy Lighthouse and will derive benefit therefrom :

Now, therefore, Her Majesty, in exercise of the powers vested in her by the said recited Acts, by and with the advice of her Privy Council, is pleased to direct that from and after the date of this Order the dues heretofore levied in respect of the Great Basses Lighthouse and the Little Basses Lighthouse under the said Order of the 11th day of November, 1869, shall cease to be levied, and the dues specified in the Schedule marked (A) hereunto annexed shall be levied in lieu thereof.

And that from and after the date of the first exhibition of a light from the said Minicoy Lighthouse, the dues specified in the Schedule marked (B) hereunto annexed shall be levied in respect thereof.

C. L. PEEL.



SCHEDULE (A).

Dues leviable in respect of the Great Bases Lighthouse and the Little Bases Lighthouse.

	In the United Kingdom.	In India.	In Ceylon, Mauritius, and the Seychelles.	In the Straits Settlements.
For every ship on every voyage in which she passes or derives benefit from the lights, per ton of the burden of such ship .. ..	<i>d.</i>			
	1½	15 pies	{ 7½ cents of a rupee }	{ 3½ cents of a dollar. }

SCHEDULE (B).

Dues leviable in respect of Minicoy Lighthouse.

	In the United Kingdom.	In India.	In Ceylon, Mauritius, and the Seychelles.	In the Straits Settlements.
For every ship on every voyage in which she passes or derives benefit from the lights, per ton of the burden of such ship .. ..	<i>d.</i>			
	½	5 pies	{ 2½ cents of a rupee. }	{ 1 cent of a dollar. }

GREAT BRITAIN (COLONIES).

ACT of the Government of *Antigua*, to encourage and promote the Immigration of Agricultural Labourers; so far as relates to the Naturalization of Aliens of African Descent.

[No. 739.]

[October 11, 1861.]

§ 25. EVERY immigrant of African descent, not being a British subject, who shall come for the purpose of settling within this Colony, from any part of the United States or of the British Provinces of North America, and who shall have entered or shall enter into contract as aforesaid, shall after three years' residence in this Colony, and on taking the oath of allegiance to Her Majesty before the Governor, in the presence of the Secretary of the Colony, be entitled within this Colony to all the privileges of a natural-born British subject, and such

Secretary shall enter in a register to be kept in his office, the name, sex, and age of every such immigrant taking the said oath, and the day when, and the vessel in which such immigrant shall have arrived, and the party with whom such immigrant shall have entered into contract as aforesaid; and such register or an extract therefrom, certified by such Secretary, shall upon proof of the identity of such immigrant, be sufficient evidence of the right of such immigrant to the privileges aforesaid.

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*ACT of the Government of the Bahamas, for facilitating the Naturalization of Aliens.*

[11 Vict., cap. 4.]

[March 22, 1848.]

Be it enacted, by his Excellency George Benvenuto Mathew, Esq., Governor and Commander-in-chief in and over the Bahama Islands, the Legislative Council and Assembly of the said islands, and it is hereby enacted and ordained by the authority of the same, that upon obtaining the certificate and taking the oath hereinafter prescribed, every alien now residing in, or who shall hereafter come to reside in, any part of this Colony, shall enjoy within the Colony all the rights and capacities which a natural-born subject of the United Kingdom can enjoy or transmit within the said Colony.

2. And be it enacted, that it shall be lawful for any such alien as aforesaid to present to the Governor in Council a memorial stating the age, profession, trade, or other occupation of the memorialist, and the duration of his residence in the Colony, and all other the grounds on which he seeks to obtain the rights and capacities of a natural-born British subject, and praying the said Governor to grant to the memorialist the certificate hereinafter mentioned.

3. And be it enacted, that every such memorial shall be considered by the Governor in Council, who shall inquire into the circumstances of each case, and receive all such evidence as shall be afforded by affidavit or otherwise as such Governor with the advice of the Council may deem necessary or propose for proving the truth of the allegations contained in such memorial; and that the said Governor, with the advice of the said Council, if he shall so think fit, may upon the memorialist taking the oath hereinafter prescribed, issue a certificate under the Great Seal of the Colony reciting such of the contents of the memorial as he shall consider to be true and material, as also the fact that the memorialist had taken and subscribed the oath by this Act required to be taken and subscribed, and granting to the memorialist all the rights and capacities of a natural-born subject within the Colony.

4. And be it enacted, that before any certificate as aforesaid

shall be granted, the memorialist, to whom rights and capacities are intended to be granted by such certificate, shall take and subscribe the following oath (that is to say) :—

[Here follows the oath.]

Which oath shall be taken and subscribed by such memorialist, and shall be duly administered to him or her before the Clerk of the Council for these islands if such oath shall be taken and subscribed in the Island of New Providence, or before any one of Her Majesty's Justices of the Peace for these islands, or for any district thereof, if such oath shall be taken and subscribed at any other island of this Government, and in the latter case the Justice of the Peace administering the oath shall grant to the person taking and subscribing it, a certificate of his or her having taken and subscribed such oath accordingly.

*ACT of the Government of the Bahamas, to amend the Laws relating to Aliens.*

[29 Vict., cap. 15.] — [Assented to May 11, 1866.]

1. THAT every alien now residing in, or who shall hereafter come to reside in any part of the Bahama Islands, being the subject of a State at amity with Great Britain, shall and may by grant, lease, demise, assignment, request, representation, or otherwise, take and hold any lands, houses, or other tenements for the purpose of residence or of occupation by him or his servants, or for the purpose of any business, trade, or manufacture, for any term of years not exceeding 21 years, as fully and effectually to all intents and purposes, and with the same rights, remedies, exemptions, and privileges, as if he was a natural-born subject of the British Crown, except the right to be elected and to serve as a member of the House of Assembly, or as a member of any parochial vestry, or to vote at any election for such members, and also except the right to serve as a juror otherwise than on juries *de medietate linguæ*.

2. It shall be lawful for the Governor in Council, upon the application of any company or association formed for the purpose of carrying on any business, trade, manufacture, or other undertaking in the Colony, and composed of aliens, being the subjects of any State or States at amity with Great Britain, or of British subjects and any such aliens, to grant a licence or licences to such company or association, to hold lands for the purposes or objects for which such company may be formed; provided that no such licence shall be granted until it shall be made to appear to the satisfaction of the Governor in Council that the lands for the holding of which the licence is applied for are actually required for the prosecution of the enterprise for which the company has been established.

*ACT of the Government of Bermuda, to amend the Laws relating to Aliens.\**

[No. 11.]

[April 11, 1857.]

WHEREAS it is expedient that the laws now in force in these your Majesty's Bermuda or Somers' Islands affecting aliens should be amended: and that your Majesty should be enabled to grant to aliens the rights and capacities of British subjects in these islands, under such regulations and with such restrictions and exceptions as are hereinafter provided: and whereas by an Act of the Parliament of Great Britain and Ireland passed in the session holden in the 10th and 11th years of your Majesty's reign [cap. 83†], it is, among other things, enacted and declared that all laws, statutes, and ordinances which should thereafter be made and enacted by the Legislatures of any of your Majesty's Colonies or Possessions abroad for imparting to any person or persons the privileges of naturalization to be by such person or persons exercised and enjoyed within the limits of any such Colonies and Possessions respectively, should within such limits have the force and authority of law, any law, statute, or usage to the contrary in anywise notwithstanding:

1. We, therefore, your Majesty's most dutiful and loyal subjects, the Legislative Council of these your Majesty's Bermuda or Somers' Islands, do most humbly beseech your Majesty that it may be enacted, and be it enacted by your Majesty's Governor, Council, and Assembly, and it is hereby enacted and ordained by the authority of the same, that every person now born, or hereafter to be born out of Her Majesty's dominions, of a mother being a natural-born subject of the United Kingdom of Great Britain and Ireland, shall be capable of taking to him, his heirs, executors, or administrators, any estate in the said islands, real or personal, by devise or purchase, or inheritance of succession.

2. And be it enacted, that from and after the commencement of this Act, every alien being the subject of a friendly State shall and may take and hold by purchase, gift, bequest, representation or otherwise, every species of personal property in the said islands, except chattels real, as fully and effectually to all intents and purposes, and with the same rights, remedies, exemptions, privileges and capacities, as if he were a natural-born subject of the United Kingdom.

3. And be it enacted, that every alien who at the time of the commencement of this Act shall be residing in, or who shall thereafter come to reside in, any part of the said islands, and being the subject of a friendly State, may by grant, lease, demise, assignment, bequest, representation, or otherwise, take

\* Confirmed by Act of October 2, 1871. See Vol. 14. Page 765.

† See Vol. 8. Page 245.

and hold any lands, houses, or other tenements, for the purpose of residence or of occupation by him, or his servants, or for the purpose of any business, trade, or manufacture, for any term of years not exceeding 21 years, as fully and effectually to all intents and purposes, and with the same rights, remedies, exemptions, and privileges, as if he were a natural-born subject of the United Kingdom.

4. And be it enacted, that upon obtaining the certificate and taking the oath hereinafter prescribed, every alien who at the time of the commencement of this Act shall be residing in, or who shall thereafter come to reside in, the said islands, with intent to settle in the said islands, shall enjoy all the rights and capacities in the said islands which a natural-born subject of the United Kingdom can enjoy or transmit; except that such alien shall not be capable of becoming a member of the Council in the said islands, nor a member of the House of Assembly in the said islands, nor of enjoying such other rights and capacities (if any) as shall be specially excepted in and by the certificate to be granted in manner hereinafter mentioned.

8. And be it enacted, that within three calendar months from the day of the date of such certificate every memorialist to whom rights and capacities shall be granted by such certificate shall take and subscribe the following oath (that is to say):—  
“I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which may be made against her person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them: and I do faithfully promise to maintain, support, and defend to the utmost of my power, the succession of the Crown, which succession, by an Act intituled ‘An Act for the further limitation of the Crown and better securing the rights and liberties of the subject,’ stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants;—hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of the realm of Great Britain and Ireland. So help me God.” Which oath shall be taken and subscribed by such memorialist, and shall be duly administered to him before the Governor of the said islands for the time being: who shall cause to be indorsed upon or annexed to the said certificate, a memorandum in writing of such memorialist having taken and subscribed such oath accordingly: and such memorandum shall be signed by the Governor before whom the said oath shall be administered:—  
And in the event of the demise of the Crown of Great Britain

and Ireland, it shall be lawful to insert in the form of the oath the name of the King or Queen of the United Kingdom of Great Britain and Ireland, and the corresponding references thereto, instead of the name of Her Most Gracious Majesty and the references thereto as specified in the foregoing form of oath.

10. And be it enacted, that all persons who shall have been naturalized in the said islands before the commencement of this Act, and who shall have resided in the said islands during five successive years, shall be deemed entitled to and shall enjoy all such rights and capacities of British subjects in the said islands as may be conferred on aliens by the provisions of this Act.

13. And be it enacted that any woman married or who shall be married to a natural-born subject or person naturalized, shall be deemed and taken to be herself naturalized, and have all the rights and privileges in the said islands of a natural-born subject.

*ACT of the Government of Bermuda, to control Recruiting in Bermuda for the Service of Foreign States.*

[No. 15.]

[September 19, 1874.]

2. IN this Act "foreign State" includes any person or persons exercising or assuming to exercise the powers of Government in or over any country, colony, province, or people beyond the limits of Bermuda.

3. If any person is in these islands obtaining or attempting to obtain recruits for the service of any foreign State in any capacity, the Governor in Council may, by order under his hand, either prohibit such person from so doing, or permit him to do so subject to any conditions which the Governor in Council thinks fit to impose.

4. The Governor in Council may from time to time, by general order notified in the "Royal Gazette" newspaper, or by Proclamation under the Great Seal of these islands, either prohibit recruiting for the service of any foreign State, or impose upon such recruiting any conditions which he thinks fit.

5. The Governor in Council may rescind or vary any order made under this Act in such manner as he thinks fit.

6. Whoever, in violation of the prohibition of the Governor in Council, or of any condition subject to which permission to recruit may have been accorded—(a) induces or attempts to induce any person to accept or agree to accept or to proceed to any place with a view to obtaining any commission or employment in the service of any foreign State, or (b) knowingly aids in the engagement of any person so induced, by forwarding or

conveying him or by advancing money or in any other way whatever, shall be liable to imprisonment for a term not exceeding four years, or to fine to such amount as the Court thinks fit, or to both.

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BRITISH ORDER IN COUNCIL, *giving effect to the Extradition Act of the Legislature of Bermuda of 1877. Osborne, February 4, 1879.*

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*At the Court at Osborne House, Isle of Wight, the 4th day of February, 1879.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness Prince Leopold, Lord President, Marquis of Salisbury.

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WHEREAS by Section 18 of "The Extradition Act, 1870," it is among other things enacted:

[See Vol. 13. Page 1200.]

And whereas by an Act enacted by the Legislature of Bermuda, the short title of which is "The Extradition Act, Bermuda, 1877," it is provided that "all powers vested in and acts authorized or required to be done by a Police Magistrate or any Justice of the Peace in relation to the surrender of fugitive criminals in the United Kingdom under the Extradition Acts, 1870 and 1873, are thereby vested in and may in the Colony be exercised and done by any Police Magistrate in relation to the surrender of fugitive criminals under the said Acts:"

And whereas it is further provided by the said Act that the said Act shall not come into operation until Her Majesty shall, by Order in Council, direct that the said Act shall have effect within the Colony as if it were part of "The Extradition Act, 1870," but that the said Act shall thereafter come into operation as soon as such Order in Council shall have been publicly made known in the Colony:

Now, therefore, Her Majesty, in pursuance of "The Extradition Act, 1870," and in exercise of the power in that behalf in the said Act contained, doth by this present Order, by and with the advice of Her Majesty's Privy Council, direct that the said Extradition Act, Bermuda, 1877, shall have effect in the Colony of Bermuda, without modification or alteration, as if it were part of "The Extradition Act, 1870."

And the Right Honourable Sir Michael Edward Hicks-Beach, Bart., one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

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*ACT of the Government of British Honduras, to declare the Rights and Privileges of Aliens within that Settlement, and to facilitate their Naturalization.*

[Passed the Legislature, 7th February, 1855.]

[Received the Royal Assent and proclaimed 19th July, 1855.]

[Cap. 18.]

1. THAT every person now born, or hereafter to be born, out of Her Majesty's dominions, of a mother being a natural-born subject of the United Kingdom, shall be capable of taking to him, his heirs, executors, or administrators, subject to the treaties, tenures, and laws of this Settlement, and any conditions imposed respecting the same, any houses, lands, or personal estate, or any right or interest therein, by devise, or purchase, or inheritance of succession.

2. That, from and after the passing of this Act, every alien, being the subject of a friendly State, may take and hold, by purchase, gift, bequest, representation, or otherwise, every species of personal property, except chattels real, as fully and effectually, to all intents and purposes, and with the same rights, remedies, exemptions, privileges, and capacities, as if he were a natural-born subject of the United Kingdom.

3. That every alien now residing in, or who shall hereafter come to reside in, any part of this Settlement, and being the subject of a friendly State, may, by grant, lease, demise, assignment, bequest, representation, or otherwise, take and hold, subject to treaties, tenures, and conditions, as aforesaid, any lands or houses, or any rights therein, for the purpose of residence or occupation by him or her, or his or her servants, or for the purpose of any business, or trade, or usufructuary advantage, for any term of years not exceeding 21 years, as fully and effectually, to all intents and purposes, and with the same rights, remedies, and privileges, except the right to vote at elections for members of Assembly, as if he were a natural-born subject of the United Kingdom.

4. That, upon obtaining the certificate of naturalization and taking the oath hereinafter prescribed, every alien now residing in, or who shall hereafter come to reside in, any part of this Settlement, with intent to settle therein, shall enjoy all the



rights and capacities which a natural-born subject of the United Kingdom can enjoy or transmit, except that such alien shall not be capable of becoming a member of Assembly, unless expressly allowed by that certificate nor of enjoying such other rights and capacities, if any, as shall be specially excepted in and by the certificate of naturalization, to be granted in manner hereinafter to be mentioned.

8. That, within 60 days of the day of the date of such certificate, every memorialist to whom rights and capacities shall be granted by such certificate shall take and subscribe the following oath, that is to say:—"I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever, which may be made against her person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the British Crown, which succession, by an Act entitled 'An Act for the further limitation of the Crown, and better securing the rights and liberties of the subject,' is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to that Crown. So help me God."

14. That any woman, married or who shall be married to a natural-born subject or person naturalized, shall be deemed and taken to be herself naturalized, and have all the rights and privileges of a natural-born subject.

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*ACT of the Government of British Honduras, for the Apprehension of certain Offenders, escaping to that Settlement from any place within the Territories or Dominions of the Republic of Mexico, in order that they may be delivered up to justice.*

[19 Vic., cap. 9.]

— [February 23, 1856.]

WHEREAS persons who have committed crimes within the territories or dominions of the Republic of Mexico sometimes escape to this Settlement, and it is expedient to provide for the apprehension of such offenders in this Settlement in order that they may be sent back to the territory or place where such crimes may have been committed, there to be dealt with

according to law: Be it therefore enacted by Her Majesty's Superintendent, with the advice and consent of the Legislative Assembly of this Settlement, that in case requisition shall be at any time made by the Government of the said Republic of Mexico to deliver up to justice any person who, being charged with the crime of murder, or of an attempt to commit murder, or of arson, or of rape, or of robbery, or of forgery, or of the utterance of any forged security for money committed within the jurisdiction of the said Republic, shall be found within this Settlement, it shall be lawful for the Superintendent, if he shall think fit, but not otherwise, by warrant under his hand and seal, to signify that such requisition has been so made, and to require all Justices of the Peace and other Magistrates and officers of justice within their respective jurisdictions to aid in apprehending the person so accused, and committing such person to gaol for the purpose of being delivered up to justice, and thereupon it shall be lawful for any Justice of the Peace or Magistrate of this Settlement to examine, upon oath, any person or persons touching the truth of such charge, and, upon such evidence as according to the law of this Settlement would justify the apprehension and committal for trial of the person so charged if the crime or offence with which he or she shall be so charged had been committed within this Settlement, to issue his warrant for the apprehension of such person, and also to commit such person to gaol, there to remain until delivered pursuant to such requisition aforesaid.

2. Provided always, and be it enacted, that in every such case copies of the deposition or depositions upon which the original warrant for the apprehension of the offender, issued by the Magistrate or other authority in Mexico, was granted, certified under the hand and seal of office of the officer of the said Republic making such requisition, may be received in evidence of the criminality of the person so apprehended.

3. And be it enacted, that upon the certificate of such Justice of the Peace or Magistrate that such supposed offender has been so committed to gaol, it shall be lawful for the Superintendent, by warrant under his hand and seal, to order the person so committed to be delivered to such person or persons as shall be authorized by any warrant under the hand of the officer of the said Republic making such requisition as aforesaid, to receive the person so committed and to convey such person to the place where the crime or offence with which such person is charged was committed, there to be tried for such crime or offence, and such person shall be delivered up accordingly; and it shall be lawful for the person or persons authorized as aforesaid to hold such person in custody, and take him or her to the place where such crime was committed, and if the person so accused shall escape out of any custody to which

he or she shall be committed, or to which he or she shall be delivered as aforesaid, it shall be lawful to retake such person in the same manner as any person accused of felony committed within this Settlement may be retaken upon an escape.

4. And be it enacted, that where any person who shall have been committed under this Act to remain until delivered up pursuant to requisition as aforesaid, shall not be delivered up pursuant thereto and conveyed out of this Settlement within three calendar months after such committal, it shall in every case be lawful for the Grand Court of this Settlement, or any two Judges thereof, upon application made to them by or on behalf of the person so committed, and upon proof made to them that reasonable notice of the intention to make such application has been given to the Attorney-General, to order the person so committed to be discharged out of custody unless sufficient cause shall be shown to them why such discharge ought not to be ordered.

5. And be it enacted, that this Act shall commence and take effect when and so soon as the Superintendent shall, by proclamation, declare that the Legislature of the said Republic of Mexico hath made sufficient provision by law for the apprehension of offenders escaping to any place within the territories or dominions of the said Republic, who may be charged with having committed within this Settlement any of the crimes or offences hereinbefore mentioned.

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*ACT of the Government of British Honduras, for the Apprehension of certain Offenders escaping to that Settlement from any place within the Territories or Dominions of the Republic of Honduras, in order that they may be delivered up to justice.*

[22 Vict., cap. 3.]

[February 19, 1859.]

WHEREAS persons who have committed crimes within the territories or dominions of the Republic of Honduras sometimes escape to this Settlement, and it is expedient to provide for the apprehension of such offenders in this Settlement, in order that they may be sent back to the territory or place where such crimes may have been committed, there to be dealt with according to law: Be it therefore enacted by Her Majesty's Superintendent, with the advice and consent of the Legislative Assembly, as follows:

1. In case requisition shall be at any time made by the Government of the said Republic of Honduras to deliver up to justice any person who, being charged with the crime of murder, or of an attempt to commit murder, or of arson, or of

rape, or of robbery, or of forgery, or of the utterance of any forged security for money, committed within the jurisdiction of the said Republic, or of an escape after conviction for any of such offences, committed within such jurisdiction, shall be found within this Settlement, it shall be lawful for the Superintendent, if he shall think fit, but not otherwise, by warrant under his hand and seal, to signify that such requisition has been so made, and to require all Justices of the Peace and other Magistrates and officers of justice, within their respective jurisdictions, to aid in apprehending the person so accused, and committing such person to gaol, for the purpose of being delivered up to justice; and thereupon it shall be lawful for any Justice of the Peace or Magistrate of this Settlement to examine upon oath any person or persons touching the truth of such charge; and upon such evidence as, according to the law of this Settlement, would justify the apprehension and committal for trial of the person so charged, if the crime or offence with which he or she shall be so charged had been committed within this Settlement, to issue his warrant for the apprehension of such person, and also to commit such person to gaol, there to remain until delivered pursuant to such requisition aforesaid.

2, 3, 4.\*

5. This Act shall commence and take effect when and so soon as the Superintendent shall, by proclamation, declare that the Legislature of the said Republic of Honduras hath made sufficient provision by law for the apprehension of offenders escaping to any place within the territories or dominions of the said Republic who may be charged with having committed within this Settlement any of the crimes or offences hereinbefore mentioned.

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ORDINANCE of the Government of British Honduras, to control Recruiting in British Honduras for the Service of Foreign States.

[No. 29.]

[November 4, 1874.]

2. IN this Ordinance "Foreign State" includes any person or persons exercising or assuming to exercise the powers of government in or over any country, Colony, province, or people beyond the limits of British Honduras, and "service" means any military or naval service.

3. If any person is, within the limits of British Honduras, obtaining or attempting to obtain recruits for the service of any

\* These sections are similar to the corresponding sections in the Act relating to fugitive offenders from Mexico. See Page 671.

foreign State in any capacity, the Lieutenant-Governor in Council may, by order in writing signed by the Colonial Secretary, either prohibit such person from so doing, or permit him so to do subject to any conditions which the Lieutenant-Governor in Council thinks fit to impose.

4. The Lieutenant-Governor in Council may from time to time, by general order notified in the "British Honduras Gazette by Authority," either prohibit recruiting for the service of any foreign State, or impose upon such recruiting any conditions which he thinks fit.

5. The Lieutenant-Governor in Council may rescind or vary any order made under this Ordinance in such manner as he thinks fit.

6. Whoever, in violation of the prohibition of the Lieutenant-Governor in Council, or of any condition subject to which permission may have been accorded—

(a.) Induces or attempts to induce any person to accept or agree to accept or to proceed to any place with a view to obtaining any commission or employment in the service of any foreign State; or

(b.) Knowingly aids in the engagement of any person so induced, by forwarding or conveying him or by advancing money or in any other way whatever,

shall be liable to imprisonment for a term which may extend to seven years, or to fine to such amount as the Court thinks fit, or to both.

*ACT of Parliament, to authorize the Establishment of a Court of Appeal [in Jamaica] for Her Majesty's Colony of British Honduras.*

[44 & 45 Vict., cap. 36.]

[August 11, 1881.]

1. It shall be lawful for Her Majesty by any Order, to be made by her with the advice of her Privy Council, to constitute the Supreme Court of Judicature of the Island of Jamaica a Court of Appeal for hearing and determining appeals from the judgments, decrees, orders, sentences, and decisions of the Supreme Court of Judicature of the Colony of British Honduras, and from and after the proclamation of such Order in Council in each of the said Colonies, or from and after such subsequent date as may be appointed by such Order, any person or persons may appeal from any judgment, decree, order, sentence, or decision of the Supreme Court of Judicature of British Honduras to the Supreme Court of Judicature of Jamaica, and such last-mentioned Court shall have jurisdiction to hear and determine such appeals in such manner, within such time, and under and subject to such rules and limitations

as Her Majesty by the same Order or by any other Order or Orders in Council shall prescribe or appoint, or, if Her Majesty by any such Order shall so direct, as the same Court, with the approval of one of Her Majesty's Principal Secretaries of State, shall from time to time prescribe or appoint.

2. The Supreme Court of Judicature of British Honduras shall, in all cases of appeal to the Supreme Court of Judicature of Jamaica under or by virtue of any such Order in Council as aforesaid, conform to and execute or cause to be executed such judgments and orders as the Supreme Court of Judicature of Jamaica shall make, in such manner as if the same had been judgments or orders of the Supreme Court of Judicature of British Honduras.

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*ACT of the Government of Canada, to secure to, and confer upon, certain Inhabitants of that Province, the Civil and Political Rights of Natural-born British Subjects.\**

[Cap. 7.]

[August 27, 1841.]

WHEREAS it is desirable to provide by some general law for the naturalization of certain classes of persons who are not natural-born subjects of Her Majesty, but have actually become domiciled in this Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled "An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada,"† and it is hereby enacted by the authority of the same, that all aliens who were actually residing within this Province on the 10th day of February, in the year of Our Lord 1841, and who were so resident continually for the seven years next before that day, or who shall have been continually resident for seven years from the said day, or from their first residence in this Province before that day, shall be deemed and taken to be natural-born subjects of Her Majesty, to all intents and purposes whatsoever; Provided always that residence within the late Province of Lower Canada, or residence within the late Province of Upper Canada, shall be deemed residence within this Province for the purposes of this Act.

2. Provided always, and be it enacted, that temporary per-

\* Confirmed by Act of March 21, 1881 [cap. 18, § 40].

† 3 & 4 Vict., c. 35. See Vol. 10. Page 219.

sonal absence from this Province, without any voluntary profession or act of renewal of allegiance to any foreign State, and without any actual removal of domicile from this Province, shall not be held to interrupt any such residence as aforesaid, for the purposes of this Act.

3. And be it enacted, that each and every person naturalized under the provisions of this Act, shall be deemed and taken to have had, from the commencement of the term of residence, by virtue of which such naturalization shall be effected, capacity to have, hold, occupy, possess and enjoy, claim, recover, convey, devise, impart and transmit real estate within this Province, or either of the late Provinces aforesaid, notwithstanding the alien birth of such person.

4. Provided nevertheless, and be it enacted, that no such alien (excepting females) who at the passing of this Act has been resident within this Province seven years continually as aforesaid, shall be entitled to the benefit of this Act, unless within 12 months after the passing thereof he shall take the oath and make the declaration in the Schedule hereunto annexed, or, being one of those persons who are allowed by the laws of this Province to affirm, shall make affirmation to the same effect, before some person whom the Governor, Lieutenant-Governor, or person administering the Government of this Province, shall, by Commission under the Great Seal thereof, empower to administer the same; and no such alien who has not at the passing of this Act been for seven years continually resident within this Province (except as before excepted) shall be entitled to the benefit of this Act, unless within 12 months after he shall have completed such seven years' residence he shall take such oath, or make such affirmation.

5. Provided always, and be it enacted, that any such alien who at the time of the passing of this Act, or at the time he shall have completed such stated residence of seven years as aforesaid, shall be a minor under the age of 16 years, shall be entitled to the benefit of this Act, if he shall take such oath or make such affirmation within 12 months after he shall have attained the age of 16 years.

13. And be it enacted, that a general alphabetical list shall be kept by the Registrar of the Province, and also by the several other persons entrusted with the making and keeping the said books of registry, of the names of all persons whose names and descriptions are recorded in such books, referring to their places in such books respectively; and such lists and books shall be open at all times to inspection during the hours of business, in the office in which they are kept; and any person desirous of searching the said lists or books shall pay to the person keeping the same 1s. for each name which he shall search for.

17. And be it enacted, that each and every person who, being by birth an alien, had on the said 10th day of February, in the year of Our Lord 1841, become entitled to any or all of the privileges of British birth within any part of this Province, by virtue of any general or special Act of naturalization then in force in such part of this Province, shall be, and shall be deemed to have been since the said day, entitled to the same privileges in every part of this Province, to which he was on the said day entitled within any part thereof under any such Act aforesaid.

18. And be it enacted, that from and after the passing of this Act, no person shall be disturbed in the possession or shall be precluded from the recovery of any lands, tenements or hereditaments in this Province, on the ground of his being or having been an alien, or on the ground of any person from or through whom he may claim being or having been an alien, provided the person against whom such disability shall be so objected was resident in the Province on the 10th day of February aforesaid, and was then under the age of 16 years.

19. And be it enacted, that no person shall be disturbed in the possession, or shall be precluded from the recovery of any lands, tenements, or hereditaments in this Province, on the ground of his claim to the same being derived from or through an alien, provided such claim be not so derived after the passing of this Act.

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BRITISH ORDER IN COUNCIL, *approving a Canadian Act for imposing a Duty on Foreign Reprints of British Copyright Works.\* Windsor, July 7, 1868.*

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*At the Court at Windsor, the 7th day of July, 1868.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

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WHEREAS, by an Act passed in the Session of Parliament holden in the 10th and 11th years of Her present Majesty, intituled "An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom [cap. 95]"†, it is amongst other things enacted that, in case the Legislature or proper Legislative Authorities in any British Possession shall be disposed to make due provision for securing or protecting the rights of British authors in such Possession, and shall pass an Act or make an Ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State in order that it may be submitted to Her Majesty,

\* May 22, 1868. See Vol. 14. Page 781.

† See Vol. 8. Page 253.



and in case Her Majesty shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing to British authors reasonable protection within such Possession, it shall be lawful for Her Majesty, if she think fit so to do, to express her Royal approval of such Act or Ordinance, and thereupon to issue an Order in Council, declaring that so long as the provisions of such Act or Ordinance continue in force within such Colony the prohibitions contained in certain Acts thereinbefore recited, and any prohibitions contained in the said Acts or in any other Acts, against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed, or published in the United Kingdom and entitled to copyright therein, shall be suspended so far as regards such Colony: and thereupon such Act or Ordinance shall come into operation except so far as may be otherwise provided therein, or as may be otherwise directed by such Order in Council: And whereas by an Act passed by Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, intituled "An Act to impose a Duty on Foreign Reprints of British Copyright Works," due provision has been made for securing and protecting the rights of British authors in Canada: And whereas the said Act as aforesaid has been laid before Her Majesty in Council, and it is expedient that the said Act should be approved of by Her Majesty as aforesaid:

Now, therefore, Her Majesty, in pursuance of the said Act, and in exercise of the powers thereby given to Her Majesty as aforesaid, doth by this present Order, by and with the advice of Her Majesty's Privy Council, declare her approval of the said Act of the Dominion of Canada.

And the Most Noble the Duke of Buckingham and Chandos, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

EDMUND HARRISON.

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BRITISH ORDER IN COUNCIL, *suspending in Canada the Operation of the Imperial Acts relating to Copyright so long as the Order in Council of July 7, 1868,\* remains in force. Windsor, July 7, 1868.*

*At the Court at Windsor, the 7th day of July, 1868.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the Session of Parliament

\* See Page 678.

holden in the 10th and 11th years of Her present Majesty, intituled "An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom," \* it is amongst other things enacted :

[See Vol. 8. Page 253.]

And whereas by an Act passed by Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, intituled "An Act to impose a Duty on Foreign Reprints of British Copyright Works,"\* due provision has been made for securing and protecting the rights of British authors in Canada, and Her Majesty has been pleased to express her Royal approval of such Act:†

Now, therefore, Her Majesty in Council, by and with the advice of her said Council, doth order and direct that, so long as the provisions of the said last-mentioned Act continue in force within Canada aforesaid, the prohibitions contained in certain Acts recited in the hereinbefore-mentioned Act of the Imperial Parliament, and any prohibition contained in the said recited Acts or in any other Acts against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended so far as regards Canada.

And the Most Noble the Duke of Buckingham and Chandos, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

EDMUND HARRISON.

BRITISH ORDER IN COUNCIL, *admitting Prince Edward Island into the Dominion of Canada. Windsor, June 26, 1873.*‡

*At the Court at Windsor, the 26th day of June, 1873.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

AND whereas Her Majesty has thought fit to approve of the said terms and conditions,§ it is hereby ordered and declared by Her Majesty, by and with the advice of her Privy Council, in pursuance and exercise of the powers vested in Her Majesty by the said Act of Parliament, that from and after the 1st day of

\* See Vol. 14. Page 781.

† See Page 678.

‡ See also Canadian Act of May 23, 1873. Vol. 14. Page 802.

§ For Addresses containing the terms and conditions referred to, see State Papers. Vol. 67. Page 1301.

July, 1873, the said Colony of Prince Edward Island shall be admitted into and become part of the Dominion of Canada, upon the terms and conditions set forth in the hereinbefore recited Addresses.

And, in accordance with the terms of the said Addresses relating to the electoral districts for which, the time within which, and the laws and provisions under which the first election of members to serve in the House of Commons of Canada for such electoral districts shall be held, it is hereby ordered and declared that Prince County shall constitute one district, to be designated Prince County District, and return two members; that Queen's County shall constitute one district, to be designated Queen's County District, and return two members; that King's County shall constitute one district, to be designated King's County District, and return two members; that the first election of members to serve in the House of Commons of Canada for such electoral districts shall be held within three calendar months from the day of the admission of the said Island into the Union or Dominion of Canada; that all laws which at the date of this Order in Council relating to the qualification of any person to be elected or sit or vote as a member of the House of Assembly of the said island, and relating to the qualifications or disqualifications of voters, and to the oaths to be taken by voters, and to returning officers and poll clerks and their powers and duties, and relating to polling divisions within the said island, and relating to the proceedings at elections, and to the period during which such elections may be continued, and relating to the trial of controverted elections and to the proceedings incidental thereto, and relating to the vacating of seats of members, and to the execution of new writs in case of any seat being vacated otherwise than by a dissolution, and to all other matters connected with or incidental to elections of members to serve in the House of Assembly of the said island, shall apply to elections of members to serve in the House of Commons for the electoral districts situate in the said Island of Prince Edward.

ARTHUR HELPS.

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*ACT of the Government of Canada, to amend and consolidate the Laws respecting the North-West Territories; so far as relates to the acquisition of Real Estate by Aliens.*

[38 Vict., cap. 49.]

[April 8, 1875.]

§ 33. ALIENS may acquire, inherit, grant, lease, and devise real estate within the North-West Territories.\*

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\* Re-enacted by Canadian Act, 43 Vict., cap. 25, § 42, May 7, 1890.

TREATIES of Peace, Cession, &c., between the Canadian Government and certain Nations and Tribes of Indians.—1871–1875.

(1.)—TREATY with the Chippewa and Swampy Cree Tribes of Indians. Lower Fort Garry, August 3, 1871.

ARTICLES OF A TREATY made and concluded this 3rd day of August, in the year of Our Lord 1871, between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by her Commissioner, Wemyss M. Simpson, Esq., of the one part, and the Chippewa and Swampy Cree tribes of India, inhabitants of the country within the limits hereinafter defined and described by their Chiefs, chosen and named as hereinafter mentioned, of the other part.

WHEREAS all the Indians inhabiting the said country have, pursuant to an appointment made by the said Commissioner, been convened at a meeting at the Stone Fort, otherwise called Lower Fort Garry, to deliberate upon certain matters of interest to Her Most Gracious Majesty, of the one part, and to the said Indians of the other :

And whereas the said Indians have been notified and informed by Her Majesty's said Commissioner that it is the desire of Her Majesty to open up to settlement and immigration a tract of country bounded and described as hereinafter mentioned, and to obtain the consent thereto of her Indian subjects inhabiting the said tract, and to make a Treaty and arrangements with them, so that there may be peace and good-will between them and Her Majesty, and that they may know and be assured of what allowance they are to count upon and receive, year by year, from Her Majesty's bounty and benevolence :

And whereas the Indians of the said tract, duly convened in Council as aforesaid, and being requested by Her Majesty's said Commissioner to name certain Chiefs and Headmen who should be authorized on their behalf to conduct such negotiations, and sign any Treaty to be founded thereon, and to become responsible to Her Majesty for the faithful performance, by their respective bands, of such obligations as should be assumed by them the said Indians, have thereupon named the following persons for that purpose, that is to say, Mis-Koo-Kenew, or Red Eagle (Henry Prince); Ka-Ke-Ka-penais, or Bird for Ever; Na-sha-Ke-penais, or Flying-down Bird; Na-na-wa-nanan, or Centre of Bird's Tail; Ke-we-tayash, or Flying round; Wa-Ko-wush, or Whip-poor-Will; Oi-za-we-Kwun, or Yellow Quill; and thereupon, in open Council, the different bands have presented their respective Chiefs to his Excellency the Lieutenant-Governor of the Province of Manitoba, and of the North-West Territory, being present at such Council, and to the said Com-

missioner, as the Chiefs and Headmen for the purposes aforesaid, of the respective bands of Indians inhabiting the said district hereinafter described :

And whereas the said Lieutenant-Governor and the said Commissioner then and there received and acknowledged the persons so presented as Chiefs and Headmen for the purpose aforesaid :

And whereas the said Commissioner has proceeded to negotiate a Treaty with the said Indians, and the same has finally been agreed upon and concluded as follows, that is to say :—

The Chippewa and Swampy Cree tribes of Indians, and all other the Indians inhabiting the district hereinafter described and defined, do hereby cede, release, surrender, and yield up to Her Majesty the Queen and her successors for ever, all the lands included within the following limits, that is to say: beginning at the International Boundary Line near its junction with the Lake of the Woods at a point due north from the centre of Roseau Lake, then to run due north to the centre of Roseau Lake; thence northward to the centre of White Mouth Lake, otherwise called White Mud Lake; thence by the middle of the lake and the middle of the river issuing therefrom to the mouth thereof in Winnipeg River; thence by the Winnipeg River to its mouth; thence westwardly, including all the islands near the south end of the lake across the lake to the mouth of the Drunken River; thence westwardly, to a point on Lake Manitoba, half way between Oak Point and the mouth of Swan Creek; thence across Lake Manitoba on a line due west to its western shore; thence in a straight line to the crossing of the Rapids on the Assiniboine; thence due south to the International Boundary Line, and thence eastwardly by the said line to the place of beginning, to have and to hold the same to her said Majesty the Queen and her successors for ever; and Her Majesty the Queen hereby agrees and undertakes to lay aside and reserve for the sole and exclusive use of the Indians the following tracts of land, that is to say, for the use of the Indians belonging to the band of which Henry Prince, otherwise called Mis-Koo-Kenew, is the Chief, so much of land on both sides of the Red River, beginning at the south line of St. Peter's parish, as will furnish 160 acres for each family of five, or in that proportion for larger or smaller families; and for the use of the Indians of whom Na-sha-Ke-penais, Na-na-wa-nanan, Ke-wetayash, and Wa-Ko-wush, are the Chiefs, so much land on the Roseau River as will furnish 160 acres for each family of five, or in that proportion for larger or smaller families, beginning from the mouth of the river; and for the use of the Indians of which Ka-Ke-Ka-penais is the Chief, so much land on the Winnipeg River, above Fort Alexander, as will furnish 160 acres for each family of five, or in that proportion for larger or smaller families, beginning at a distance of a mile or thereabout above

the fort; and for the use of the Indians of whom Oi-za-we-Kwun is Chief, so much land on the south and east side of the Assiniboine, about 20 miles above the Portage, as will furnish 160 acres for each family of five, or in that proportion for larger or smaller families, reserving also a further tract inclosing said reserve, to comprise an equivalent to 25 square miles of equal breadth, to be laid out round the reserve; it being understood, however, that if at the date of the execution of this Treaty there are any settlers within the bounds of any lands reserved by any band, Her Majesty reserves the right to deal with such settlers as she shall deem just, so as not to diminish the extent of land allotted to the Indians.

And with a view to show the satisfaction of Her Majesty with the behaviour and good conduct of her Indians, parties to this Treaty, she hereby, through her Commissioner, makes them a present of 3 dollars for each Indian man, woman, and child belonging to the bands here represented.

And further, Her Majesty agrees to maintain a school on each reserve hereby made, whenever the Indians of the reserve should desire it.

Within the boundary of Indian reserves, until otherwise enacted by the proper legislative authority, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force or hereafter to be enacted to preserve Her Majesty's Indian subjects, inhabiting the reserves or living elsewhere, from the evil influence of the use of intoxicating liquors, shall be strictly enforced.

Her Majesty's Commissioner shall, as soon as possible after the execution of this Treaty, cause to be taken an accurate census of all the Indians inhabiting the district above described, distributing them in families, and shall in every year ensuing the date hereof, at some period during the month of July, in each year to be duly notified to the Indians, and at or near the respective reserves, pay to each Indian family of five persons the sum of 15 dollars Canadian currency, or in like proportion for a larger or smaller family, such payment to be made in such articles as the Indians shall require of blankets, clothing, prints (assorted colours), twine or traps, at the current cost price in Montreal, or otherwise, if Her Majesty shall deem the same desirable in the interests of her Indian people, in cash.

And the undersigned Chiefs do hereby bind and pledge themselves and their people strictly to observe this Treaty, and to maintain perpetual peace between themselves and Her Majesty's white subjects, and not to interfere with the property or in any way molest the persons of Her Majesty's white or other subjects.

In witness whereof Her Majesty's said Commissioner and the said Indian Chiefs have hereunto subscribed and set their hand

and seal, at the Lower Fort Garry, this day and year herein first above mentioned.

Signed, sealed, and delivered in the presence of (the same having been first read and explained)—

Their WEMYSS M. SIMPSON, *Indian Commissioner*.  
 X MIS-KOO-KE-NEW, or Red Eagle (Henry Prince).  
 X KA-KE-KA-PENAIS, or Bird for Ever (William Pennefather).  
 X NA-SHA-KE-PENAIS, or Flying-down Bird.  
 X NA-NA-WA-NANAN, or Centre of Bird's Tail.  
 X KE-WE-TAY-ASH, or Flying Round.  
 X WA-KO-WUSH, Whip-poor-Will.  
 X OI-ZA-WE-KWUN, or Yellow Quill.

marks.

ADAMS G. ARCHIBALD, *Lieutenant-Governor of Manitoba and the North-West Territories, and 10 others.*

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(2.)—TREATY *with the Chippewa Tribe of Indians. Manitoba Post, August 21, 1871.*

ARTICLES OF TREATY made and concluded this 21st day of August, in the year of Our Lord 1871, between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by her Commissioner Wemyss Simpson, Esq., of the one part, and the Chippewa tribes of Indians, inhabitants of the country within the limits hereinafter defined and described by their Chiefs, chosen and named as hereinafter mentioned, of the other part.

WHEREAS all the Indians inhabiting the said country have, pursuant to an appointment made by the said Commissioner, been convened at a meeting at Manitoba Post, to deliberate upon certain matters of interest to Her Most Gracious Majesty of the one part, and to the said Indians of the other :

And whereas the said Indians have been notified and informed by Her Majesty's said Commissioner that it is the desire of Her Majesty to open up to settlement and immigration a tract of country bounded and described as hereinafter mentioned, and to obtain the consent thereto of her Indian subjects inhabiting the said tract, and to make a Treaty and arrangement with them so that there may be peace and good will between them and Her Majesty, and that they may know and be assured of what allowance they are to count upon and receive from Her Majesty's bounty and benevolence :

And whereas the Indians of the said tract, duly convened in Council as aforesaid, and being requested by Her Majesty's said Commissioner to name certain Chiefs and Headmen who should

be authorized on their behalf to conduct such negotiations and sign any Treaty to be founded thereon, and to become responsible to Her Majesty for the faithful performance by their respective bands of such obligations as shall be assumed by them, the said Indians have thereupon named the following persons for that purpose, that is to say:—

For the Swan Creek and Lake Manitoba Indians, Son-sonse, or Little Long Ears; for the Indians of Fairford and the neighbouring localities, Ma-sah-kee-yash, or He who Flies to the Bottom, and Richard Woodhouse, whose Indian name is Ke-wee-tah-quun-na-yash, or He who Flies round the Feathers; for the Indians of Waterhen River and Crane River and the neighbouring localities, François, or, Broken Fingers; and for the Indians of Riding Mountains and Dauphin Lake and the remainder of the territory hereby ceded, Mèkis (the Eagle), or, Giroux. And thereupon, in open Council, the different bands have presented their respective Chiefs to his Excellency the Lieutenant-Governor of Manitoba and of the North-West Territory, being present at such Council, and to the said Commissioner, as the Chiefs and Headmen for the purposes aforesaid of the respective bands of Indians inhabiting the said district hereinafter described:

And whereas the said Lieutenant-Governor and the said Commissioner then and there received and acknowledged the persons so presented as Chiefs and Headmen, for the purpose aforesaid, of the respective bands of Indians inhabiting the said district hereinafter described:

And whereas the said Commissioner has proceeded to negotiate a Treaty with the said Indians, and the same has finally been agreed upon and concluded as follows, that is to say:

The Chippewa tribe of Indians, and all other the Indians inhabiting the district hereinafter described and defined, do hereby cede, release, surrender, and yield up to Her Majesty the Queen and her successors for ever, all the lands included within the following limits, that is to say: all that tract of country lying partly to the north and partly to the west of a tract of land ceded to Her Majesty the Queen by the Indians inhabiting the Province of Manitoba, and certain adjoining localities, under the terms of a Treaty made at Lower Fort Garry on the 3rd day of August last past,\* the land now intended to be ceded and surrendered being particularly described as follows, that is to say: beginning at the mouth of Winnipeg River, on the north line of the lands ceded by said Treaty, thence running along the eastern shore of Lake Winnipeg, northwardly as far as the mouth of Beren's River; thence across said lake to its western shore at the north bank of the mouth of the Little Saskatchewan or Dauphin River; thence up said stream and along the northern

\* See Page 682.



and western shores thereof, and of St. Martin's Lake, and along the north bank of the stream flowing into St. Martin's Lake from Lake Manitoba by the general course of such stream to such last-mentioned lake; thence by the eastern and northern shores of Lake Manitoba to the mouth of the Waterhen River; thence by the eastern and northern shores of said river up stream to the northernmost extremity of a small lake known as Waterhen Lake; thence in a line due west to and across Lake Winnipegosis; thence in a straight line to the most northerly waters forming the source of the Shell River; thence to a point west of the same, 2 miles distant from the river, measuring at right angles thereto; thence by a line parallel with the Shell River to its mouth and then crossing the Assiniboine River and running parallel thereto and 2 miles distant therefrom and to the westward thereof to a point opposite Fort Ellice; thence in a south-westerly course to the north-western point of the Moose Mountains; thence by a line due south to the United States' frontier; thence by the frontier eastwardly to the westward line of said tract ceded by Treaty as aforesaid; thence bounded thereby, by the west, north-west, and north lines of said tract to the place of beginning at the mouth of Winnipeg River; to have and to hold the same to Her Majesty the Queen and her successors for ever, and Her Majesty the Queen hereby agrees and undertakes to lay aside and reserve, for the sole and exclusive use of the Indians inhabiting the said tract, the following lots of land, that is to say:

For the use of the Indians belonging to the band of which *Mekis* is Chief, so much land between Turtle River and Valley River on the south side of Lake Dauphin as will make 160 acres for each family of five persons, or in the same proportion for a greater or smaller number of persons.

And for the use of the Indians belonging to the band of which *François*, or *Broken Fingers*, is Chief, so much land on Crane River running into Lake Manitoba as will make 160 acres for each family of five persons, or in the same proportion for a greater or smaller number of persons. And for the use of the band of Indians belonging to the bands of which *Ma-sah-keeyash* and *Richard Woodhouse* are Chiefs, so much land on the river between Lake Manitoba and St. Martin's Lake—known as "*Fairford River*," and including the present Indian mission grounds—as will make 160 acres for each family of five persons, or in the same proportion for a greater or smaller number of persons. And for the use of the Indians of whom *Son-sonse* is Chief, so much land on the east side of Lake Manitoba, to be laid off north of the creek near which a fallen elm tree now lies, and about half way between Oak Point and Manitoba Post, so much land as will make 160 acres for each family of five persons, or in the same proportion for a greater or smaller

number of persons. Saving, nevertheless, the rights of any white or other settler now in occupation of any lands within the lines of any such reserve.

And with a view to show the satisfaction of Her Majesty with the behaviour and good conduct of her Indians, parties to this Treaty, she hereby, through her Commissioner, makes them a present of 3 dollars for each Indian—man, woman, and child—belonging to the bands here represented.

And further, Her Majesty agrees to maintain a school in each reserve hereby made, whenever the Indians of the reserve shall desire it.

Her Majesty further agrees with her said Indians, that within the boundary of Indian reserves, until otherwise enacted by the proper legislative authority, no intoxicating liquor shall be allowed to be introduced or sold; and all laws now in force or hereafter to be enacted to preserve her Indian subjects inhabiting the reserves or living elsewhere within her North-West Territories, from the evil influence of the use of intoxicating liquors, shall be strictly enforced.

And further, that Her Majesty's Commissioner shall, as soon as possible after the execution of this Treaty, cause to be taken an accurate census of all the Indians inhabiting the tract above described, distributing them in families, and shall in every year ensuing the date hereof, at some period during the month of August in each year, to be duly notified to the Indians, and at or near their respective reserves, pay to each Indian family of five persons the sum of 15 dollars Canadian currency, or in like proportion for a larger or smaller family, such payment to be made in such articles as the Indians shall require of blankets, clothing, prints (assorted colours), twine or traps, at the current cash price in Montreal, or otherwise, if Her Majesty shall deem the same desirable in the interest of her Indian people, in cash.

And the undersigned Chiefs, on their own behalf, and on behalf of all other Indians inhabiting the tract within ceded, do hereby solemnly promise and engage to strictly observe this Treaty, and also to conduct and behave themselves as good and loyal subjects of Her Majesty the Queen. They promise and engage that they will, in all respects, obey and abide by the law; that they will maintain peace and good order between each other, and also between themselves and other tribes of Indians, and between themselves and others of Her Majesty's subjects, whether Indians or whites, now inhabiting, or hereafter to inhabit, any part of the said ceded tract, and that they will not molest the person or property of any inhabitants of such ceded tract, or the property of Her Majesty the Queen, or interfere with or trouble any person passing or travelling through the said tract, or any part thereof; and that they will aid and assist the officers of Her Majesty in bringing to justice

and punishment any Indian offending against the stipulations of this Treaty, or infringing the laws in force in the country so ceded.

In witness whereof Her Majesty's said Commissioner and the said Indian Chiefs have hereunto subscribed and set their hands at Manitoba Post, this day and year herein first above named.

Their WEMYSS M. SIMPSON, *Indian Commissioner*.  
 X MEKIS.  
 X SON-SONSE.  
 X MA-SAH-KEE-YASH.  
 X FRANCOIS.  
 marks. RICHARD WOODHOUSE.

Signed by the Chiefs within named in presence of the following witnesses (the same having been first read and explained):—

ADAMS G. ARCHIBALD, *Lieutenant-Governor of Manitoba and the North-West Territories, and nine others.*

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(3.)—TREATY with the *Saulteaux Tribe of Ojibbeway Indians, North-West Angle of the Lake of the Woods, October 3, 1873.*

ARTICLES OF A TREATY made and concluded this 3rd day of October, in the year of Our Lord 1873, between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by her Commissioners, the Honourable Alexander Morris, Lieutenant-Governor of the Province of Manitoba and the North-West Territories; Joseph Albert Norbert Provencher, and Simon James Dawson, of the one part; and the Saulteaux Tribe of the Ojibbeway Indians, inhabitants of the country within the limits hereinafter defined and described by their Chiefs, chosen and named as hereinafter mentioned, of the other part.

WHEREAS the Indians inhabiting the said country have, pursuant to an appointment made by the said Commissioners, been convened at a meeting at the North-West angle of the Lake of the Woods, to deliberate upon certain matters of interest to Her Most Gracious Majesty, of the one part, and the said Indians, of the other:

And whereas the said Indians have been notified and informed by Her Majesty's said Commissioners that it is the desire of Her Majesty to open up for settlement, immigration, and such other purposes as to Her Majesty may seem meet, a tract of country bounded and described as hereinafter mentioned, and to obtain the consent thereto of her Indian subjects

inhabiting the said tract, and to make a Treaty and to arrange with them, so that there may be peace and good-will between them and Her Majesty, and that they may know and be assured of what allowance they are to count upon and receive from Her Majesty's bounty and benevolence;

And whereas the Indians of the said tract, duly convened in Council as aforesaid, and being requested by Her Majesty's said Commissioners to name certain Chiefs and Headmen, who should be authorized on their behalf to conduct such negotiations and sign any Treaty to be founded thereon, and to become responsible to Her Majesty for their faithful performance by their respective bands of such obligations as shall be assumed by them, the said Indians have thereby named the following persons for that purpose, that is to say:—Kee-ta-kay-pi-nais (Rainy River), Kitihi-gay-kake (Rainy River), No-te-na-quahung (North-West Angle), Mawe-do-pe-nais (Rainy River), Pow-wa-sang (North-West Angle), Canda-com-igo-wi-ninie (North-West Angle), Pa-pa-ska-gin (Rainy River), May-no-wah-tau-ways-kung (North-West Angle), Kitchi-ne-ka-be-han (Rainy River), Sah-katch-eway (Lake Seul), Muka-day-wah-sin (Kettle Falls), Me-kie-sies (Rainy Lake, Fort Francis), Oos-con-na-geist (Rainy Lake), Wah-shis-kince (Eagle Lake), Rah-kie-yash (Flower Lake), Go-bay (Rainy Lake), Ka-me-ti-ash (White Fish Lake), Nee-sho-tal (Rainy River), Kee-jee-go-kay (Rainy River), Sha-sha-gance (Shoal Lake), Shah-win-ni-bi-nais (Shoal Lake), Ay-ash-a-wash (Buffalo Point), Pay-ah-bee-wash (White Fish Bay), Rah-tay-tay-pa-o-cutch (Lake of the Woods).

And thereupon, in open Council, the different bands having presented the men of their choice to the said Commissioners as the Chiefs and Headmen for the purposes aforesaid, of the respective bands of Indians inhabiting the said district hereinafter described:

And whereas the said Commissioners then and there received and acknowledged the persons so presented as Chiefs and Headmen for the purposes aforesaid of the respective bands of Indians inhabiting the said district hereinafter described:

And whereas the said Commissioners have proceeded to negotiate a Treaty with the said Indians, and the same has been finally agreed upon and concluded as follows, that is to say:

The Saulteaux Tribe of the Ojibbeway Indians, and all other the Indians inhabiting the district hereinafter described and defined, do hereby cede, release, surrender, and yield up to the Government of the Dominion of Canada, for Her Majesty the Queen and her successors for ever, all their rights, titles, and privileges whatsoever to the lands included within the following limits, that is to say:

Commencing at a point on the Pigeon River route where the International Boundary Line between the territories of

Great Britain and the United States intersects the height of land separating the waters running to Lake Superior from those flowing to Lake Winnipeg, thence northerly, westerly, and easterly, along the height of land aforesaid following its sinuosities, whatever their course may be, to the point at which the said height of land meets the summit of the watershed from which the streams flow to Lake Nepigon, thence northerly and westerly, or whatever may be its course, along the ridge separating the waters of the Nepigon and the Winnipeg to the height of land dividing the waters of the Albany and the Winnipeg, thence westerly and north-westerly along the height of land dividing the waters flowing to Hudson's Bay by the Albany or other rivers from those running to English River and the Winnipeg to a point on the said height of land bearing north  $45^{\circ}$  east from Fort Alexander at the mouth of the Winnipeg; thence south  $45^{\circ}$  west to Fort Alexander at the mouth of the Winnipeg; thence southerly along the eastern bank of the Winnipeg to the mouth of the White Mouth River; thence southerly by the line described as in that part forming the eastern boundary of the tract surrendered by the Chippewa and Swampy Cree Tribes of Indians to Her Majesty on the 3rd of August, 1871,\* namely, by White Mouth River to White Mouth Lake, and thence on a line, having the general bearing of White Mouth River, to the 49th parallel of north latitude, thence by the 49th parallel of north latitude to the Lake of the Woods, and from thence by the International Boundary Line to the place of beginning:

The tract comprised within the lines above described embracing an area of 55,000 square miles, be the same more or less:

To have and to hold the same to Her Majesty the Queen and her successors for ever.

And Her Majesty the Queen hereby agrees and undertakes to lay aside reserves for farming lands, due respect being had to lands at present cultivated by the said Indians, and also to lay aside and reserve for the benefit of the said Indians, to be administered and dealt with for them by Her Majesty's Government of the Dominion of Canada, in such a manner as shall seem best, other reserves of land in the said territory hereby ceded, which said reserves shall be selected and set aside where it shall be deemed most convenient and advantageous for each band or bands of Indians, by the officers of the said Government appointed for that purpose, and such selection shall be so made after conference with the Indians: Provided, however, that such reserve, whether for farming or other purposes, shall in nowise exceed in all one square mile for each family of five, or in that proportion for larger or smaller families, and such

\* See Page 682.

selection shall be made if possible during the course of next summer, or as soon thereafter as may be found practicable, it being understood, however, that if at the time of any such selection of any reserves as aforesaid there are any settlers within the bounds of the lands reserved by any band, Her Majesty reserves the right to deal with such settlers as she shall deem just, so as not to diminish the extent of land allotted to Indians, and provided also that the aforesaid reserves of lands or any interest or right therein or appurtenant thereto may be sold, leased, or otherwise disposed of by the said Government for the use and benefit of the said Indians, with the consent of the Indians entitled thereto first had and obtained.

And with a view to show the satisfaction of Her Majesty with the behaviour and good conduct of her Indians, she hereby, through her Commissioners, makes them a present of 12 dollars for each man, woman, and child belonging to the bands here represented, in extinguishment of all claims heretofore preferred.

And further, Her Majesty agrees to maintain schools for instruction in such reserves hereby made as to her Government of her Dominion of Canada may seem advisable, whenever the Indians of the reserves shall desire it.

Her Majesty further agrees with her said Indians that within the boundary of Indian reserves, until otherwise determined by the Government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force, or hereafter to be enacted, to preserve her Indian subjects inhabiting the reserves, or living elsewhere within her North-West Territories, from the evil influence of the use of intoxicating liquors, shall be strictly enforced.

Her Majesty further agrees with her said Indians that they, the said Indians, shall have the right to pursue their avocations of hunting and fishing throughout the tract surrendered as hereinbefore described, subject to such regulations as may from time to time be made by her Government of her Dominion of Canada, and saving and excepting such tracts as may from time to time be required or taken up for settlement, mining, lumbering, or other purposes, by her said Government of her Dominion of Canada, or by any of the subjects thereof duly authorized therefor by the said Government.

It is further agreed between Her Majesty and her said Indians that such sections of the reserves above indicated as may at any time be required for public works or buildings, of what nature soever, may be appropriated for that purpose by Her Majesty's Government of the Dominion of Canada, due compensation being made for the value of any improvements thereon.

And further, that Her Majesty's Commissioners shall, as

soon as possible after the execution of this Treaty, cause to be taken an accurate census of all the Indians inhabiting the tract above described, distributing them in families, and shall in every year ensuing the date hereof at some period in each year, to be duly notified to the Indians, and at a place or places to be appointed for that purpose within the territory ceded, pay to each Indian person the sum of 5 dollars per head yearly.

It is further agreed between Her Majesty and the said Indians that the sum of 1,500 dollars per annum shall be yearly and for every year expended by Her Majesty in the purchase of ammunition, and twine for nets, for the use of the said Indians.

It is further agreed between Her Majesty and the said Indians that the following articles shall be supplied to any band of the said Indians who are now actually cultivating the soil, or who shall hereafter commence to cultivate the land, that is to say:—two hoes for every family actually cultivating; also one spade per family as aforesaid; one plough for every 10 families as aforesaid; five harrows for every 20 families as aforesaid; one scythe for every family as aforesaid; and also one axe and one cross-cut saw, one hand saw, one pit saw, the necessary files, one grindstone, one auger for each band; and also for each Chief for the use of his band, one chest of ordinary carpenter's tools; also for each band, enough of wheat, barley, potatoes, and oats to plant the land actually broken up for cultivation by such band; also for each band, one yoke of oxen, one bull and four cows; all the aforesaid articles to be given once for all for the encouragement of the practice of agriculture among the Indians.

It is further agreed between Her Majesty and the said Indians that each Chief, duly recognized as such, shall receive an annual salary of 25 dollars per annum, and each subordinate officer, not exceeding three for each band, shall receive 15 dollars per annum; and each such Chief and subordinate officer as aforesaid shall also receive, once in every three years, a suitable suit of clothing; and each Chief shall receive, in recognition of the closing of the Treaty, a suitable flag and medal.

And the undersigned Chiefs, on their own behalf and on behalf of all other Indians inhabiting the tract within ceded, do hereby solemnly promise and engage to strictly observe this Treaty, and also to conduct and behave themselves as good and loyal subjects of Her Majesty the Queen. They promise and engage that they will, in all respects, obey and abide by the law; that they will maintain peace and good order between each other, and also between themselves and other tribes of Indians, and between themselves and others of Her Majesty's subjects, whether Indians or whites, now inhabiting or hereafter to inhabit any part of the said ceded tract; and that they will not molest the person or property of any inhabitant of such

ceded tract, or the property of Her Majesty the Queen, or interfere with or trouble any person passing or travelling through the said tract or any part thereof; and that they will aid and assist the officers of Her Majesty in bringing to justice and punish any Indian offending against the stipulations of this Treaty, or infringing the laws in force in the country so ceded.

In witness whereof Her Majesty's said Commissioners and the said Indian Chiefs have hereunto subscribed and set their hands, at the North-West Angle of the Lake of the Woods, this day and year herein first above named.

(L.S.) ALEXANDER MORRIS, L. G.

J. A. N. PROVENCHER, *Indian Commissioner.*

Their S. J. DAWSON, *Indian Commissioner.*

X KEE-TA-KAY-PI-NAIS.  
 X KITIHI-GAY-KAKE.  
 X NO-TE-NA-QUA-HUNG.  
 X MAWE-DO-PE-NAIS.  
 X POW-WA-SANG.  
 X CANDA-COM-IGO-WI-NINIE.  
 X PA-PA-SKA-GIN.  
 X MAY-NO-WAH-TAU-WAYS-KUNG.  
 X KITCHI-NE-KA-BE-HAN.  
 X SAH-KATCH-EWAY.  
 X MUKA-DAY-WAH-SIN.  
 X ME-KIE-SIES.  
 X OOS-CON-NA-GEIST.  
 X WA-SHIS-KINCE.  
 X RAH-KIE-Y-ASH.  
 X GO-BAY.  
 X KA-ME-TI-ASH.  
 X NEE-SHO-TAL.  
 X KEE-JEE-KO-KAY.  
 X SHA-SHA-GANCE.  
 X SHAH-WIN-NA-BI-NAIS.  
 X AY-ASH-A-WASH.  
 X PAY-AH-BEE-WASH.  
 X RAH-TAY-TAY-PA-O-CUTCH.

marks.

Signed by the Chiefs within named in presence of the following witnesses, the same having been first read and explained by the Honourable James McKay:—

JAMES MCKAY, and 16 others.

We hereby certify that the foregoing is a true copy of the original Articles of Treaty of which it purports to be a copy.

ALEXANDER MORRIS, *Lieutenant-Governor.*

J. A. N. PROVENCHER, *Indian Commissioner.*

S. J. DAWSON, *Indian Commissioner.*



We having had communication of the Treaty, certified copy whereof is hereto annexed, but not having been present at the Councils held at the North-West Angle of the Lake of the Woods between Her Majesty's Commissioners and the several Indian Chiefs and others therein named, at which the Articles of the said Treaty were agreed upon, hereby, for ourselves and the several bands of Indians which we represent, in consideration of the provisions of the said Treaty being extended to us and the said bands which we represent, transfer, surrender, and relinquish to Her Majesty the Queen, her heirs and successors, to and for the use of her Government of her Dominion of Canada, all our right, title, and privilege whatsoever which we, the said Chiefs, and the said bands which we represent, have held, or enjoy, of, in, and to the territory described and fully set out in the said Articles of Treaty, and every part thereof, to have and to hold the same unto and to the use of her said Majesty the Queen, her heirs and successors, for ever.

And we hereby agree to accept the several provisions, payments, and reserves of the said Treaty as therein stated, and solemnly promise and engage to abide by, carry out, and fulfil all the stipulations, obligations, and conditions therein contained, on the part of the said Chiefs and Indians therein named to be observed and performed, and in all things to conform to the Articles of the said Treaty, as if we ourselves and the bands which we represent had been originally contracting parties thereto, and had been present and attached our signatures to the said Treaty.

In witness whereof Her Majesty's said Commissioners and the said Indian Chiefs have hereunto subscribed and set their hands, this 13th day of October, in the year of Our Lord 1873.

For and on behalf of the Commissioners, the Honourable Alexander Morris, Lieutenant-Governor of Manitoba and the North-West Territories, Joseph Albert Norbert Provencher, Esq., and the undersigned:—

Their	S. J. DAWSON, <i>Commissioner</i> .
✕	PAY-BA-MA-CHAS.
✕	RE-BA-QUIN.
✕	ME-TAS-SO-QUE-NE-SKANK.
marks.	

Signed by S. J. Dawson, Esq., one of Her Majesty's said Commissioners, for and on behalf and with the authority and consent of the Honourable Alexander Morris, Lieutenant-Governor of Manitoba and the North-West Territories, and J. A. N. Provencher, Esq., the remaining two Commissioners, and himself, and by the Chiefs within named on behalf of themselves and the several bands which they represent, the same, and the annexed certified copy of Articles of Treaty having

been first read and explained in presence of the following witnesses:—

THOMAS A. P. TOWERS.	His	UNZZARI.
JOHN AITKEN.	X	JAS. LOGANOSH.
A. J. McDONALD.	mark.	PINLLSISE.

Lac Seul, June 9, 1874.

We, the Chiefs and Councillors of Lac Seul, Seul, Trout and Sturgeon Lakes, subscribe and set our marks, that we and our followers will abide by the Articles of the Treaty made and concluded with the Indians at the North-West Angle of the Lake of the Woods on the 3rd day of October, in the year of Our Lord 1873, between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by her Commissioners, Honourable Alexander Morris, Lieutenant-Governor of Manitoba and the North-West Territories, Joseph Albert N. Provencher, and Simon J. Dawson, of the one part; and the Salteaux tribes of Ojiboas Indians, inhabitants of the country as defined by the Treaty aforesaid.

In witness whereof Her Majesty's Indian Agent and the Chiefs and Councillors have hereto set their hands at Lac Seul, on the 9th day of June, 1874.

Their	R. J. N. PITHER, <i>Indian Agent.</i>
X	CHIEF JOHN CROMARTY.
X	ACKEMENCE, <i>Councillor.</i>
X	MAINEETAINEQUIRE, <i>Councillor.</i>
X	NAH-KEE-JECKWAKE, <i>Councillor.</i>

marks.

The whole Treaty explained by R. J. N. Pither.

Witnesses:

JAMES MCKENZIE.	His	
LOUIS KITTSO.	X	NICHOLAS CHATELAINE.

mark.

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(4.)—TREATY *with the Cree, Saulteaux, and other Indians.*  
*Qu'Appelle, September 15, 1874.*

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ARTICLES OF A TREATY made and concluded this 15th day of September, in the year of Our Lord 1874, between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by her Commissioners, the Honourable Alexander Morris, Lieutenant-Governor of the Province of Manitoba and the North-West Territories; the Honourable David Laird, Minister of the Interior, and William Joseph Christie, Esq.,

of Brockville, Ontario, of the one part; and the Cree, Saulteaux, and other Indians, inhabitants of the territory within the limits hereinafter defined and described, by their Chiefs and Headmen, chosen and named as hereinafter mentioned, of the other part.

WHEREAS the Indians inhabiting the said territory have, pursuant to an appointment made by the said Commissioners, been convened at a meeting at Qu'Appelle Lakes, to deliberate upon certain matters of interest to Her Most Gracious Majesty of the one part, and the said Indians of the other :

And whereas the said Indians have been notified and informed, by Her Majesty's said Commissioners, that it is the desire of Her Majesty to open up for settlement, immigration, trade, and such other purposes as to Her Majesty may seem meet, a tract of country bounded and described as hereinafter mentioned; and to obtain the consent thereto of her Indian subjects inhabiting the said tract; and to make a Treaty and arrange with them so that there may be peace and good-will between them and Her Majesty, and between them and Her Majesty's other subjects; and that her Indian people may know and be assured of what allowance they are to count upon and receive from Her Majesty's bounty and benevolence :

And whereas the Indians of the said tract, duly convened in Council as aforesaid, and being requested by Her Majesty's said Commissioners to name certain Chiefs and Headmen who should be authorized on their behalf to conduct such negotiations, and sign any Treaty to be founded thereon, and to become responsible to Her Majesty for the faithful performance by their respective bands of such obligations as shall be assumed by them, the said Indians have thereupon named the following persons for that purpose, that is to say :—Ka-kii-shi-way, or "Loud Voice" (Qu'Appelle River), Pis-qua, or "the Plain" (Leech Lake), Ka-we-zauce, or "the Little Boy" (Leech Lake), Ka-kee-nawup, or "One that sits like an Eagle" (Upper Qu'Appelle Lakes), Kus-kee-tew-mus-coo-musqua, or "Little Black Bear" (Cypress Hills), Ka-ne-on-us-ka-tew, or "One that walks on Four Claws" (Little Touchwood Hills), Can-ah-ah-cha-pew, or "Making ready the Bow" (south side of the south branch of the Saskatchewan), Ku-si-caw-ah-chuk, or "Day Star" (south side of the south branch of the Saskatchewan), Ka-ra-ca-toose, or "The Poor Man" (Touchwood Hills and Qu'Appelle Lakes), Ka-ku-nis-ta-haw, or "Him that flies Round" (towards the Cypress Hills), Cha-ca-chas (Qu'Appelle River), Wah-pii-moose-too-sus, or "the White Calf" or "Pus-coos" (Qu'Appelle River), Gabriel Cote or Mee-may, or "the Pigeon" (Fort Pelly) :

And thereupon in open Council the different bands having presented the men of their choice to the said Commissioners

as the Chiefs and Headmen for the purpose aforesaid of the respective bands of Indians inhabiting the said district hereinafter described :

And whereas the said Commissioners have proceeded to negotiate a Treaty with the said Indians, and the same has been finally agreed upon and concluded as follows, that is to say :

The Cree and Salteaux tribes of Indians, and all other the Indians inhabiting the district hereinafter described and defined, do hereby cede, release, surrender, and yield up to the Government of the Dominion of Canada, for Her Majesty the Queen and her successors for ever, all their rights, titles, and privileges whatsoever to the lands included within the following limits, that is to say :

Commencing at a point on the United States' frontier due south of the north-western point of the Moose Mountains, thence due north to said point of said mountains, thence in a north-easterly course to a point 2 miles due west of Fort Ellice, thence in a line parallel with, and 2 miles westward from, the Assiniboine River to the mouth of the Shell River, thence parallel to the said river, and 2 miles distant therefrom, to its source, thence in a straight line to a point on the western shore of Lake Winnipigoosis due west from the most northern extremity of Waterhen Lake, thence east to the centre of Lake Winnipigoosis, thence northwardly through the middle of the said lake (including Birch Island) to the mouth of Red Deer River, thence westwardly and south-westwardly along and including the said Red Deer River and its lakes, Red Deer and Etoimami, to the source of its western branch, thence in a straight line to the source of the northern branch of the Qu'Appelle, thence along and including said streams to the Forks near Long Lake, thence along and including the valley of the west branch of the Qu'Appelle to the South Saskatchewan, thence along and including said river to the mouth of Maple Creek, thence southwardly along said creek to a point opposite the western extremity of the Cypress Hills; thence due south to the International Boundary, thence east along the said boundary to the place of commencement. Also all their rights, titles, and privileges whatsoever to all other lands where-soever situated within Her Majesty's North-West Territories, or any of them, to have and to hold the same to Her Majesty the Queen and her successors for ever.

And Her Majesty the Queen hereby agrees, through the said Commissioners, to assign reserves for said Indians, such reserves to be selected by officers of Her Majesty's Government of the Dominion of Canada appointed for that purpose, after conference with each band of the Indians, and to be of sufficient area to allow one square mile for each family of five, or in that proportion for larger or smaller families.

Provided, however, that it be understood that if, at the time of the selection of any reserves as aforesaid there are any settlers within the bounds of the lands reserved for any band, Her Majesty retains the right to deal with such settlers as she shall deem just, so as not to diminish the extent of land allotted to the Indians; and provided further that the aforesaid reserves of land, or any part thereof, or any interest or right therein, or appurtenant thereto, may be sold, leased, or otherwise disposed of by the said Government for the use and benefit of the said Indians, with the consent of the Indians entitled thereto first had and obtained; but in no wise shall the said Indians, or any of them, be entitled to sell or otherwise alienate any of the lands allotted to them as reserves.

In view of the satisfaction with which the Queen views the ready response which Her Majesty's Indian subjects have accorded to the invitation to her said Commissioners to meet them on this occasion, and also in token of their general good conduct and behaviour, she hereby, through her Commissioners, makes the Indians of the bands here represented, a present:— For each Chief, of 25 dollars in cash, a coat, and a Queen's silver medal; for each Headman, not exceeding four in each band, 15 dollars in cash, and a coat; and for every other man, woman, and child, 12 dollars in cash; and for those here assembled, some powder, shot, blankets, calicoes, strouds, and other articles.

As soon as possible after the execution of this Treaty Her Majesty shall cause a census to be taken of all the Indians inhabiting the tract hereinbefore described, and shall next year, and annually afterwards for ever, cause to be paid in cash at some suitable season, to be duly notified to the Indians, and at a place or places to be appointed for that purpose within the territory ceded: each Chief, 25 dollars; each Headman, not exceeding four to a band, 15 dollars; and to every other Indian, man, woman, and child, 5 dollars per head; such payments to be made to the heads of families for those belonging thereto, unless for some special reason it be found objectionable.

Her Majesty also agrees that each Chief, and each Headman, not to exceed four in each band, one in every three years during the term of their office, shall receive a suitable suit of clothing, and that yearly and every year she will cause to be distributed among the different bands included in the limits of this Treaty, powder, shot, ball, and twine, in all to the value of 750 dollars; and each Chief shall receive hereafter, in recognition of the closing of the Treaty, a suitable flag.

It is further agreed between Her Majesty and the said Indians that the following articles shall be supplied to any band thereof who are now actually cultivating the soil, or who shall

hereafter settle on their reserves, and commence to break up the land, that is to say: two hoes, one spade, one scythe, and one axe for every family so actually cultivating; and enough seed, wheat, barley, oats, and potatoes to plant such lands as they have broken up; also one plough and two harrows for every 10 families so cultivating as aforesaid; and also to each Chief, for the use of his band as aforesaid, one yoke of oxen, one bull, four cows, a chest of ordinary carpenter's tools, five hand-saws, five augers, one cross-cut saw, one pit saw, the necessary files, and one grindstone; all the aforesaid articles to be given once for all, for the encouragement of the practice of agriculture among the Indians.

Further, Her Majesty agrees to maintain a school in the reserve allotted to each band as soon as they settle on said reserve and are prepared for a teacher.

Further, Her Majesty agrees that within the boundary of the Indian reserves, until otherwise determined by the Government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold; and all laws now in force or hereafter to be enacted to preserve her Indian subjects inhabiting the reserves, or living elsewhere within the North-West Territories, from the evil effects of intoxicating liquors shall be strictly enforced.

And further, Her Majesty agrees that her said Indians shall have right to pursue their avocations of hunting, trapping, and fishing throughout the tract surrendered, subject to such regulations as may from time to time be made by the Government of the country acting under the authority of Her Majesty, and saving and excepting such tracts as may be required or taken up from time to time for settlement, mining, or other purposes under grant, or other right given by Her Majesty's said Government.

It is further agreed between Her Majesty and her said Indian subjects that such sections of the reserve above indicated as may at any time be required for public works or buildings, of whatever nature, may be appropriated for that purpose by Her Majesty's Government of the Dominion of Canada, due compensation being made to the Indians for the value of any improvements thereon, and an equivalent in land or money for the area of the reserve so appropriated.

And the undersigned Chiefs and Headmen on their own behalf, and on behalf of all other Indians inhabiting the tract within ceded, do hereby solemnly promise and engage to strictly observe this Treaty, and also to conduct and behave themselves as good and loyal subjects of Her Majesty the Queen.

They promise and engage that they will in all respects obey and abide by the law; that they will maintain peace and good

order between each other, and between themselves and other tribes of Indians, and between themselves and others of Her Majesty's subjects, whether Indians, half-breeds, or white, now inhabiting, or hereafter to inhabit, any part of the said ceded tract; and that they will not molest the person or property of any inhabitant of such ceded tract, or the property of Her Majesty the Queen, or interfere with or trouble any person passing or travelling through the said tract or any part thereof; and that they will assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this Treaty, or infringing the laws in force in the country so ceded.

In witness whereof Her Majesty's said Commissioners, and the said Indian Chiefs and Headmen, have hereunto set their hands at Qu'Appelle, this day and year herein first above written.

ALEXANDER MORRIS, *Lieutenant-Governor of the North-West Territories.*

DAVID LAIRD, *Indian Commissioner.*

Their WILLIAM J. CHRISTIE.

X KA-KII-SHI-WAY.

X PIS-QUA.

KA-WE-ZAUCE.

X KA-KEE-NA-WUP.

X KUS-KEE-TEW-MUS-COO-MUSQUA.

X KA-NE-ON-US-KA-TEW.

X CAN-AH-HA-CHA-PEW.

X KU-SI-CAW-AH-CHUCK.

X KA-RA-OA-TOOSE.

X KA-KU-NIS-TA-HAW.

X CHA-CA-CHAS.

X WA-PII-MOOSE-TOO-SUS.

X GABRIEL COTE, OR MEE-MAY.

marks.

Signed by the Chiefs and Headmen within named in presence of the following witnesses, the same having been first read and explained by Charles Pratt:—

W. OSBORNE SMITH, *C.M.G., Lieut.-Col., D.A.G., Commanding Dominion Forces in North-West, and 20 others.*

We, members of the Saulteaux tribe of Indians, having had communication of the Treaty hereto annexed, made on the 15th day of September instant, between Her Majesty the Queen and the Cree and Saulteaux Indians and other Indians at Qu'Appelle Lakes, but not having been present at the Councils held at the Qu'Appelle Lakes between Her Majesty's Commissioners and the several Indian Chiefs and others therein named, at which the Articles of the said Treaty were agreed upon, hereby for ourselves and the band which we represent, in consideration of the provisions of the said Treaty being extended to us and the said

band which we represent, transfer, surrender, and relinquish to Her Majesty the Queen, her heirs and successors, to and for the use of her Government of her Dominion of Canada, all our right, title, and privileges whatsoever which we and the said band which we represent have held or enjoy of, in, and to the territory described and fully set out in the said Articles of Treaty and every part thereof; also, all our right, title, and privileges whatsoever to all other lands wherever situated, whether within the limit of any Treaty formerly made, or hereafter to be made, with the Saulteaux tribe or any other tribe of Indians inhabiting Her Majesty's North-West Territories, or any of them, to have and to hold the same unto and to the use of Her said Majesty the Queen, her heirs and successors, for ever.

And we hereby agree to accept the several provisions, payments, and reserves of the said Treaty, signed at the Qu'Appelle Lakes as therein stated, and solemnly promise and engage to abide by, carry out, and fulfil all the stipulations, obligations, and conditions therein contained on the part of the said Chiefs and Indians therein named to be observed and performed, and in all things to conform to the Articles of the said Treaty as if we ourselves and the band which we represent had been originally contracting parties thereto, and had been present and attached our signatures to the said Treaty.

In witness whereof Her Majesty's said Commissioners and the said Indian Chief and Headman have hereunto subscribed and set their hands at Fort Ellice, this 21st day of September, in the year of Our Lord 1874.

ALEXANDER MORRIS, *Lieutenant-Governor of the North-West Territories.*

DAVID LAIRD, *Indian Commissioner.*

Their W. J. CHRISTIE, *Indian Commissioner.*

X WA-WA-SE-CAPOW, *or, The man proud of standing upright.*

X OTA-MA-KOO-EWIN, *or, Shapous-e-tung's first son*  
marks. — *The man who stands on the Earth.*

Signed by the parties hereto in the presence of the undersigned witnesses, the same having been first explained to the Indians by Joseph Robillard.

ARCH. McDONALD, and six others.

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(5.)—TREATY *with the Saulteaux and Swampy Cree Tribes of Indians. Berens' River, September 20, 1875; and Norway House, September 24, 1875.*

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ARTICLES OF A TREATY made and concluded at Berens' River the 20th day of September, and at Norway House the 24th



day of September, in the year of Our Lord 1875, between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by her Commissioners, the Honourable Alexander Morris, Lieutenant-Governor of the Province of Manitoba and the North-West Territories, and the Honourable James McKay, of the one part, and the Saulteaux and Swampy Cree Tribes of Indians, inhabitants of the country within the limits hereinafter defined and described by their Chiefs, chosen and named as hereinafter mentioned, of the other part.

WHEREAS the Indians inhabiting the said country have, pursuant to an appointment made by the said Commissioners, been convened at meetings at Berens' River and Norway House, to deliberate upon certain matters of interest to Her Most Gracious Majesty of the one part, and the said Indians of the other :

And whereas the said Indians have been notified and informed by Her Majesty's said Commissioners that it is the desire of Her Majesty to open up for settlement, immigration, and such other purposes as to Her Majesty may seem meet, a tract of country bounded and described as hereinafter mentioned, and to obtain the consent thereto of her Indian subjects inhabiting the said tract, and to make a Treaty and arrange with them, so that there may be peace and good-will between them and Her Majesty, and that they may know and be assured of what allowance they are to count upon and receive from Her Majesty's bounty and benevolence :

And whereas the Indians of the said tract, duly convened in Council as aforesaid, and being requested by Her Majesty's said Commissioners to name certain Chiefs and Headmen who should be authorized on their behalf to conduct such negotiations and sign any Treaty to be founded thereon, and to become responsible to Her Majesty for the faithful performance by their respective bands of such obligations as shall be assumed by them, the said Indians have thereupon named the following persons for that purpose, that is to say :—

For the Indians within the Berens' River region and their several bands, Nah-wee-kee-sick-quah-yash, Chief ; Kah-wah-nah-kee-wee-nin and Nah-kee-quan-nay-yash, Councillors, and Pee-wah-roo-wee-nin, of Poplar River, Councillor ; for the Indians within the Norway House region and their several bands, David Rundle, Chief ; James Cochrane, Harry Constatag and Charles Pisequinip, Councillors ; and Ta-pas-ta-num, or Donald William Sinclair Ross, Chief ; George Garriock and Proud McKay, Councillors :

And thereupon in open Council, the different bands having presented their Chiefs to the said Commissioners as the Chiefs and Headmen, for the purposes aforesaid, of the respective

bands of Indians inhabiting the said district hereinafter described :

And whereas the said Commissioners then and there received and acknowledged the persons so presented as Chiefs and Headmen, for the purposes aforesaid, of the respective bands of Indians inhabiting the said district hereinafter described :

And whereas the said Commissioners have proceeded to negotiate a Treaty with the said Indians, and the same has been finally agreed upon and concluded as follows, that is to say :

The Saulteaux and Swampy Cree Tribes of Indians and all other the Indians inhabiting the district hereinafter described and defined, do hereby cede, release, surrender, and yield up to the Government of the Dominion of Canada, for Her Majesty the Queen and her successors for ever, all their rights, titles, and privileges whatsoever to the lands included within the following limits, that is to say :

Commencing at the north corner or junction of Treaties Nos. 1 and 3, thence easterly along the boundary of Treaty No. 3 to the height of land at the north-east corner of the said Treaty limits, a point dividing the waters of the Albany and Winnipeg Rivers, thence due north along the said height of land to a point intersected by the 53rd degree of north latitude, and thence north-westerly to Favourable Lake, thence following the east shore of said lake to its northern limit, thence north-westerly to the north end of Lake Winnipegosis, thence westerly to the height of land called "Robinson's Portage," thence north-westerly to the east end of Cross Lake, thence north-westerly crossing Fox's Lake, thence north-westerly to the north end of Split Lake, thence south-westerly to Pipestone Lake, on Burntwood River, thence south-westerly to the western point of John Scott's Lake, thence south-westerly to the north shore of Beaver Lake, thence south-westerly to the west end of Cumberland Lake, thence due south to the Saskatchewan River, thence due south to the north-west corner of the northern limits of Treaty No. 4, including all territory within the said limits, and all islands on all lakes within the said limits as above described, and it being also understood that in all cases where lakes form the Treaty limits, 10 miles from the shore of the lake should be included in the Treaty :

And also all their rights, titles, and privileges whatsoever to all other lands wherever situated in the North-West Territories, or in any other province or portion of Her Majesty's dominions situated and being within the Dominion of Canada :

The tract comprised within the lines above described embracing an area of 100,000 square miles, be the same more or less :

To have and to hold the same to Her Majesty the Queen and her successors for ever.

And Her Majesty the Queen hereby agrees and undertakes to lay aside reserves for farming lands, due respect being had to lands at present cultivated by the said Indians, and other reserves for the benefit of the said Indians, to be administered and dealt with for them by Her Majesty's Government of the Dominion of Canada; provided all such reserves shall not exceed in all 160 acres for each family of five, or in that proportion for larger or smaller families, in manner following, that is to say:—For the band of Saulteaux in the Berens' River region now settled, or who may within two years settle therein, a reserve commencing at the outlet of Berens' River into Lake Winnipeg, and extending along the shores of said lake and up said river and into the interior behind said lake and river, so as to comprehend 160 acres for each family of five, a reasonable addition being, however, to be made by Her Majesty to the extent of the said reserve for the inclusion in the tract so reserved of swamp, but reserving the free navigation of the said lake and river, and free access to the shores and waters thereof, for Her Majesty and all her subjects, and excepting thereout such land as may have been granted to or stipulated to be held by the Hudson's Bay Company, and also such land as Her Majesty or her successors may in her good pleasure see fit to grant to the Mission established at or near Berens' River, by the Methodist Church of Canada, for a church, school-house, parsonage, burial-ground, and farm, or other mission purposes; and to the Indians residing at Poplar River, falling into Lake Winnipeg north of Berens' River, a reserve not exceeding 160 acres to each family of five, respecting as much as possible their present improvements:—and inasmuch as a number of the Indians now residing in and about Norway House, of the band of whom David Rundle is Chief, are desirous of removing to a locality where they can cultivate the soil, Her Majesty the Queen hereby agrees to lay aside a reserve on the west side of Lake Winnipeg, in the vicinity of Fisher River, so as to give 100 acres to each family of five, or in that proportion for larger or smaller families, who shall remove to the said locality within "three years," it being estimated that 90 families or thereabout will remove within the said period, and that a reserve will be laid aside sufficient for that or the actual number:—and it is further agreed that those of the band who remain in the vicinity of "Norway House" shall retain for their own use their present gardens, buildings, and improvements until the same be departed with by the Queen's Government with their consent first had and obtained for their individual benefit, if any value can be realized therefor;—and with regard to the band of Wood Indians of whom Ta-pas-ta-num or Donald William Sinclair Ross is Chief, a reserve at Otta Island, on the west side of Cross Lake, of 160 acres for each family of five, or in that proportion for

smaller families, reserving, however, to Her Majesty, her successors and her subjects, the free navigation of all lakes and rivers, and free access to the shores thereof; provided, however, that Her Majesty reserves the right to deal with any settlers within the bounds of any lands reserved for any band as she shall deem fit, and also that the aforesaid reserves of land, or any interest therein, may be sold or otherwise disposed of by Her Majesty's Government for the use and benefit of the said Indians entitled thereto, with their consent first had and obtained; and with a view to show the satisfaction of Her Majesty with the behaviour and good conduct of her Indians, she hereby, through her Commissioners, makes them a present of 5 dollars for each man, woman, and child belonging to the bands here represented, in extinguishment of all claims heretofore preferred;

And further, Her Majesty agrees to maintain schools for instruction in such reserves hereby made as to her Government of the Dominion of Canada may seem advisable, when the Indians of the reserve shall desire it.

Her Majesty further agrees with her said Indians that within the boundary of Indian reserves, until otherwise determined by her Government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force, or hereafter to be enacted, to preserve her Indian subjects inhabiting the reserves or living elsewhere within her North-West Territories from the evil influence of the use of intoxicating liquors, shall be strictly enforced.

Her Majesty further agrees with her said Indians that they, the said Indians, shall have right to pursue their avocations of hunting and fishing throughout the tract surrendered as hereinbefore described, subject to such regulations as may from time to time be made by her Government of her Dominion of Canada, and saving and excepting such tracts as may from time to time be required or taken up for settlement, mining, lumbering, or other purposes by her said Government of the Dominion of Canada, or by any of the subjects thereof duly authorized therefor by the said Government.

It is further agreed between Her Majesty and her said Indians that such sections of the reserves above indicated as may at any time be required for public works or buildings, of what nature soever, may be appropriated for that purpose by Her Majesty's Government of the Dominion of Canada, due compensation being made for the value of any improvements thereon.

And further, that Her Majesty's Commissioners shall, as soon as possible after the execution of this Treaty, cause to be taken an accurate census of all the Indians inhabiting the tract above described, distributing them in families, and shall in every

year ensuing the date hereof, at some period in each year, to be duly notified to the Indians, and at a place or places to be appointed for that purpose within the territory ceded, pay to each Indian person the sum of 5 dollars per head yearly.

It is further agreed between Her Majesty and the said Indians that the sum of 500 dollars per annum shall be yearly and every year expended by Her Majesty in the purchase of ammunition and twine for nets for the use of the said Indians, in manner following, that is to say:—In the reasonable discretion, as regards the distribution thereof among the Indians inhabiting the several reserves or otherwise included herein, of Her Majesty's Indian Agent having the supervision of this Treaty.

It is further agreed between Her Majesty and the said Indians that the following articles shall be supplied to any band of the said Indians who are now cultivating the soil, or who shall hereafter commence to cultivate the land, that is to say:—Two hoes for every family actually cultivating; also one spade per family as aforesaid; one plough for every 10 families as aforesaid; five harrows for every 20 families as aforesaid; one scythe for every family as aforesaid, and also one axe; and also one cross-cut saw, one hand saw, one pit saw, the necessary files, one grindstone, and one auger for each band; and also for each Chief for the use of his band, one chest of ordinary carpenter's tools; also, for each band, enough of wheat, barley, potatoes, and oats to plant the land actually broken up for cultivation by such band; also, for each band, one yoke of oxen, one bull, and four cows; all the aforesaid articles to be given once for all for the encouragement of the practice of agriculture among the Indians.

It is further agreed between Her Majesty and the said Indians that each Chief duly recognized as such shall receive an annual salary of 25 dollars per annum, and each subordinate officer, not exceeding three for each band, shall receive 15 dollars per annum, and each such Chief and subordinate officer as aforesaid shall also receive, once every three years, a suitable suit of clothing; and each Chief shall receive, in recognition of the closing of the Treaty, a suitable flag and medal.

And the undersigned Chiefs, on their own behalf, and on behalf of all other Indians inhabiting the tract within ceded, do hereby solemnly promise and engage to strictly observe this Treaty, and also to conduct and behave themselves as good and loyal subjects of Her Majesty the Queen. They promise and engage that they will, in all respects, obey and abide by the law, and they will maintain peace and good order between each other, and also between themselves and other tribes of Indians, and between themselves and others of Her Majesty's subjects, whether Indians or whites, now inhabiting or hereafter to in-

habit any part of the said ceded tracts; and that they will not molest the person or property of any inhabitant of such ceded tracts, or the property of Her Majesty the Queen, or interfere with or trouble any person passing or travelling through the said tracts or any part thereof; and that they will aid and assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this Treaty, or infringing the laws in force in the country so ceded.

In witness whereof Her Majesty's said Commissioners and the said Indian Chiefs have hereunto subscribed and set their hands at Berens' River, this 20th day of September, A.D. 1875, and at Norway House, on the 24th day of the month and year herein first above named.

(L.S.) ALEX. MORRIS, L.G.

(L.S.) JAMES MCKAY.

Their

X NAH-WEE-KEE-SICK-QUAH-YASH, otherwise JACOB BERENS, *Chief*.

X KAH-WAH-NAH-KEE-WEE-NIN, otherwise ANTOINE GOUIN,

X NAH-KEE-QUAN-NAY-YASH,

X PEE-WAH-ROO-WEE-NIN, *Councillors*.

marks.

Signed by the Chiefs within named in presence of the following witnesses, the same having been first read and explained by the Honourable James McKay:—

THOMAS HOWARD and seven others.

(L.S.) ALEX. MORRIS, L.G.

(L.S.) JAMES MCKAY.

Their

X DAVID RUNDLE, *Chief*.

X JAMES COCHRANE.

X HARRY CONSTATAG,

X CHARLES PISEQUINIP, *Councillors*.

X TA-PAS-TA-NUM, or DONALD WM. SINCLAIR ROSS, *Chief*.

GEORGE GARRIOCK.

X PROUD MCKAY, *Councillors*.

marks.

Signed at Norway House by the Chiefs and Councillors hereunto subscribing, in the presence of the undersigned witnesses, the same having been first read and explained by the Honourable James McKay:—

RODERICK ROSS, and nine others.

We, the band of the Salteaux Tribe of Indians, residing at the mouth of the Saskatchewan River, on both sides thereof, having had communication of the foregoing Treaty, hereby,

and in consideration of the provisions of the said Treaty being extended to us, transfer, surrender, and relinquish to Her Majesty the Queen, her heirs and successors, to and for the use of the Government of Canada, all our right, title, and privileges whatsoever, which we have or enjoy in the territory described in the said Treaty, and every part thereof, to have and to hold to the use of Her Majesty the Queen, and her heirs and successors, for ever.

And Her Majesty agrees, through the said Commissioners, to assign a reserve of sufficient area to allow 160 acres to each family of five, or in that proportion for larger or smaller families—such reserve to be laid off and surveyed next year, on the south side of the River Saskatchewan.

And having regard to the importance of the land where the said Indians are now settled, in respect of the purposes of the navigation of the said river, and transport in connection therewith, and otherwise, and in view of the fact that many of the said Indians have now houses and gardens on the other side of the river, and elsewhere, which they will abandon, Her Majesty agrees, through her said Commissioners, to grant a sum of 500 dollars to the said band, to be paid in equitable proportions to such of them as have houses, to assist them in removing their houses to the said reserve, or building others. And the said Indians represented herein by their Chief and Councillors, presented as such by the band, do hereby agree to accept the several provisions, payments, and other benefits as stated in the said Treaty, and solemnly promise and engage to abide by, carry out, and fulfil all the stipulations, obligations, and conditions therein contained, on the part of the said Chiefs and Indians therein named, to be observed and performed, and in all things to conform to the Articles of the said Treaty as if we ourselves had been originally contracting parties thereto.

In witness whereof Her Majesty's said Commissioners and the said Indian Chief and Councillors have hereunto subscribed and set their hands, at the Grand Rapids, this 27th day of September, in the year of Our Lord 1875.

(L.S.) ALEX. MORRIS, L.G.

(L.S.) JAMES MCKAY.

Their

✕ PETER BEARDY, *Chief*.

✕ JOSEPH ATKINSON,

✕ ROBERT SANDERSON, *Councillors*.

marks.

Signed by the parties in the presence of the undersigned witnesses, the same having been first explained to the Indians by the Honourable James McKay:—

THOMAS HOWARD and six others.

*Memorandum.*

The Queen's Indian Commissioners having met Thick Foot and a portion of the Islands Band of Indians at Wapang or Dog Head Island, on the 28th day of September, A.D. 1875, request him to notify the Island Indians and those of Jack Head Point to meet at Wapang an Indian Agent next summer, to receive payments under the Treaty which they have made with the Indians of Norway House, Berens' River, Grand Rapids, and Lake Winnipeg, and in which they are included, at a time of which they will be notified, and to be prepared then to designate their Chief and two Councillors. The Commissioners have agreed to give some of the Norway House Indians a reserve at Fisher Creek, and they will give land to the Island Indians at the same place.

Given at Wapang, this 28th day of September, A.D. 1875, under our hands.

ALEX. MORRIS, L.G.  
JAMES MCKAY.

I accept payments under the Treaty for myself and those who may adhere to me, and accept the same and all its provisions, as a principal Indian, and agree to notify the Indians as above written. Wapang, September 28, 1875.

His  
✂ THICK FOOT.  
mark.

Witnesses:

THOS. HOWARD.  
RODK. ROSS.

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ACT of the Government of Canada, to amend "*The Trade Mark and Design Act of 1868.*"

[39 Vict., cap. 35.] — [Assented to April 12, 1876.\*]

IN amendment of the Act passed in the 31st year of Her Majesty's reign, cap. 55,\* intituled "An Act respecting Trade Marks and Industrial Designs;" † Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Minister of Agriculture may, at any time before the expiration of the term of five years for which the copyright of any industrial design registered under the said Act either before or after the passing of this Act is valid, on the application of the registered proprietor of such design, grant to such proprietor a renewal of the registration thereof, for such further term, not exceeding five years, as such Minister may, in his discretion, deem to be advisable.

\* Repealed by Canadian Act, 42 Vict., c. 22, May 15, 1879.

† See Vol. 14. Page 774.



2. In case the further term for which the renewal of the registration of any industrial design is so granted has been for less than five years, the Minister may, at any time before the expiration of such further term, on the application of the then registered proprietor of the design, grant him a further renewal of the registration thereof; and so on, *toties quoties*; but so as that no such registration shall be renewed for more than five years in all beyond the term of the validity of the copyright acquired by the registration of the design.

3. Every renewal of a registration under this Act shall be effected as follows:—

The Minister of Agriculture (on receipt of the fee hereinafter prescribed to be paid) shall cause a note to be made in the margin of the proper page of the proper register to the effect that the registration referred to in such note has been renewed for the term mentioned in such note; and such note shall be placed as near as may be to the entry of the registration to which it refers; and thereupon such registration shall be renewed for the term mentioned in such note.

4. Whenever the Minister of Agriculture has granted a renewal of the registration of any industrial design, and the same has been renewed, as provided for by this Act, he or his deputy shall make and sign a certificate to that effect, and shall deliver the same, or cause the same to be delivered, to the registered proprietor of such design; and every such certificate shall contain the date of the registration of the design to which it refers, the number of such design, and the number or letter employed to denote or correspond with the registration, and the day, month, and year of the entry of each renewal thereof in the proper register, and the name and address of the registered proprietor thereof at the date of the certificate, and the period of such renewal—which said certificate, in the absence of proof to the contrary, shall be sufficient proof of the design, of the name of the registered proprietor at the date of the certificate of the registration, and of its renewal or renewals, of the commencement and period of registry, of the commencement and period of each renewal, of the person named as proprietor being proprietor, of the originality of the design, and of compliance with the provisions of the said Act and of this Act; and generally every such certificate, so signed, shall be received in all Courts of Law or of Equity in Canada as evidence of the facts therein stated, without proof of the signature.

5. A fee of 50 dollars shall be payable to the Minister of Agriculture for every renewal of registration under the provisions of this Act; and all fees so received shall be paid over by him to the Receiver-General, to form part of the Consolidated Revenue Fund of Canada.

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ACT of the Government of Canada, to make provision for the  
*Extradition of Fugitive Criminals.*

[40 Vict., cap. 25.]

— [Assented to April 28, 1877.]

1. IN this Act, unless the context otherwise requires, the term "extradition arrangement" means a Treaty, Convention, or arrangement made by Her Majesty with a foreign State for the surrender of fugitive criminals, and extending to Canada :

The term "extradition crime" may mean any crime which, if committed in Canada, or within Canadian jurisdiction, would be one of the crimes described in the second Schedule to this Act, and in the application of this Act to the case of any extradition arrangement, means any crime described in such arrangement, whether comprised in the said Schedule or not :

The terms "conviction" and "convicted" do not include the case of a condemnation under foreign law by reason of contumacy; but the term "accused person" includes a person so condemned :

The terms "fugitive" and "fugitive criminal" mean a person being, or suspected of being, in Canada, who is accused or convicted of an extradition crime committed within the jurisdiction of any foreign State :

The term "foreign State" includes every Colony, dependency, and constituent part of the foreign State; and every vessel of any such State shall be deemed to be within the jurisdiction of and to be part of the State :

The term "warrant," in the case of a foreign State, includes any judicial document authorizing the arrest of a person accused or convicted of crime :

The term "Judge" includes any person authorized to act judicially in extradition matters.

2. Proceedings for or in relation to the surrender of a fugitive criminal of a foreign State, commenced under any other law previously to the time at which this Act shall apply in the case of that State, may be completed, and the fugitive surrendered or discharged, in the same manner as if this Act had not been passed.

3. The following Acts of the Parliament of Canada, namely, the Act passed in the year of Our Lord 1868, and intituled "An Act respecting the Treaty between Her Majesty and the United States of America for the apprehension and surrender of certain Offenders ;" \* and the Act passed in the year of Our Lord 1870, and intituled "An Act to amend the Act respecting the Extradition of certain Offenders to the United States of America ;" \* and the Act passed in the year of Our Lord 1873, and intituled

\* See Vol. 13. Pages 1287 and 1291.

“An Act to make further provision respecting the Extradition of Criminals,” are, save for the purposes of the second section of this Act, hereby repealed.

4. In the case of any foreign State with which there is at or after the time this Act comes into force an extradition arrangement, this Act shall apply during the continuance of such arrangement: Provided that the operation of the Act of the Parliament of the United Kingdom passed in the year of Our Lord 1870, and intituled “An Act for amending the Law relating to the Extradition of Criminals,”\* shall have ceased or been suspended within Canada in the case of that State:

(2.) For the avoidance of doubts, any provisions of this Act which may be deemed to be inconsistent with any term of the arrangement shall not have effect to contravene the arrangement; and this Act shall be so read and construed as to provide for the execution of the arrangement;

(3.) In the case of any foreign State with respect to which the application to the United Kingdom of the said Act of the Parliament of the United Kingdom is made subject to any limitation, condition, qualification, or exception, the Governor in Council shall make the application of this Act, by virtue of this section, subject to any such limitation, condition, qualification, or exception;

(4.) The Governor in Council may, at any time, revoke or alter, subject to the restrictions of this Act, any Order made by him in Council under this Act, and all the provisions of this Act with respect to the original Order shall, as far as applicable, apply *mutatis mutandis* to the new Order.

5. This Act, in so far as its application in the case of any foreign State may depend on or be affected by any Order in Council made under or referred to in this Act shall apply, or its application shall be affected, after the time specified in the Order, or, if no time be specified, after the date of the publication of the Order in the “Canada Gazette;”

(2.) Any Order of Her Majesty in Council referred to in this Act, and any Order of the Governor in Council made under this Act, and any extradition arrangement not already published in the “Canada Gazette,” shall be, as soon as may be, published in the “Canada Gazette” and laid before both Houses of Parliament.

(3.) The publication in the “Canada Gazette” of an extradition arrangement, or an Order in Council, shall be evidence of such arrangement or Order and of the terms thereof, and of the application of this Act pursuant and subject thereto; and the validity of the Order, and the application of this Act pursuant and subject thereto, shall not be questioned.

6. No fugitive shall be liable to surrender under this Act if

\* 33 & 34 Vict., c. 52. See Vol. 13. Page 1194.

it appears—(1) that the offence in respect of which proceedings are taken under this Act is one of a political character; or (2) that such proceedings are being in fact taken with a view to prosecute or punish him for an offence of a political character.

7. Every fugitive criminal of a foreign State, in the case of which State this Act applies, shall be liable to be apprehended, committed, and surrendered in the manner provided in this Act, whether the crime or conviction, in respect of which the surrender is sought, was committed or took place before or after the date of the arrangement, or of the coming into force of this Act, or of the application of this Act in the case of such State, and whether there is or is not any criminal jurisdiction in any Court of Her Majesty's dominions over the fugitive in respect of the crime.

8. All Judges of the Superior Courts and of the County Courts of any Province or Territory of Canada, and all Commissioners who may be from time to time appointed for the purpose in any such Province or Territory by the Governor under the Great Seal of Canada, by virtue of this Act, are authorized to act judicially in extradition matters under this Act within the Province or Territory; and every such person shall, for the purposes of this Act, have all the powers and jurisdiction of any Judge or Magistrate of the Province or Territory;

(2.) Nothing in this section shall be construed to confer on any Judge any jurisdiction in *habeas corpus* matters.

9. Depositions or statements taken in a foreign State on oath, or on affirmation where affirmation is allowed by the law of the State, and copies of such depositions or statements, and foreign certificates of or judicial documents stating the fact of conviction, may, if duly authenticated, be received in evidence on proceedings under this Act;

(2.) Such papers shall be deemed duly authenticated, if authenticated in manner provided for the time being by law, or if authenticated as follows:—

(a.) If the warrant purports to be signed by, or the certificate purports to be certified by, or the depositions or statements or the copies thereof purport to be certified to be the originals or true copies by a Judge, Magistrate, or officer of the foreign State;

(b.) And if in every case the papers are authenticated by the oath or affirmation of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of the foreign State; of which seal the Judge shall take judicial notice without proof.

10. A warrant issued under this Act may be executed in any part of Canada in the same manner as if it had been originally issued or subsequently endorsed by a Justice of the Peace having jurisdiction in the place where it is executed.

11. Where this Act applies, a Judge may issue his warrant for the apprehension of a fugitive on a foreign warrant of arrest, or an information or complaint laid before him, and on such evidence or after such proceedings as in his opinion would, subject to the provisions of this Act, justify the issue of his warrant if the crime, of which the fugitive is accused or alleged to have been convicted, had been committed in Canada ;

(2.) The Judge shall forthwith send a report of the fact of the issue of the warrant, together with certified copies of the evidence and foreign warrant, information, or complaint to the Minister of Justice.

12. The fugitive shall be brought before a Judge, who shall, subject to the provisions of this Act, hear the case in the same manner, as near as may be, as if the fugitive were brought before him charged with an indictable offence committed in Canada ;

(2.) The judge shall receive upon oath, or affirmation where affirmation is allowed by the law of Canada, the evidence of any witness tendered to show the truth of the charge or the fact of the conviction ;

(3.) The Judge shall receive, in like manner, any evidence tendered to show that the crime of which the fugitive is accused or alleged to have been convicted, is an offence of a political character, or is for any other reason not an extradition crime ; or that the proceedings are, in fact, being taken with a view to prosecute or punish him for an offence of a political character.

13. In the case of a fugitive alleged to have been convicted of an extradition crime, if such evidence is produced as would, according to the law of Canada, subject to the provisions of this Act, prove that he was so convicted ; and (2), in the case of a fugitive accused of an extradition crime, if such evidence is produced as would, according to the law of Canada, subject to the provisions of this Act, justify his committal for trial, in case the crime had been committed in Canada, the Judge shall issue his warrant for the committal of the fugitive to the nearest convenient prison, there to remain until surrendered to the foreign State, or discharged according to law ; but otherwise the Judge shall order him to be discharged.

14. If the Judge commits a fugitive to prison, he shall on such committal—

(1.) Inform him that he will not be surrendered until after the expiration of 15 days, and that he has a right to apply for a writ of *habeas corpus* ; and

(2.) Transmit to the Minister of Justice a certificate of the committal, with a copy of all the evidence taken before him not already so transmitted, and such report upon the case as he may think fit.

15. A requisition for the surrender of a fugitive criminal of a foreign State who is, or is suspected of being in Canada, may

be made to the Minister of Justice by any person recognized by him as a Consular officer of that State resident at Ottawa; or by any Minister of that State communicating with the Minister of Justice through the Diplomatic Representative of Her Majesty in that State; or if neither of these modes be convenient, then in such other mode as may be settled by arrangement.

16. In case the Minister of Justice at any time determines— (1) that the offence in respect of which proceedings are being taken under this Act is one of a political character; or (2) that the proceedings are in fact being taken with a view to try or punish the fugitive for an offence of a political character; or (3) [that for any other reason he ought not to be surrendered; or, (4)]\* that the foreign State does not intend to make a requisition for surrender; the Minister of Justice may refuse to make an order for surrender, and may by order under his hand and seal cancel any order made by him, or any warrant issued by a Judge under this Act, and order the fugitive to be discharged out of custody on any committal made under this Act; and the fugitive shall be discharged accordingly.

17. A fugitive shall not be surrendered until after the expiration of 15 days from the date of his committal for surrender; nor (in case a writ of *habeas corpus* is issued) until after the decision of the Court remanding him;

(2.) A fugitive who has been accused of some offence within Canadian jurisdiction, not being the offence for which his surrender is asked, or who is undergoing sentence under a conviction in Canada, shall not be surrendered until after he has been discharged, whether by acquittal, or by expiration of his sentence, or otherwise.

18. Subject to the provisions of this Act, the Minister of Justice, upon the requisition of the foreign State, may, under his hand and seal, order a fugitive who has been committed for surrender to be surrendered to the person or persons who may, in his opinion, be duly authorized to receive him in the name and on behalf of the foreign State, and he shall be so surrendered accordingly;

(2.) It shall be lawful for any person to whom such order is directed to deliver, and for the person or persons so authorized to receive, hold in custody, and convey the fugitive within the jurisdiction of the foreign State; and if he escapes out of any custody to which he may be delivered, on or in pursuance of such order, it shall be lawful to retake him in the same manner as any person accused or convicted of any crime against the laws of Canada may be retaken on an escape.

19. Everything found in the possession of the fugitive at the time of his arrest, which may be material as evidence in making

\* Struck out by "Amendment Act, 1882." Page 719.

proof of the crime, may be delivered up with the fugitive on his surrender, subject to all rights of third persons with regard thereto.

20. If a fugitive is not surrendered and conveyed out of Canada within two months after his committal for surrender, or (in case a writ of *habeas corpus* is issued) then within two months after the decision of the Court on such writ, over and above, in either case, the time required to convey him from the prison to which he has been committed, by the readiest way out of Canada, it shall be lawful for any one or more of the Judges of the Superior Courts of the Province or Territory in which such person is confined, having power to grant a writ of *habeas corpus*, upon application made to him or them by or on behalf of the fugitive, and on proof that reasonable notice of the intention to make such application has been given to the Minister of Justice, to order the fugitive to be discharged out of custody, unless sufficient cause be shown against such discharge.

21. The forms set forth in the third Schedule to this Act, or forms as near thereto as circumstances admit, may be used in the matters to which such forms refer, and, when used, shall be deemed valid.

22. A requisition for the surrender of a fugitive criminal from Canada, who is or is suspected of being in any foreign State with which there is an extradition arrangement, may be made by the Minister of Justice to a Consular officer of that State resident at Ottawa, or to the Minister of Justice or any other Minister of that State, through the Diplomatic Representative of Her Majesty in that State; or, if neither of these modes be convenient, then in such other mode as may be settled by arrangement.

23. When any person accused or convicted of an extradition crime is surrendered by a foreign State in pursuance of any arrangement, such person shall not,—until after he has been restored, or has had an opportunity of returning to the foreign State within the meaning of the arrangement,—be subject, in contravention of any term of the arrangement, to any prosecution or punishment in Canada, for any other offence committed prior to his surrender, for which he should not, under the arrangement, be prosecuted.

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#### FIRST SCHEDULE.

Arrangements referred to in the Preamble:—

Treaty between Her Majesty and the United States of America, signed at Washington, August 9, 1842. Vol. 6. Page 853.

Convention between Her Majesty and the King of the French, signed at London, February 13, 1843. Vol. 6. Page 344.

Treaty between Her Majesty and the Emperor of Germany, signed at London, May 14, 1872. Vol. 13. Page 534.

- Treaty between Her Majesty and the King of the Belgians, signed at Brussels, July 31, 1872. Vol. 13. Page 144.
- Treaty between Her Majesty and the King of Italy, signed at Rome, February 5, 1873. Vol. 14. Page 396.
- Treaty between Her Majesty and the King of Denmark, signed at Copenhagen, March 31, 1873. Vol. 14. Page 258.
- Treaty between Her Majesty and the Emperor of Brazil, signed at Rio de Janeiro, November 13, 1872. Vol. 13. Page 180.
- Treaty between Her Majesty and the King of Sweden and Norway, signed at Stockholm, June 26, 1873. Vol. 14. Page 527.
- Treaty between Her Majesty and the Emperor of Austria, signed at Vienna, December 3, 1873. Vol. 14. Page 61.
- Treaty between Her Majesty and the King of the Netherlands, signed at the Hague, June 19, 1874. Vol. 14. Page 416.
- Treaty between Her Majesty and the Swiss Confederation, signed at Berne, March 31, 1874. Vol. 14. Page 533.
- Treaty between Her Majesty and the President of the Republic of Hayti, signed at Port-au-Prince, December 7, 1874. Vol. 14. Page 382.
- Treaty between Her Majesty and the President of the Republic of Honduras, signed at Guatemala, January 6, 1874. Vol. 14. Page 390.

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#### SECOND SCHEDULE.

The following list of crimes is to be construed according to the law existing in Canada at the date of the alleged crime, whether by common law or by statute made before or after the passing of this Act, and as including only such crimes, of the descriptions comprised in the list, as are, under that law, indictable offences:—

- Murder, or attempt or conspiracy to murder;
- Manslaughter;
- Counterfeiting or altering money, and uttering counterfeit or altered money;
- Forgery, counterfeiting or altering, or uttering what is forged, counterfeited or altered;
- Larceny;
- Embezzlement;
- Obtaining money or goods, or valuable securities, by false pretences;
- Crimes against bankruptcy or insolvency law;
- Fraud by a bailee, banker, agent, factor, trustee, or by a director or member or officer of any company, which fraud is made criminal by any Act for the time being in force;
- Rape;
- Abduction;
- Child-stealing;
- Kidnapping;
- False imprisonment;
- Burglary, house-breaking, or shop-breaking;
- Arson;
- Robbery;
- Threats by letter or otherwise, with intent to extort;
- Perjury or subornation of perjury;
- Piracy by municipal law or law of nations, committed on board of or against a vessel of a foreign State;
- Criminal scuttling or destroying such a vessel at sea, whether on the high seas or on the great lakes of North America, or attempting or conspiring to do so;
- Assault on board such vessel at sea when on the high seas or on the great lakes of North America, with intent to destroy life or to do grievous bodily harm;
- Revolt or conspiracy to revolt by two or more persons on board such a vessel at sea, whether on the high seas or on the great lakes of North America, against the authority of the master;
- Any offence under the Act of Canada, passed in the year of Our Lord 1869, intitled "An Act respecting Larceny and other similar Offences," or any Act amending or substituted for the same, which offence is not included in any foregoing portion of this Schedule;



Any offence under the Act passed in the said year, intituled "An Act respecting Malicious Injuries to Property," or any Act amending or substituted for the same, which offence is not included in any foregoing portion of this Schedule;

Any offence under the Act passed in the said year, intituled "An Act respecting Forgery," or any Act amending or substituted for the same, which offence is not included in any foregoing portion of this Schedule;

Any offence under the Act passed in the said year, intituled "An Act respecting Offences relating to the Coin," or any Act amending or substituted for the same, which offence is not included in any foregoing portion of this Schedule;

Any offence under the Act passed in the said year, intituled "An Act respecting Offences against the Person," or any Act amending or substituted for the same, which offence is not included in any foregoing portion of this Schedule;

Any offence which is, in the case of the principal offender, included in any foregoing portion of this Schedule, and for which the fugitive criminal, though not the principal, is liable to be tried or punished as if he were the principal.

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### THIRD SCHEDULE.

Form of warrant of apprehension.

Form of warrant of committal.

Form of order of Minister of Justice for surrender.

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ACT of the Government of Canada, to amend "*The Extradition Act, 1877.*"

[45 Vict., cap. 20.] — [Assented to May 17, 1882.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 16 of the Act passed in the 40th year of Her Majesty's reign, chapter 25, and intituled "An Act to make provision for the Extradition of Fugitive Criminals,"\* is hereby amended by striking out of the sixth and seventh lines thereof the following: "that for any other reason he ought not to be surrendered, or (4)."

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BRITISH ORDER IN COUNCIL, *suspending in Canada the Operation of the Extradition Act, 1870, so long as the Canadian Acts of April 28, 1877,† and May 17, 1882,† remain in force. Osborne, December 28, 1882.*

*At the Court at Osborne House, Isle of Wight, the 28th day of December, 1882.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

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WHEREAS by Section 18 of "The Extradition Act, 1870," [cap. 52], it is among other things enacted:

[See Vol. 13. Page 1200.]

\* See Page 716.

† See Pages 712 and 719.

Now, therefore, Her Majesty, in pursuance of "The Extradition Act, 1870," and in exercise of the power in that behalf in the same Act contained, doth by this present Order, by and with the advice of Her Majesty's Privy Council, direct that the operation within the Dominion of Canada of the said Extradition Act, 1870, shall be suspended so far as it relates to any foreign State in the case of which it now applies, and so long as the provisions of the Canadian Acts aforesaid continue in force and no longer.

C. L. PEEL.

*ACT of the Government of the Cape of Good Hope, for enabling persons alien born to hold Fixed Property in that Colony.*

[No. 8.]

[June 4, 1856.]

2. FROM and after the commencement and taking effect of this Act, it shall be lawful for persons of alien birth to purchase, acquire, and own fixed property in this Colony, in like manner as natural-born subjects of Her Majesty.

3. Nothing in this Act contained shall be deemed or taken to naturalize any alien, or to bestow upon any alien any of the privileges conferred by deeds of burghership, save and except only the privilege of purchasing, acquiring, and owning fixed property.

*ACT of the Government of the Cape of Good Hope, for facilitating the Naturalization of Aliens.*

[No. 37.]

[August 14, 1861.]

2. THE Governor of this Colony is hereby authorized and empowered, if he shall think fit, to grant, under the public seal of the Colony, letters of naturalization in this Colony to any alien who shall have attained the full age of 21 years, and who shall be of good character and able to read and understand one or more of the languages of Europe, and to write his name, and shall have presented a memorial to the said Governor praying to be naturalized.

3. No alien shall (except as in the next succeeding section is excepted) be capable of receiving letters of naturalization, unless he shall have been a resident within this Colony during the five years immediately preceding the presentation of his memorial praying to be naturalized.

4. Any alien who shall be married to a natural-born subject of Her Majesty the Queen, or who shall be the owner of landed property within this Colony, and registered in his name, of not less a value than 300*l.* over and above all special conventional mortgages affecting the same, shall be capable of obtaining letters of naturalization, although he shall not have resided in this Colony for the five years next preceding the presentation of the memorial aforesaid.

5. No letters of naturalization shall be granted to any alien who shall be an uncertificated insolvent, or of unsound mind, or who shall have been convicted and sentenced for treason, murder, rape, theft, fraud, perjury, forgery, or any other serious criminal act.

7. When and as soon as such letters of naturalization shall have been obtained by any alien he shall be bound to take the oath of allegiance to Her Majesty the Queen; and which oath any Judge of the Supreme Court, resident magistrate, or justice of the peace within this Colony is hereby authorized to administer; and upon taking such oath, he shall be to all intents and purposes whatsoever deemed, taken, and esteemed to be naturalized in this Colony, and to be in the same plight and condition, in all respects, as if he had been born within this Colony.

9. Any alien woman already married, or who shall be hereafter married to a natural-born subject or person naturalized under this or any other Act of Parliament, shall be deemed and taken to be herself naturalized, and to have all the rights and privileges of a natural-born subject: Provided, also, that all minor children alien born of any alien parent, who shall himself or herself be naturalized under this or any other Act, and which children shall be within this Colony at the time of the naturalization of their parent, shall be themselves naturalized, *ipso facto*, by such naturalization.

10. Every alien who shall have obtained a certificate of naturalization in the United Kingdom of Great Britain and Ireland, or any part thereof, or in any of the British Colonies, which certificate shall recite that the person mentioned therein has taken an oath of allegiance to Her Most Gracious Majesty, and shall grant to such person any of the rights and privileges of a British subject within the Kingdom or Colony in which the same shall have been issued, shall be entitled to obtain the privileges of naturalization within this Colony, upon the terms and in the manner herein set forth.

15. Every person obtaining letters of naturalization under this Act shall pay for the same, for the benefit of the public revenue, the sum of 20*l.* sterling: Provided that any person who shall have at any time heretofore obtained a deed of burghership, and who shall desire to obtain letters of naturaliza-

tion under this Act, shall be allowed whatever amount he shall have paid for the said deed in part payment of the sum of 20*l.* aforesaid.

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ACT for regulating the Coasting Trade of the Colony of the Cape of Good Hope.

[No. 26.]

[1872.\*]

WHEREAS by an Imperial Act, passed in the 32nd year of the reign of Her Majesty Queen Victoria, intituled "An Act for amending the Law relating to the Coasting Trade and Merchant Shipping in British Possessions," [cap. 11]†, it is enacted that, subject to certain conditions in the said Act contained, the Legislature of a British Possession may, by any Act or Ordinance, from time to time regulate the coasting trade of the same: and whereas it is desirable to make provision for regulating the coasting trade of this Colony: Be it therefore enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:

1. Subject to the provisions of any Act of the Imperial Parliament of the United Kingdom, and so long as Her Majesty's Order in Council of the 7th day of December, 1855,‡ shall remain unrevoked and in force, goods and passengers may be conveyed from any one port of this Colony to any other port thereof in other than British ships.

2. All trade by sea from any one part, port, or place in this Colony to any other part thereof shall, except as hereinafter provided, be deemed to be a coasting trade, and all ships while employed therein shall, except as hereinafter provided, be deemed to be coasting ships: Provided that no ship arriving from a port beyond the limits of this Colony, although bound to more than one port in this Colony, and no ship clearing outwards from any port in this Colony for a port beyond the limits of this Colony, although bound to one or more intermediate ports in this Colony, shall be deemed a coasting ship, nor shall her voyage between such ports in this Colony be deemed a coasting voyage.

3. Any goods which shall be the growth, produce, or manufacture of this Colony, or which shall have already paid duty on importation into this Colony, may be shipped and conveyed coastwise from any one port in this Colony to any other port thereof in any ship, although such ship may not be a coasting ship.

\* Assented to by Her Majesty, November 27, 1872. See Page 725.

† See Vol. 13. Page 1130.

‡ See Vol. 10. Page 405.

4. If any goods shall be unshipped from any coasting ship arriving coastwise, or be shipped or water-borne to be shipped to be carried coastwise, unless in the presence or with the authority of the proper officer of the Customs, and at such times and places as shall be appointed or approved by him for that purpose, the same shall be forfeited, and the master of the ship on board whereof any such goods shall be shipped, or wherefrom such goods shall be unshipped, shall forfeit a sum not exceeding 50*l.* sterling, and every person who shall land or ship, or place on board any lighter or boat to be shipped, or assist or be otherwise concerned in landing, shipping, or placing on board any lighter or boat to be shipped, any of such goods otherwise than in the presence or with the authority of the proper officer, or otherwise than at such times or places as shall be appointed or approved by him for that purpose, shall, in like manner, forfeit a sum not exceeding 50*l.* sterling.

5. All persons shipping goods on board of any coasting ship shall furnish the master with a shipping-note, stating generally the description of goods, and, so far as may be known to the said shipper, whether the goods be the produce of this Colony or otherwise; and the master shall be bound to exhibit such note whenever so required to the proper officer of the Customs at the port whence the goods shall have been shipped, and also at the port to which the same shall have been shipped, and at any intervening port at which such coasting-ship may touch on its voyage between such ports; and any goods respecting which any false statement shall be made in any such shipping-note shall be forfeited.

6. Before any coasting ship shall depart from the port of lading, an account, with duplicate thereof, signed by the master, shall be delivered to the Collector or other proper officer of Customs at such port, and such officer shall retain the duplicate and return the original account, dated and signed by him, and such account shall be the clearance of the ship for the voyage, and the transire or pass for the goods expressed therein; and if any such account be false, the master shall forfeit the sum of 20*l.* sterling: Provided always, that the Collector or principal officer of Customs may, whenever it shall appear to him expedient, permit general or special transires to be given under such regulations as such Collector or principal officer may direct, for the lading or clearance and for the entry and unloading of any coasting ship to proceed to any place in this Colony therein mentioned, and there to discharge the whole or any part of the cargo of such coaster, and there to reload a cargo for shipment back to the port whence such coasting ship obtained such transire, or such other port in this Colony as shall be therein mentioned, and the same may be revoked by notice, in writing, under the hand of such Collector

or other principal officer as aforesaid, delivered to the master or owner of any such ship, or any of the crew on board.

7. The master of any ship proceeding otherwise to load or discharge cargo under the permission of a transire shall keep a correct record of the dates of the ship's arrival and departure at any port or ports, place or places, and of the goods laden on board or discharged thereat, and whether, so far as the said master may have been informed, such goods are the produce of the Colony or otherwise; and such record shall be open for the inspection of any officer of Customs at all times and places; and should any master make any false entry in such record, or wilfully omit to make the proper entries thereon, he shall be liable to a penalty of 20*l.* sterling for each offence.

8. Within 24 hours after the arrival of any coasting ship at the port of discharge, and before any goods be unladen, the transire, with the name of the place or wharf where the lading is to be discharged noted thereon, shall be delivered to the Collector or other proper officer of the Customs at such port of discharge, who shall note thereon the date of delivery, and if any goods be unladen contrary hereto, the master shall forfeit a sum not exceeding 20*l.* sterling, and if any goods shall be laden on board of any ship in any port or place in this Colony and carried coastwise, or having been brought coastwise shall be unladen in any such port or place contrary to these or any other lawful regulations relating to the coasting trade of this Colony, such goods shall be forfeited.

9. Every suit for the recovery of any penalty or forfeiture under this Act shall be commenced in the name of the Collector or other principal officer of the Customs, or of Her Majesty's Attorney-General for this Colony; and if a question shall arise, whether the person suing is such a Collector or other principal officer of the Customs, *vivá voce* evidence may be given of such fact, and shall be deemed legal and sufficient evidence.

10. Any officer of the Customs may go on board of any coasting ship in any port or place in this Colony, or at any period of her voyage, search such ship and examine all goods on board, and all goods then lading or unlading, and demand all documents which ought to be on board of such ship, and the Collector or other proper officer may require that all or any such documents shall be brought to him for inspection; and the master of any ship refusing to produce such documents, or to bring the same to the Collector or other proper officer when required, shall forfeit and pay the sum of 20*l.* sterling.

11. The days fixed as Customs holidays, and the hours for general attendance of the respective officers of Customs at the proper offices and places of employment, and the times during such hours at which any particular part or parts of the duties of such officers respectively shall be performed by them, shall be

the same as those provided in the general law for Customs management and regulations.

12. The forms to be used in carrying out the provisions of this Act shall, as near as may be, be those set forth in the first and second Schedules hereto annexed, as the same shall be respectively applicable; and where any of such forms requires a declaration to be made thereto by a master, consignee, or other person, such declaration shall be made before the Collector or other proper officer of the Customs at the port where such declaration is required to be made.

13. This Act shall take effect when and so soon as the Governor shall, by Proclamation to be published in the Government Gazette, declare that Her Majesty has been pleased to assent to the same.\*

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SCHEDULE I.

*Forms to be used for Ships exclusively employed in the Coasting Trade.*†

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SCHEDULE II.

*Form to be used, for the Delivery, free of duty, of Goods which arrive at any port in this Colony from any other Port in the same, in other than Coasting Ships.*†

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BRITISH ORDER IN COUNCIL, *confirming an Act for regulating the Coasting Trade of the Cape of Good Hope.* Windsor, November 27, 1872.

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*At the Court at Windsor, the 27th day of November, 1872.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Chamberlain.

Lord Privy Seal.

Mr. Gladstone.

Duke of Argyll.

Mr. Erle.

Earl Granville.

Sir James Hannen.

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WHEREAS the Governor of Her Majesty's Colony of the Cape of Good Hope, with the Council and Assembly of the said Colony, have passed an Act which has been transmitted, entitled as follows, viz.:

\* Her Majesty's assent was proclaimed in the "Cape of Good Hope Government Gazette," February 3, 1873.

† For Forms, see State Papers. Vol. 68. Pages 1270 and 1271.

“Act No. 26 of 1872: an Act for regulating the coasting trade of the Colony of the Cape of Good Hope:”\*

And whereas the said Act has been laid before Her Majesty in Council, together with a letter to the Lord President of the Council, from the Right Honourable the Earl of Kimberley, one of Her Majesty's Principal Secretaries of State, recommending that the said Act should receive Her Majesty's special confirmation; Her Majesty was therefore this day pleased, by and with the advice of her Privy Council, to declare her special confirmation of the said Act, and the same is hereby specially confirmed, ratified, and finally enacted accordingly. Whereof the Governor, Lieutenant-Governor, or Commander-in-Chief for the time being of Her Majesty's Colony of the Cape of Good Hope, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ARTHUR HELPS.

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*ACT of the Government of the Cape of Good Hope, to protect and regulate the rights of Authors in respect of their Works (Copyright).*

[No. 2.]

[June 26, 1873.]

1. THE copyright in every book which shall, after the passing of this Act, be published in the lifetime of its author shall endure for the natural life of such author, and for the further term of five years, commencing at the time of his death, and shall be the property of such author and his assigns: Provided always, that if the said term of five years shall expire before the end of 30 years from the first publication of such book, the copyright shall in that case endure for such period of 30 years.

2. The copyright in every book which shall be published after the death of its author shall endure for the term of 30 years from the first publication thereof, and shall be the property of the proprietor of the author's manuscript from which such book shall be first published and his assigns.

3. A registry book wherein may be registered, as hereinafter enacted, the proprietorship in the copyright of books and assignments thereof, shall be kept by the Registrar of Deeds, in his office in Cape Town, and shall at all convenient times be open to the inspection of any person on payment of 1s. for every entry which shall be searched for or inspected in the said book of registry; and the Registrar of Deeds shall, whenever thereunto reasonably required, give a copy of any entry in such book, certified under his hand, to any person requiring the same, on payment to him of the sum of 5s.; and such copies so certified

\* See Page 722.



shall be received in evidence in all Courts, and shall be *prima facie* proof of the proprietorship or assignment of copyright as therein expressed, but subject to be rebutted by other evidence.

4. It shall be lawful for the proprietor of copyright in any book heretofore published, or in any book hereafter to be published, to make entry in the registry book aforesaid of the title of such book, the time of the first publication thereof, the name and place of abode of the publisher thereof, and the name and place of abode of the proprietor of the copyright of the said book, or of any portion of such copyright, upon payment to the Registrar of Deeds of the sum of 5*s.*; and it shall be lawful for such registered proprietor to assign his interest or any portion of his interest therein, by making entry in the said registry book of such assignment, and of the name and place of abode of the assignee thereof, on payment of the like sum; and such assignment so entered shall be effectual in law to all intents and purposes whatsoever, without being subject to any stamp or duty, and shall be of the same force and effect as if such assignment had been made by deed or other instrument.

5. If any person shall deem himself aggrieved by any entry made under colour of this Act in the said registry book, it shall be lawful for such person to apply by motion to the Supreme Court in term time, or to any Judge of the Supreme Court in vacation, for an order that such entry may be expunged or varied, and thereupon such Court or Judge shall make such order for expunging, varying, or confirming such entry, either with or without costs, as to such Court or Judge shall seem just; and the Registrar of Deeds shall, on the production to him of any such order for expunging or varying any such entry, expunge or vary the same accordingly.

6. If any person shall print or cause to be printed any book in which there shall be subsisting copyright without the consent in writing of the proprietor thereof, or shall import for sale beyond the colony any such book so printed in parts unlawfully printed or imported, shall sell, publish, or expose for sale, or shall have in his possession for sale, any book so unlawfully printed or imported, without such consent as aforesaid, such offender shall be liable to an action for damages at the suit of the proprietor of such copyright.

7. All copies of any book wherein there shall be copyright, and of which an entry shall have been made in the said registry book, and which shall have been unlawfully printed or imported without the consent of the registered proprietor of such copyright, in writing under his hand, first obtained, shall be deemed to be the property of the proprietor of such copyright, and who shall be registered as such, and such registered proprietor shall, after demand thereof in writing be entitled to demand delivery

up to him of all existing copies, and to sue for and recover the same, or damages for the detention or conversion thereof, in an action against the party who shall detain the same.

8. A printed copy of the whole of every book which shall be published in this colony after the passing of this Act, together with all maps, prints, or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same shall be published, shall within three months after such book shall first be sold, published, or offered for sale within this colony, be delivered gratis on behalf of the publisher thereof to the librarian of the South African Public Library, and also to the librarian of the Graham's Town Public Library; and if any publisher of any such book shall neglect to deliver the same, pursuant to this Act, he shall for every such default forfeit a sum of 5*l.* sterling, to be recovered by such librarians respectively for and on behalf of the said libraries.

9. In the construction of this Act the word "book" shall be construed to mean and include every volume, part or division of a volume, pamphlet, sheet of letter-press, sheet of music, and map, chart, or plan separately published; the word "copyright" shall be construed to mean the sole and exclusive liberty of printing or otherwise multiplying copies of any book: and the word "assigns" shall be construed to mean and include every person in whom the interest of an author in copyright shall be vested, whether derived from such author before or after the publication of any book, and whether acquired by sale, donation, legacy, or by operation of law or otherwise.

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**ORDINANCE** of the Governor of Ceylon, to control Recruiting in Ceylon for the Service of Foreign States.

[No. 1.]

[November 7, 1874.]

2. In this Ordinance "foreign State" includes any person or persons exercising or assuming to exercise the powers of government in or over any country, Colony, province, or people beyond the limits of Ceylon.

3. If any person obtain or attempt to obtain recruits for the service of any foreign State in any capacity, the Governor with the advice of the Executive Council may, by Proclamation, prohibit such person from so doing, or permit him so to do, subject to conditions which the Governor in Council as aforesaid may think fit.

4. The Governor, with the advice of the Executive Council, may from time to time by Proclamation, either prohibit recruiting for the service of any foreign State, or impose upon such recruiting any conditions which he thinks fit.

5. The Governor may, with the advice of the Executive Council, by Proclamation, rescind or vary any order made under this Ordinance in such manner as he thinks fit.

6. Whoever, in violation of any such prohibition or condition as aforesaid—

(a.) Induces or attempts to induce any person to accept, or agree to accept, or to proceed to any place with a view to obtaining any commission or employment in the service of any foreign State, or

(b.) Knowingly aids in the engagement of any person so induced by forwarding or conveying him, or by advancing money, or in any other way whatever,

shall be guilty of an offence, and be liable to imprisonment for any term not exceeding seven years, or to fine to such amount as the Court by which such offence shall be tried shall think fit, or to both.

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ORDINANCE of the Governor of the Falkland Islands, to regulate the Admission of Aliens under certain proviso into the Colony of the Falkland Islands.

[No. 2.]

[April 25, 1870.]

2. THAT any person being a subject of any Kingdom or State represented in this Colony by a Consul-General, Consul, or Commercial Agent, or other Consular Officer, shall be allowed to land and reside in and carry on his calling, trade, or profession within this Colony upon reporting himself or herself to the said Consular Officer, and giving proof to the officer administering the Government that such a report has been made.

3. That any person who shall import, or any person who shall of his own accord elect to reside in the Falkland Islands, being a subject of any Kingdom or State unrepresented in this Colony as aforesaid, shall, when and if required by the officer administering the Government of the Colony, deposit in the Government chest such a sum of sterling money as such officer administering the Government shall call for, as a guarantee that such person shall not become chargeable to the Colony.

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BRITISH CHARTER for erecting the Fiji Islands into a separate Colony, to be called the Colony of Fiji, and for providing for the government thereof. Westminster, January 2, 1875.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to all to whom these presents shall come, greeting :

WHEREAS the Chiefs and people of certain islands in the South Pacific Ocean, commonly known as the Fiji Islands, and hereinafter more particularly described, have ceded to us the said islands, and the sovereignty thereof, which we have been graciously pleased to accept:

And whereas it is expedient to make provision for the better government of the said islands:

Now, know ye that we, of our especial grace, certain knowledge, and mere motion, have thought fit to erect, and do hereby erect, the said Fiji Islands, under which designation are included all islands, rocks, reefs, foreshores, and waters lying between the 15th and 22nd degrees of south latitude, and between the 177th degree of west longitude and the 175th degree of east longitude from the meridian of Greenwich, into a separate Colony, and the said islands are hereby erected into a separate Colony accordingly, to be known and designated as the Colony of Fiji.

2. And we do declare and appoint that the Government of our said Colony shall be administered by a Governor duly commissioned by us in that behalf.

3. And we do hereby further declare and appoint that there shall be, within our said Colony, a Legislative Council, which shall consist of the said Governor for the time being, and of such other public officers and persons within the same, not being less than two in number, as shall be named or designated for that purpose by us by any instruction or instructions, or warrant or warrants, to be by us for that purpose issued under our sign-manual and signet, and with the advice of our Privy Council: all of which persons or officers shall hold their places in the said Council during our pleasure.

4. And we do further declare and appoint that the Governor for the time being of the said Colony, with the advice of the said Legislative Council, shall have full power and authority to make and enact all such Laws and Ordinances as may from time to time be required for the peace, order, and good government of our said Colony; and that in the making of all such Laws and Ordinances the said Governor shall exercise all such powers and authorities, and that the said Legislative Council shall conform to and observe all such rules and regulations, as shall be given and prescribed in and by such instructions as we, with the advice of our Privy Council, shall from time to time make for his and their guidance therein: Provided nevertheless, and we do hereby reserve to ourselves, our heirs and successors, our and their right and authority to disallow any such Ordinances in the whole or in part, and to make and establish from time to time, with the advice and consent of Parliament, or with the advice of our or their Privy Council, all such laws as may to us or them appear necessary for the peace, order, and good govern-

ment of our said Colony, as fully as if these presents had not been made.

5. And we do further declare our pleasure to be that, for the purpose of advising our said Governor, there shall be for our said Colony an Executive Council, which shall be composed of such persons, and constituted in such manner, as may be directed by any instructions which may from time to time be addressed to our said Governor by us under our sign-manual and signet, and all such persons shall hold their places in the said Council at our pleasure.

6. And we do authorize and empower our said Governor to keep and use the public seal of our said Colony for the sealing of all things whatsoever that shall pass the said seal. And we do direct that, until a public seal shall be provided for our said Colony, the seal of our said Governor shall be used as the public seal of our said Colony for sealing all things that shall pass the said seal.

7. And we do further authorize and empower our said Governor to make and execute in our name and on our behalf, under the said public seal, grants and dispositions of land, which may be lawfully granted or disposed of by us within our said Colony, either in conformity with instructions under our sign-manual and signet, or in conformity with such regulations as may be made by our said Governor in that behalf and duly published in our said Colony.

8. And we do further authorize and empower our said Governor to constitute and appoint all such Judges, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary officers and ministers as may lawfully be appointed by us, all of whom shall hold their offices during our pleasure.

9. And we do further authorize and empower our said Governor, as he shall see occasion, in our name and on our behalf, when any crime has been committed within our said Colony, or for which the offender may be tried therein, to grant a pardon to any accomplice, not being the actual perpetrator of such crime, who shall give such information as shall lead to the apprehension and conviction of the principal offender; and, further, to grant to any offender convicted of any crime in any Court, or before any Judge, Justice, or Magistrate within our said Colony, a pardon, either free or subject to lawful conditions, or any respite of the execution of the sentence of any such offender for such period as to such Governor may seem fit; and to remit any fines, penalties, or forfeitures which may accrue or become payable to us.

10. And we do further authorize and empower our said Governor, upon sufficient cause to him appearing, to suspend from the exercise of his office within our said Colony, any person exercising the same under or by virtue of any Commis-

sion or Warrant granted, or to be granted by us, in our name, or under our authority, which suspension shall continue and have effect only until our pleasure therein shall be made known to him and signified to him. And we do hereby strictly require and enjoin him, in proceeding to any such suspension, to observe the directions in that behalf given to him by any instructions under our sign-manual and signet as may be hereafter addressed to our said Governor for the time being.

11. And whereas it is necessary that provision be made for the execution of this our Charter in the event of the death or incapacity of our said Governor, or of his removal from his command, or of his absence from the limits of his said Government: Now, therefore, we do further declare our pleasure to be that, in any such event as aforesaid, all and every the powers and authorities hereby vested in him shall be, and the same are hereby vested in such person as may be appointed by us, under our sign-manual and signet, to be the Lieutenant-Governor of our said Colony; or if there shall be no such Lieutenant-Governor, then in such person or persons as may be appointed by us under our sign-manual and signet to administer the Government of our said Colony; and in case there should be no person or persons within our said Colony so appointed by us, then to the senior member of the Executive Council of our said Colony for the time being: and such Lieutenant-Governor, Administrator, or senior member of the Executive Council, as the case may be, shall execute all and every the powers and authorities herein granted until our further pleasure shall be signified therein. Provided always, and we do further declare our pleasure to be, that our Governor for the time being, during the period of his passage by sea from one of our said islands to another, or while visiting or residing at any place within any of our said islands, shall not, for any of the purposes aforesaid, be considered as being absent from the limits of his said Government.

12. And we do further declare and direct that during his absence from any one of our said islands, but while he is within the limits of his said Government as aforesaid, our said Governor may, if he think fit, appoint some person to act as his deputy in administering the Government of our said islands upon such terms and conditions and for such time as he may think fit, and all or such of the powers and authorities aforesaid as our said Governor in his discretion shall, from time to time, think it necessary or expedient to assign to such deputy shall be vested in such deputy.

13. And we do further direct and enjoin that this our Charter shall be read and proclaimed at such place or places as our said Governor shall think fit within the said Colony.

14. And we do hereby require and command all officers, civil

and military, and all other the inhabitants of our said Colony, to be obedient, aiding, and assisting unto our said Governor, for the time being, and to the officer appointed to administer the Government of our said Colony, in the execution of this our Commission and of the powers and authorities herein contained.

15. And we do hereby reserve to us, our heirs and successors, full power and authority, from time to time, to revoke, alter, or amend these our Letters Patent as to us or them shall seem meet.

In witness whereof we have caused these our Letters to be made Patent. Witness ourself at Westminster, the 2nd day of January, in the 38th year of our reign.

By warrant under the Queen's sign-manual.

C. ROMILLY.

ORDINANCE of the Governor of Gibraltar, to control Recruiting in Gibraltar for the Service of Foreign States.

[No. 1.]

[January 8, 1877.]

2. IN this Ordinance "foreign State" includes any person or persons exercising or assuming to exercise the powers of Government in or over any country, Colony, province, or people beyond the limits of Her Majesty's City, Garrison, and Territory of Gibraltar.

3. If any person is within the limits of Her Majesty's said City, Garrison, and Territory obtaining or attempting to obtain recruits for the service of any foreign State in any capacity, the Governor may, by order in writing, signed by the Colonial Secretary, either prohibit such person from so doing or permit him to do so subject to any condition which the Governor thinks fit to impose.

4. The Governor may from time to time, by general order notified in the "Gibraltar Chronicle," either prohibit recruiting for the service of any foreign State, or impose upon such recruiting any conditions which he thinks fit.

5. The Governor may rescind or vary any order made under this Ordinance in such manner as he thinks fit.

6. Whoever, in violation of the prohibition of the Governor or of any condition subject to which permission to recruit may have been accorded,—

(a.) Induces or attempts to induce any person to accept, or agree to accept, or to proceed to any place with a view to obtaining any commission or employment in the service of any foreign State; or,

(b.) Knowingly aids in the engagement of any person so

induced by forwarding or conveying him, or by advancing money, or in any other way whatever,—

shall be liable to imprisonment for a term which may extend to seven years, or to fine to such an amount as the Court thinks fit, or to both.

7. Any offence against this Ordinance shall be and be deemed and taken to be an indictable misdemeanour, and may be inquired into, under and subject to such provisions in that behalf contained in "The Ordinance for the better administration of the Law by Justice out of Sessions, Gibraltar, 1867," applicable to indictable offences, and heard and determined by the Supreme Court of Gibraltar in like manner to all intents and purposes as all other indictable misdemeanours are cognizable by the said Court, and not otherwise.

**ORDINANCE** *to enable the Governor of Gibraltar to prohibit the Exportation of Arms and other Material of War.*

[No. 1.]

[April 30, 1878.]

2. It shall be lawful for the Governor by proclamation to be made by him and published in the "Gibraltar Chronicle," or in such other manner as Government notices are usually published, to prohibit the exportation or removal from the port and city of Gibraltar of arms, ammunition, and gunpowder, military and naval stores, and any articles which the Governor shall judge capable of being converted into or made useful in increasing the quantity of military and naval stores, provisions, or any sort of victual which may be used as food by man; and if any prohibited goods shall be exported or brought to any quay or other place to be shipped for exportation from the port, or shall be removed by land from the port or city, or be waterborne or carried or conveyed by land, to be so exported or removed or shall be concealed in any way, they shall be forfeited to Her Majesty.

3. Provided always, that it shall be lawful for the Governor by warrant under his hand and seal to authorize any person named therein either unconditionally or subject to such conditions, regulations, and restrictions as he shall think fit to insert therein, to export or remove any of the goods mentioned in the last preceding section.

4. Every person not authorized by the Governor as aforesaid who shall export, or remove, or who shall assist or be concerned in the exportation or removal, or who shall carry, convey, and conceal, or shall assist or be concerned in the carrying, conveying, or concealing of any such goods so



prohibited as aforesaid, shall forfeit a sum not exceeding 500 dollars.

5. If any goods which are prohibited to be exported shall be put on board any ship or boat with intent to be laden or shipped for exportation, or shall be brought to any quay, or other place in the port, in order to be put on board any ship or hulk for the purpose of being exported; or if any goods which are prohibited to be exported shall be found in any package produced to any revenue officer as containing goods not so prohibited; or if any goods which are prohibited to be exported shall be found and discovered to have been concealed in any manner on board any ship, boat, or hulk within the port, or shall be found either before or after landing to have been concealed in any manner on board any such ship, boat, or hulk within such limits as aforesaid, then and in every of the foregoing cases all such goods shall be forfeited, together with any goods which shall be found packed with or used in concealing them.

6. Every Justice of the Peace may, by warrant under his hand and seal, authorize any officer or officers of police or revenue to enter, and if necessary to break and enter, and to search any premises in which he shall be satisfied by information in writing, and on oath, that there are, either concealed or otherwise, any prohibited goods for the purpose of being exported or which any person may be attempting to export.

7. The captain of the port or any revenue or police officer authorized by warrant under his hand and seal may go on board any ship or boat suspected of having prohibited goods on board and search the cabin and all other parts of such ship, hulk, or boat for such prohibited goods and seize all such prohibited goods, if any, as may be found on board of any such ship, hulk, or boat.

17. This Ordinance shall not take effect until Her Majesty's confirmation thereof has been proclaimed by the Governor.\*

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*ACT of the Government of Grenada, respecting Immigrants; so far as relates to the Naturalization of Aliens of African Descent.*

[No. 230.]

[September 8, 1855.]

§ 17.† EVERY immigrant, of African descent, not being a British subject, who shall come, for the purpose of settling within this Colony, from any part of the United States or of the British Provinces of North America, and who shall have entered

\* Her Majesty's confirmation was proclaimed by the Government of Gibraltar, June 26, 1878.

† Re-enacted by Act of Grenada of October 7, 1869 (§ 101), which was confirmed by Act of October 7, 1872. See Vol. 14. Page 825.

or shall enter into contract, as aforesaid, shall, after three years' residence in this Colony, and on taking the oath of allegiance to Her Majesty before the Governor, in the presence of the Secretary of the Colony, be entitled, within this Colony, to all the privileges of a natural-born British subject, and such Secretary shall enter, in a register to be kept in his office, the name, sex, and age of every such immigrant taking the said oath, and the day when, and the vessel in which, such immigrant shall have arrived, and the party with whom such immigrant shall have entered into contract, as aforesaid; and such register, or an extract therefrom, certified by such Secretary, shall, upon proof of the identity of such immigrant, be sufficient evidence of the right of such immigrant to the privileges aforesaid.

*ACT of the Government of Grenada, to remove Doubts as to the Rights of the Liberated Africans in Grenada.\**

[No. 243.]

[May 8, 1856.]

1. ALL liberated Africans domiciled or resident, or who hereafter may be domiciled or resident in the Island of Grenada or its Dependencies, shall be deemed to be and to have been for all purposes, as from the date of their being brought into or of their arrival in this Colony, natural born subjects of Her Majesty, and to be and to have been capable of taking, holding, conveying, devising, and transmitting any estate, real or personal, within this Colony.

2. For the purposes of this Act, the words "liberated Africans" shall mean and include all persons dealt with or detained as slaves who heretofore have been or hereafter may be seized or taken under any of the Acts for the abolition or suppression of the Slave Trade by Her Majesty's ships-of-war, or otherwise, and liberated or delivered to the officers appointed to protect, receive, or provide for such persons, and all other persons who, as having been dealt with, carried, kept, or detained as slaves, may have been taken and liberated or received, protected, or provided for under any of the said Acts.

3. Provided always, that nothing in this Act shall in any wise prejudice or interfere with any of the provisions in relation to such liberated Africans as aforesaid of the laws in force for the abolition or suppression of the Slave Trade.

\* Confirmed by Act of October 7, 1872. See Vol. 14. Page 825.

BRITISH ORDER IN COUNCIL, *giving effect to the Extradition Ordinance of the Legislature of Grenada of 1880. Windsor, March 18, 1880.*

*At the Court at Windsor, the 18th day of March, 1880.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by Section 18 of "The Extradition Act, 1870," it is among other things enacted:

[See Vol. 13. Page 1200.]

And whereas by an Ordinance enacted by the Legislature of Grenada, the short title of which is "The Extradition Ordinance, Grenada, 1880," it is provided that "all powers vested in and acts authorized or required to be done by a Police Magistrate or any Justice of the Peace in relation to the surrender of fugitive criminals in the United Kingdom under 'The Extradition Acts, 1870 and 1873,' are thereby vested in and may in the Colony be exercised and done by any Police Magistrate in relation to the surrender of fugitive criminals under the said Acts:"

And whereas it is further provided by the said Ordinance that the said Ordinance shall not come into operation until Her Majesty shall, by Order in Council, direct that the said Ordinance shall have effect within the Colony as if it were part of "The Extradition Act, 1870," but that the said Ordinance shall thereafter come into operation as soon as such Order in Council shall have been publicly made known in the Colony:

Now, therefore, Her Majesty, in pursuance of "The Extradition Act, 1870," and in exercise of the power in that behalf in the said Act contained, doth by this present Order, by and with the advice of Her Majesty's Privy Council, direct that the said Ordinance shall have effect in the Colony of Grenada without modification or alteration, as if it were part of "The Extradition Act, 1870."

And the Right Honourable Sir Michael Edward Hicks-Beach, Bart., one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

BRITISH ORDER IN COUNCIL, *giving effect to the Extradition Ordinance of the Legislature of Griqualand West of 1879. Windsor, June 26, 1879.*

*At the Court at Windsor, the 26th day of June, 1879.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness Prince Leopold.  
 Lord President.  
 Lord Privy Seal.  
 Sir Michael E. Hicks-Beach, Bart.

WHEREAS by Section 18 of "The Extradition Act, 1870," it is among other things enacted:

[See Vol. 13. Page 1200.]

And whereas by an Ordinance enacted by the Legislature of Griqualand West, the short title of which is "The Extradition Ordinance, Griqualand West, 1879," it is provided that "all powers vested in and acts authorized or required to be done by a Police Magistrate or any Justice of the Peace in relation to the surrender of fugitive criminals in the United Kingdom under 'The Extradition Acts, 1870 and 1873,' are thereby vested in and may in the Province be exercised and done by any Resident Magistrate in relation to the surrender of fugitive criminals under the said Acts:"

And whereas it is further provided by the said Ordinance that the said Ordinance shall not come into operation until Her Majesty shall, by Order in Council, direct that the said Ordinance shall have effect within the Province as if it were part of "The Extradition Act, 1870," but that the said Ordinance shall thereafter come into operation as soon as such Order in Council shall have been publicly made known in the Province:

Now, therefore, Her Majesty, in pursuance of "The Extradition Act, 1870," and in exercise of the power in that behalf in the said Act contained, doth by this present Order, by and with the advice of Her Majesty's Privy Council, direct that the said Ordinance shall have effect in the Province of Griqualand West without modification or alteration, as if it were part of "The Extradition Act, 1870."

And the Right Honourable Sir Michael Edward Hicks-Beach, Bart., one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

ORDINANCE of the Governor of Hong Kong, with the advice of the Legislative Council thereof, to control Recruiting in the Colony of Hong Kong, for the Service of Foreign States.

[No. 7.] — [November 16, 1874.]

2. IN this Ordinance "foreign State" includes any person or persons exercising or assuming to exercise the powers of government in or over any country, Colony, province, or people beyond the limits of this Colony.

3. If any person is, within the limits of this Colony, obtaining or attempting to obtain recruits for the service of any foreign State in any capacity, the Governor in Council may, by order in writing, signed by the Colonial Secretary, either prohibit such person from so doing, or permit him to do so subject to any conditions which the Governor in Council thinks fit to impose.

4. The Governor in Council may, from time to time, by General Order notified in the "Government Gazette," either prohibit recruiting for the service of any foreign State, or impose upon such recruiting any conditions which he thinks fit.

5. The Governor in Council may rescind or vary any order made under this Ordinance in such manner as he thinks fit.

6. Whoever, in violation of the prohibition of the Governor in Council, or of any condition subject to which permission to recruit may have been accorded,—

(a.) Induces or attempts to induce any person to accept or agree to accept, or to proceed to any place with a view to obtaining any commission or employment in the service of any foreign State; or

(b.) Knowingly aids in the engagement of any person so induced, by forwarding or conveying him, or by advancing money, or in any other way whatever,—

shall be liable to imprisonment for any period not exceeding seven years, or to fine to such amount as the Court thinks fit, or to both.

7. Any offender against this Ordinance shall be tried before the Supreme Court.

ACT of the Government of Jamaica, to amend the Laws relating to Immigrants; so far as relates to Naturalization.

[22 Vict., cap. 1.] — [November 26, 1858.]

§ 32. EVERY immigrant born out of the British dominions who shall have obtained or become entitled to a certificate of industrial residence shall immediately thereafter become entitled to all the privileges of a natural-born British subject within this island.

ORDINANCE of the Governor of Malta, with the advice and consent of the Council of Government thereof, to amend the Laws relating to the Extradition of Individuals accused of, or sentenced for, Offences committed in Foreign Countries.

[No. 4.]

[May 28, 1880.]

WHEREAS it is expedient to amend the laws relating to the extradition of individuals accused of, or sentenced for, offences committed in foreign countries, it is hereby enacted and ordained by his Excellency the Governor, with the advice and consent of the Council of Government, as follows:—

ART. 1. To the list of offences contained in Article 1 of Ordinance No. I of 1863,\* shall be held to be added any other offence for which, according to the Treaty, between Her Majesty the Queen on the one part and His Majesty the King of Italy on the other part, bearing date the 5th February, 1873,† and published in the "Government Gazette" of these islands on the 9th May of the same year, the person accused may, by the competent authority of any other part of British dominions, be surrendered to the Italian Government; and all the provisions of the said Ordinance shall be applicable to persons accused of such other offence, in the same manner as they apply to persons accused of any of the offences specified in the Article aforesaid.

2. The escape referred to in the list mentioned in the foregoing Article is that only which has been effected by violence on persons, or by the breaking of the place from which the individual whose surrender is demanded, escaped.

3. The provisions of the Ordinance above quoted shall be held to apply also to individuals, not referred to in Article 9 of the same law, who may already have been condemned by an Italian tribunal for any of the offences specified in the law or the Treaty aforesaid, and have not yet undergone the punishment to which they have been condemned; and in any such case, for the purpose of ordering that the person apprehended in these islands continue to be kept in custody as provided in Article 3 of the said Ordinance, the Court of Judicial Police shall require no other evidence than that of the sentence of the said tribunal, and of the identity of the person apprehended.

4. If, however, the sentence of the Italian tribunal was pronounced *in contumacia*, the Court shall proceed as provided by Ordinance No. 1 of 1863, in the same manner as if such sentence did not exist; and on its being satisfied that, if the offence had been committed in these islands, the evidence produced would be sufficient for the committal of the accused for trial, the Court shall order that the accused continue to be kept in custody, for the purpose of being delivered up to any person

\* See Vol. 11. Page 872.

† See Vol. 14. Page 396.

designated by the Italian Government, or by the Consul or other person acting as Consul for Italy, if the Head of the Government deem fit to direct such delivery, notwithstanding that, for the said offence, the accused shall not, in Italy, be entitled to a new trial *in contradictorio*.

5. The provisions of this Ordinance, and of any other extradition law in force in these islands, by which, for the surrender of an individual such evidence is required as, if the offence were committed in these islands, would be sufficient for the committal of the accused for trial, do not imply that the offence must necessarily be one which, if it were committed in these islands, would be within the competence of Her Majesty's Criminal Court.

6. Any individual who, having been condemned by a sentence of a Maltese tribunal, and having escaped before undergoing the punishment, shall be delivered by the Italian Government to the Government of these islands, shall directly be put to undergo the punishment aforesaid; saving always any proceeding to which there may be occasion in reference to the escape, whenever it shall have been effected by either of the aggravating circumstances referred to in Article 2 of this Ordinance.

7. Naturalization obtained in these islands or in any other part of Her Majesty's dominions, after the commission of the offence, shall not impede the arrest of the person accused or condemned, or his surrender, in virtue of the Ordinance above quoted. The surrender, however, may be refused by the Head of the Government, if five years have elapsed from the concession of naturalization to the said person, and the latter has from the date of that concession been domiciled within Her Majesty's dominions.

8. Whether the arrest shall have taken place in virtue of the Ordinance aforesaid, or in virtue of any other law in force in these islands, the Court of Judicial Police, whenever it shall have given a decision in consequence of which the individual arrested may be delivered to the State demanding his surrender, shall inform that individual that the delivery shall not be made before the expiration of 15 days to be reckoned from the day of the decision aforesaid, and that, within that period, he may appeal to Her Majesty's Criminal Court.

9. The appeal shall be made by a petition to the Criminal Court, containing a demand for the revocation of the decision aforesaid.

The petition must be presented in the Registry of the Court of Judicial Police; and it shall, by the Registrar thereof, not later than the following day, be transmitted, together with the Acts relating to the case, to the Registrar of the Criminal Court, who shall, without delay, forward a copy of the petition to the Crown Advocate.

10. When the day for the hearing of the case on the said petition shall have been appointed by the Criminal Court, notice thereof shall be given by the Registrar to the petitioner and to the Crown Advocate.

Except with the consent of the petitioner and of the Crown Advocate, the hearing shall not take place before the lapse of two working days from the day of that notice.

11. On the day fixed as above, and at the hour appointed by the Court, the petitioner shall be placed at the bar; and after hearing him, the Court shall hear the Crown Advocate, if he appears.

12. If the Criminal Court shall revoke the said decision, and if there shall be no other reason for the detention of the apprehended person, the same Court shall order that he be discharged.

13. Whenever the decision of the Court of Judicial Police shall be such as not to permit the surrender of the individual arrested to the Government demanding it, that Court shall, within 24 hours, transmit all the acts, with a copy of the decision, to the Crown Advocate, who may, within three working days, to be reckoned from the day of the receipt of those acts, appeal to Her Majesty's Criminal Court, by a petition accompanied by the decision and the acts aforesaid.

The individual arrested shall continue to be kept in confinement until the expiration of the said term, and, in case of appeal, until his discharge by the Criminal Court, provided the Crown Advocate shall not order his release before that time, on renouncing the appeal.

14. If the Criminal Court shall revoke the decision of the Court of Judicial Police, it shall make the declaration to which there may be occasion; and within 24 hours next after the decision of the Criminal Court, the Registrar of this Court shall transmit a copy thereof to the Head of the Government.

15. It shall be lawful for the Crown Advocate, as well as for the individual whose surrender is demanded, to produce, before the Criminal Court, even evidence which had not been produced before the Court of Judicial Police.

16. If the person who is to be surrendered to a foreign State in virtue of any law relating to extradition, except the Ordinance above quoted, be not surrendered within the period established by that law, the Criminal Court, presided by the Judge Ordinary, shall, on demand by the said person, by petition, order him to be discharged, unless the Crown Advocate shows, to the satisfaction of the Court, that the surrender has been delayed for a just cause.

A copy of that petition shall, by the Registrar, be forwarded to the Crown Advocate.

The order of the Court fixing the day for hearing the peti-



tioner shall be notified to him and to the Crown Advocate, at least one working day before the day fixed.

17. The individual discharged by the Court of Judicial Police, or by the Criminal Court, may again, on fresh evidence, be apprehended even for the same offence, for the purpose of being delivered up to the State demanding his surrender.

In such case, however, the provisions contained in the foregoing Articles shall also obtain.

18. The provisions of this Ordinance apply also to any individual who may, before the promulgation thereof, have escaped from the place wherein the offence, of which he is accused, or for which he was condemned, had been committed; saving always the provision of Article 9 of Ordinance No. I of 1863, in reference to persons who shall have resided in these islands since three years before the promulgation of that enactment.

Passed the Council of Government at Sitting No. 114  
May 19, 1880.

F. VELLA, *Clerk to the Council.*

Assented to this 28th day of May, 1880.

(L.S.) A. BORTON, *Governor.*

By command,  
VICTOR HOULTON, *Chief Secretary to Government.*

*ACT of the Government of Newfoundland, to repeal the Act for the Naturalization of Aliens, and to make other Provisions in lieu thereof.*

[Cap. 8.] — [Passed March 17, 1857.]

2. IT shall be lawful for the Governor, on the application of any alien resident in this Colony, to issue Letters Patent, under the Great Seal of this island, naturalizing such alien; and thereupon such alien, upon compliance with the provisions of this Act, shall become and be entitled to all the rights, privileges, and immunities, and subject to all the liabilities, of a natural-born subject of Her Majesty within the limits of this Colony.

3. Every alien receiving letters of naturalization shall, within 10 days thereafter, take and subscribe, in duplicate, before a Judge of the Supreme Court, the oath of allegiance, one copy of which oath shall be filed in the Secretary's office, and the other in the Registry of the Supreme Court.

ACT of the Government of Queensland, to consolidate and amend the Law relating to Aliens.

[31 Vict., No. 28.] — [Assented to December 28, 1867.]

*Privileges of Women.*

1. EVERY person now born or hereafter to be born out of Her Majesty's dominions of a mother being a natural-born subject of the United Kingdom of Great Britain and Ireland shall be capable of taking to him or her, or his or her heirs, executors, or administrators, any estate, real or personal, within the Colony of Queensland, by devise or purchase or inheritance or succession.

2. Any woman married or who shall be married to a natural-born subject or person naturalized, shall be deemed and taken to be herself naturalized, and have all the rights and privileges of a natural-born subject within the said Colony.

*Aliens in general.*

3. Every alien being the subject of a friendly State shall and may take and hold by purchase, gift, bequest, representation, or otherwise, every species of personal property, except chattels real, as fully and effectually, to all intents and purposes, and with the same rights, remedies, exemptions, privileges, and capacities as if he or she were a natural-born subject of the United Kingdom of Great Britain and Ireland.

4. Every alien now residing in, or who shall hereafter come to reside in, any part of the said Colony, and being the subject of a friendly State, may by grant, lease, demise, assignment, bequest, representation, or otherwise, take and hold any lands, houses, or other tenements for the purpose of residence or of occupation by him or her, or his or her servants, or for the purpose of any business, trade, or manufacture, for any term of years not exceeding 21 years, as fully and effectually to all intents and purposes, and with the same rights, remedies, exemptions, and privileges, except the right to vote at the elections of members of the Legislative Assembly of the said Colony, as if he were a natural-born subject of the United Kingdom of Great Britain and Ireland.

*European and North American Aliens.*

5. Any alien being a native of an European or North American State, and not being an alien enemy, who shall attend before one or more Justices of the Peace in petty sessions assembled, and take and subscribe the oath of allegiance to Her Majesty contained in the Schedule to this Act annexed, shall henceforth be a naturalized British subject within the meaning

of the laws now in force, and such Justice or Justices is or are hereby authorized and required to administer the said oath.

*Asiatic or African Aliens.*

6. No Asiatic or African alien shall be entitled to be naturalized as a British subject unless such alien shall be married and shall have resided in the Colony for a period of three years: Provided also that the wife of the said alien shall at the time of his being so naturalized reside within the Colony.

12. Upon obtaining the certificate, and taking and subscribing the oath of allegiance, every Asiatic or African alien now residing in, or who shall hereafter come to reside in, any part of the said Colony with intent to settle therein, shall enjoy all the rights and capacities within the said Colony which a natural-born subject of the United Kingdom of Great Britain and Ireland can enjoy or transmit, except that such alien shall not be capable of becoming a member of the Executive or Legislative Council or Legislative Assembly of the said Colony, or of enjoying such other rights and capacities, if any, as shall be specially excepted in and by the certificate to be granted in manner hereinbefore mentioned.

*General Provisions.*

15. All persons who shall have been naturalized, or who shall have obtained under due authority letters of denization before the passing of this Act, and who shall have resided in the said Colony during five successive years, shall be deemed entitled to and shall enjoy all such rights and capacities of British subjects within the said Colony as may be conferred on aliens by the provisions of this Act.

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ACT of the Government of *St. Vincent*, to alter the Law of Contracts with regard to Immigrants; so far as relates to the Naturalization of Aliens of African Descent.

[October 16, 1857.]

§ 17. EVERY immigrant of African descent, not being a British subject, who shall come for the purpose of settling within this Colony, from any part of the United States or of the British Provinces of North America, and who shall have entered or shall enter into contract as aforesaid, shall after three years' residence in this Colony, and on taking the oath of allegiance to Her Majesty before the Governor, in the presence of the

Secretary of the Colony, be entitled within this Colony to all the privileges of a natural-born British subject, and such Secretary shall enter in a register to be kept in his office, the name, sex, and age of every such immigrant taking the said oath, and the day when, and the vessel in which, such immigrant shall have arrived, and the party with whom such immigrant shall have entered into contract as aforesaid; and such register, or an extract therefrom certified by such Secretary, shall upon proof of the identity of such immigrant, be sufficient evidence of the right of such immigrant to the privileges aforesaid.

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BRITISH ORDER IN COUNCIL, *giving effect to the Extradition Ordinance of the Legislature of St. Vincent of 1880. Balmoral, August 6, 1880.*

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*At the Court at Balmoral, the 6th day of August, 1880.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

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WHEREAS by Section 18 of "The Extradition Act, 1870," it is among other things enacted:

[See Vol. 13. Page 1200.]

And whereas by an Ordinance enacted by the Legislature of St. Vincent, the short title of which is "The Extradition Ordinance (St. Vincent), 1880," it is provided that "all powers vested in and acts authorized or required to be done by a Police Magistrate or any Justice of the Peace in relation to the Surrender of Fugitive Criminals in the United Kingdom under 'The Extradition Acts, 1870 and 1873,' are thereby vested in and may in the Colony be exercised and done by any Police Magistrate in relation to the Surrender of Fugitive Criminals under the said Acts:"

And whereas it is further provided by the said Ordinance that the said Ordinance shall not come into operation until Her Majesty shall by Order in Council direct that the said Ordinance shall have effect within the Colony as if it were part of "The Extradition Act, 1870," but that the said Ordinance shall thereafter come into operation as soon as such Order in Council shall have been publicly made known in the Colony:

Now, therefore, Her Majesty, in pursuance of "The Extradition Act, 1870," and in exercise of the power in that behalf in the said Act contained, doth by this present Order, by and with the advice of Her Majesty's Privy Council, direct that the said

Ordinance shall have effect in the Colony of St. Vincent without modification or alteration, as if it were part of "The Extradition Act, 1870."

And the Right Honourable the Earl of Kimberley, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

*ACT of Parliament, to provide for the government of the Straits Settlements.*

[29 & 30 Vict., cap. 115.]

[August 10, 1866.]

WHEREAS the Islands and Territories known as the "Straits Settlements," namely, Prince of Wales' Island, the Island of Singapore, and the Town and Fort of Malacca, and their Dependencies, were heretofore part of the territories in the possession and under the government of the East India Company, and became vested in Her Majesty as a part of India by virtue and subject to the provisions of the Act of the 21st and 22nd year of Her Majesty, cap. 106, intituled "An Act for the better government of India:—" And whereas it is expedient that the said Settlements and their Dependencies should cease to form part of India, and should be placed under the government of Her Majesty as part of the Colonial Possessions of the Crown: And whereas it may be hereafter expedient to include the Colony of Labuan within the Government of the said Settlements: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. It shall be lawful for Her Majesty, by Order to be by her made with the advice of her Privy Council, to declare that this Act shall come into operation at a time to be specified in such Order in Council, and at such time the said Settlements shall cease to be part of India for the purposes and within the meaning of the aforesaid Act, and it shall be further lawful for Her Majesty by any such Order to make provision respecting the enforcement by or against the Government of the said Settlements of all or any of such debts, claims, and obligations as might, if this Act had not passed, have been enforced by or against the Government of India in connection with the administration of the said Settlements.

2. From and after the coming into operation of this Act, it shall be lawful for Her Majesty, by Order or Orders to be by her from time to time made, with the advice of her said Privy

\* See Vol. 10. Page 1092.

Council, to establish all such laws, institutions, and ordinances, and to constitute such Courts and officers, and to make such provisions and regulations for the proceedings in such Courts, and for the administration of justice, and for the raising and expenditure of the public revenue, as may be deemed advisable for the peace, order, and good government of Her Majesty's subjects and others within the said Settlements, or within any territory which may at any time be part of or dependent upon the same, any law, statute, or usage to the contrary in anywise notwithstanding.

3. It shall be lawful for Her Majesty, from time to time, by any Letters Patent under the Great Seal of the United Kingdom, or by any instructions under Her Majesty's signet and sign manual accompanying and referred to in any such Letters Patent, to delegate to any three or more persons within the said Settlements, or within any part or Dependency thereof, the powers and authorities so vested in Her Majesty in Council as aforesaid, either in whole or in part, and upon, under, and subject to all such conditions, provisoes, and limitations as by any such Letters Patent or instructions as aforesaid Her Majesty shall see fit to prescribe, and, subject as aforesaid, to empower such three or more persons to exercise in respect to the Island of Labuan and its Dependencies all or any of the powers and authorities hereinbefore vested in Her Majesty in respect to the said Settlements: Provided always, that, notwithstanding any such delegation or grant of authority as aforesaid, it shall still be competent to Her Majesty in Council in manner aforesaid to exercise all the powers and authorities, either by virtue of this Act or otherwise, vested in Her Majesty in Council.

4. Until otherwise provided by Her Majesty in Council, or by such three or more persons as aforesaid, all laws or regulations (except the aforesaid Act of Parliament) which, when this Act shall come into operation, shall be in force in the said Settlements and their Dependencies, and all proceedings of any Court of Justice had or to be had therein, shall be and continue to be of the same force and effect, and all judicial and other officers who, when this Act shall come into operation, shall be lawfully exercising their offices in the said Settlements and their Dependencies, shall continue to have and exercise the same functions and authorities therein, as if this Act had not been passed.

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*ACT of the Government of Tasmania for the Naturalization of Aliens.*

[25 Vict., No. 2.]

[November 30, 1861.]

1. EVERY person now born, or hereafter to be born, out of Her Majesty's dominions, of a mother being a natural-born subject of the United Kingdom, shall be capable of taking to him, his heirs, executors, or administrators, any estate within this Colony, real or personal, by devise or purchase, or inheritance of succession.

2. From and after the passing of this Act, every alien, being the subject of a friendly State, shall and may take and hold, by purchase, gift, bequest, representation, or otherwise, every species of personal property (except chattels real) within the Colony, as fully and effectually to all intents and purposes, and with the same rights, remedies, exemptions, privileges, and capacities as if he were a natural-born subject of the United Kingdom.

3. Every alien now residing in, or who hereafter comes to reside in, any part of the Colony, and being the subject of a friendly State, may, by grant, lease, demise, assignment, bequest, representation, or otherwise, take and hold any land, houses, or other tenements, for the purpose of residence or of occupation, by him or her, or his or her servants, for the purpose of any business, trade, or manufacture, for any term of years not exceeding 21 years, as fully and effectually to all intents and purposes, and with the same rights, remedies, exemptions and privileges (except the right to be a member of the Parliament of the Colony, and to vote at elections for members of Parliament), as if he were a natural-born subject of the United Kingdom.

4. Upon obtaining the certificate and taking the oath hereinafter prescribed, every alien now residing in, or who shall hereafter come to reside in, any part of the Colony, with intent to settle therein, shall enjoy all the rights and capacities which a natural-born subject of the United Kingdom can enjoy or transmit within the Colony, except such rights and capacities (if any) as are specially excepted in and by the certificate to be granted in manner hereinafter mentioned.

11. All persons who shall have been naturalized, or have taken out letters of denization, before the passing of this Act, and who shall have resided in the Colony during five successive years, shall be deemed entitled to, and shall enjoy, all such rights and capacities of British subjects as may be conferred on aliens by the provisions of this Act.

14. Any woman married, or who shall be married, to a natural-born subject or person naturalized, shall be deemed and taken to be herself naturalized, and have all the rights and privileges of a natural-born subject.

15. All hereditaments which have heretofore been held, disposed of, or transmitted by or through any alien, shall be deemed to have been lawfully holden, disposed of, and transmitted, and not to have been liable to escheat or forfeiture; and all hereditaments now held by any alien may be lawfully held, disposed of, and transmitted without being liable to escheat or forfeiture.

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BRITISH ORDER IN COUNCIL, *giving effect to the Extradition Ordinance of the Legislature of Tobago of 1880. Windsor, June 28, 1880.*

*At the Court at Windsor, the 28th day of June, 1880.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Earl Granville.

Lord Chamberlain.

Mr. Gladstone.

WHEREAS by Section 18 of "The Extradition Act, 1870," it is among other things enacted:

[See Vol. 13. Page 1200.]

And whereas by an Ordinance enacted by the Legislature of Tobago, the short title of which is, "The Extradition Ordinance of the Colony of Tobago, 1880," it is provided that "all powers vested in and acts authorized or required to be done by a Police Magistrate or any Justice of the Peace in relation to the surrender of fugitive criminals in the United Kingdom under 'The Extradition Acts, 1870 and 1873,' are thereby vested in and may in the Colony be exercised and done by any Police Magistrate in relation to the surrender of fugitive criminals under the said Acts:"

And whereas it is further provided by the said Ordinance that the said Ordinance shall not come into operation until Her Majesty shall, by Order in Council, direct that the said Ordinance shall have effect within the Colony as if it were part of "The Extradition Act, 1870," but that the said Ordinance shall thereafter come into operation as soon as such Order in Council shall have been publicly made known in the Colony:

Now, therefore, Her Majesty, in pursuance of "The Extradition Act, 1870," and in exercise of the power in that behalf in the said Act contained, doth by this present Order, by and with the advice of Her Majesty's Privy Council, direct that the said Ordinance shall have effect in the Colony of Tobago without modification or alteration, as if it were part of "The Extradition Act, 1870."



And the Right Honourable the Earl of Kimberley, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

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ACT of the Government of *Victoria*, to consolidate the Law relating to Aliens.

[28 Vict., No. 256.]

[May 9, 1865.]

3. NOTWITHSTANDING any law or usage to the contrary, every alien friend resident in *Victoria* may inherit or otherwise take by representation, acquire, and hold, either by grant from the Crown or otherwise, and may convey, assign, devise, bequeath, or otherwise dispose of every description of property, whether real or personal, in the same manner as if he were a natural-born subject of Her Majesty.

4. Every grant, conveyance, assignment, or will to or by any such alien friend, made prior to the coming into operation of this Act, shall be taken to be as valid and effectual as if it had been made to, or by, a natural-born subject of Her Majesty.

5. When any alien friend now residing in, or who shall hereafter reside within, *Victoria*, desires to be naturalized, if he be of good repute, and if he take the oath prescribed in the second Schedule hereto, the Governor in Council may, if he think fit, grant to him under the seal of the Colony letters of naturalization. Provided that no person to whom letters of naturalization have heretofore been, or shall hereafter be, granted, shall be capable of becoming a member of the Executive Council of *Victoria*, and that all such letters shall be, and be deemed to be, subject to the provisions of any laws now or hereafter to be in force relating to the qualifications of members of the Legislative Council and Legislative Assembly of *Victoria*, and to the qualifications and registrations of electors of members to serve in Parliament, and also subject to such conditions (if any) as the Governor may consider necessary or advisable.

6. When any alien woman in *Victoria* is married to any natural-born or naturalized subject of Her Majesty, such woman shall thereby become and be naturalized in and for *Victoria*.

9. When any person resident in *Victoria* has previously obtained any certificate of naturalization in any British Colony on the continents of Australia, Africa, or America, or in the Colony of Tasmania, or of New Zealand, and desires to be naturalized in *Victoria*, if he submit such certificate to the Governor in Council, and if he further state in his memorial as aforesaid that he is the person named in such certificate, and that the same has been obtained without any fraud or inten-

tional false statement, and that the signature and the seal (if any) thereto are to the best of his belief and knowledge genuine, the Governor in Council may at his discretion grant the letters of naturalization without requiring from the applicant any further residence in Victoria, or (if the applicant has previously taken a similar oath) the oath prescribed by this Act.

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BRITISH ORDER IN COUNCIL, *providing for the Appointment of an Assistant High Commissioner for the Western Pacific.* Balmoral, September 6, 1880.

*At the Court at Balmoral, the 6th day of September, 1880.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the Western Pacific Order in Council of 1877\* Her Majesty the Queen was pleased to create and constitute the office of High Commissioner in, over, and for certain islands and places in the Western Pacific Ocean, with such powers and jurisdiction as are in the said Order set forth:

And whereas by the Western Pacific Order in Council of 1879† Her Majesty was pleased, in Article 4 thereof, to order that whenever the High Commissioner has occasion to leave his ordinary place of official residence in order to visit any distant places within which he has jurisdiction as High Commissioner, he may appoint an Assistant High Commissioner to represent him during his absence:

And whereas it is expedient to amend and extend the provisions of Article 4 of the said Order of 1879:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by "The Pacific Islanders Protection Acts, 1872 and 1875," and by "The Foreign Jurisdiction Acts, 1843 to 1878," or otherwise, in Her Majesty vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered as follows:—

*Preliminary.*

1. This Order may be cited as the Western Pacific Order in Council of 1880; and the Western Pacific Orders in Council of 1877, 1879, and this Order may be cited together as the Western Pacific Orders in Council of 1877 to 1880.

2. This Order shall be read as if it were part of the Western Pacific Orders in Council of 1877 to 1879.

\* See Vol. 14. Page 871.

† See Vol. 14. Page 1245.

*Assistant High Commissioner.*

3. Article 4 of the Western Pacific Order in Council of 1879 is hereby revoked, but without prejudice to anything lawfully done thereunder.

4. (1.) Whenever the High Commissioner has occasion to leave his ordinary place of official residence in order to visit any distant places within which he has jurisdiction as High Commissioner, or at any other time, with the previous sanction of Her Majesty conveyed through the Secretary of State, he may, by an instrument under his hand and official seal, appoint a Judicial Commissioner, or some one of Her Majesty's Deputy Commissioners for the Western Pacific, to represent him in his Office of High Commissioner; and the person so appointed shall be styled the Assistant High Commissioner, and may, so long as his appointment remains in force, exercise all the powers and authorities of the High Commissioner, or so much thereof as is specified in the instrument appointing him.

(2.) Such appointment shall not affect the right of the High Commissioner to exercise his full power and authority in any place within his jurisdiction.

(3.) The High Commissioner may revoke any such appointment by a similar instrument; and every such appointment, if made on account of the absence of the High Commissioner, shall cease on his return to his ordinary place of official residence.

5. In this Order, and in the Western Pacific Orders in Council of 1877 and 1879, unless inconsistent with the context, the High Commissioner includes the person for the time being exercising any of the powers and authorities of the High Commissioner under the provisions of this Order, or of the Western Pacific Order in Council of 1877 or of 1879.

6. This Order shall commence and have effect on the 15th day of November, 1880, and shall be published in the "Royal Gazette of Fiji," and in such other manner as the High Commissioner thinks fit.

And the Right Honourable Earl Granville, Knight of Our Most Noble Order of the Garter, and the Right Honourable the Earl of Kimberley, two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

## HAYTI.

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BRITISH ORDER IN COUNCIL, *extending the British System of Tonnage Measurement to Haytian Vessels. Windsor, May 3, 1882.*

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*At the Court at Windsor, the 3rd day of May, 1882.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

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WHEREAS by "The Merchant Shipping Act Amendment Act, 1862" [cap. 63, § 60], it is enacted:

[See Vol. 11. Page 338.]

And whereas it has been made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant-ships now in force under "The Merchant Shipping Act, 1854,"\* have been adopted in Hayti by the Haytian Government:

Her Majesty is hereby pleased, by and with the advice of her Privy Council to direct that the ships of Hayti, the certificates of Haytian nationality and registry, or the certificates of measurement of which are dated on or after the 26th day of January, 1882, shall be deemed to be of the tonnage denoted in the said certificates of Haytian nationality and registry or certificates of measurement.

C. L. PEEL.

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## HONDURAS.

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DECREE of the Republic of Honduras, *respecting the Rights and Privileges of Aliens. Comayagua, March 6, 1866.*

(Translation.)

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ART. 1. It is conceded to all strangers who wish to live in Honduras to enjoy the same rights as the natives, in conformity with the laws to which all emigrants are subjected from the moment in which they acquire landed property.

2. The foreigner who, in five years from the date of his obtaining his letter of naturalization, has cultivated positively national land, establishing in it settled farms, shall hold it as his own property, having the right to take from other national

\* 17 & 18 Vict., cap. 104, §§ 20—29. See Vol. 14. Page 696.

lands which may be contiguous the things necessary for the improvement (*aprovechamientos*) of his farm.

3. Foreigners shall enjoy the privilege of exemption from military service for a period of 10 years, excepting in the case of the repelling of an invasion in a national war, and for four years they shall not be molested by any civil office or employment.

4. Foreigners who profess religions differing from the established and dominant one may exercise privately their services and form cemeteries for the burial of their dead.

5. Immigrants will not be liable during eight years to extraordinary taxes or levies, or to pay property tax for the introduction of machines, tools, or books for the practice of their sciences or industries.

6. The Executive Power will give exclusive privileges to foreign inventors and introducers of machines or useful means of transport not in use in the country.

7. Strangers free from responsibility shall always be able to dispose of their interests and leave the country according to their pleasure.

8. Foreigners who take lands or private "fincas" shall not pay a greater price or rent than that which is customary with the natives.

Comayagua, March 6, 1866.

JOSÉ MARIA MEDINA.

FRANCISCO CRUZ, *Secretary of State.*

## INDIA.

ACT of the Governor-General of India in Council, to give the Government certain powers with respect to Foreigners.

[No. 3.]

[February 12, 1864.]

1. THE following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say:—

The words "British India" shall denote the territories which are or may become vested in Her Majesty by the Statute 21 and 22 Victoria, cap. 106, entitled "An Act for the better government of India."<sup>\*</sup>

The words "Local Government" shall denote the persons authorized to administer the Executive Government in any part of British India, or the chief executive officer of any part

\* See Vol. 10. Page 1092.

of British India under the immediate administration of the Governor-General of India in Council, when such chief executive officer shall, by an order of the Governor-General of India in Council published in the "Gazette of India," be authorized to exercise the powers vested by this Act in a Local Government.

The word "foreigner" shall denote a person, not being either a natural-born subject of Her Majesty within the meaning of the Statute 3 and 4 William IV, cap. 85, Section 81, or a native of British India.\*

The words "the Magistrate of the district" shall denote the chief officer charged with the executive administration of a district and exercising the powers of a Magistrate, by whatever designation the chief officer charged with the executive administration is styled, or, in the absence of such officer from the station at which his Court is usually held, the senior officer at the station exercising the powers of a Magistrate as defined in the Code of Criminal Procedure.

The word "vessel" shall include anything made for the conveyance by water of human beings or property.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

2. If a question shall arise whether any person alleged to be a foreigner, and to be subject to the provisions of this Act, is a foreigner or not, or is or is not subject to the provisions of this Act, the onus of proving that such person is not a foreigner, or is not subject to the provisions of this Act, shall lie upon such person.

3. The Governor-General of India in Council may, by writing, order any foreigner to remove himself from British India, or to remove himself therefrom by a particular route to be specified in the order; and any Local Government may, by writing, make the like order with reference to any foreigner within the jurisdiction of such Government.

4. If any foreigner ordered to remove himself from British India, or ordered to remove himself therefrom by a particular

\* 3 & 4 William IV, cap. 85, § 81, 1833. And be it enacted that it shall be lawful for any natural-born subjects of His Majesty to proceed by sea to any port or place having a Custom-house establishment within the said territories, and to reside thereat, or to proceed to and reside in or pass through any part of such of the said territories as were under the government of the said Company on the 1st day of January, 1800, and in any part of the countries ceded by the Nabob of the Carnatic, of the Province of Cuttack, and of the Settlements of Singapore and Malacca, without any licence whatever; provided that all subjects of His Majesty not natives of the said territory shall, on their arrival in any part of the said territories from any port or place not within the said territories, make known in writing their names, places of destination, and objects of pursuit in India, to the Chief Officer of the Customs or other officer authorized for that purpose at such port or place as aforesaid.

route, shall neglect or refuse so to do; or if any foreigner, having removed himself from British India in consequence of an order issued under any of the provisions of this Act, or having been removed from British India under any of the said provisions, shall wilfully return thereto without a licence in writing granted by the Governor-General of India in Council or by the Local Government under whose order he shall have removed himself or been removed,—such foreigner may be apprehended and detained in safe custody until he shall be discharged therefrom by order of the Governor-General of India in Council, or of the Local Government within whose jurisdiction he shall be so apprehended or detained, upon such terms and conditions as the said Governor-General in Council or Local Government shall deem sufficient for the peace and security of British India, and of the allies of Her Majesty, and of the neighbouring Princes and States.

5. Whenever the Governor-General of India in Council shall consider it necessary to take further precautions in respect of foreigners residing or travelling in British India or any part thereof, it shall be lawful for the Governor-General of India in Council, by a notification published in the "Gazette of India," to order that the provisions of this and the subsequent sections of this Act shall be in force in British India, or in such part thereof as shall be specified in such notification, for such period as shall be therein declared; and thereupon, and for such period, the whole of this Act, including this and the subsequent sections, shall have full force and effect in British India or such part thereof as shall have been so specified. The Governor-General of India in Council may from time to time, by a notification published as aforesaid, cancel or alter any former notification which may still be in force, or may extend the period declared therein. Provided that none of the provisions of this or the subsequent sections of this Act shall extend to any foreign Minister duly accredited by his Government, to any Consul or Vice-Consul, to any person under the age of 14 years, or to any person in the service of Her Majesty.

6. Every foreigner on arriving in any part of British India in which all the provisions of this Act are for the time being in force under an order issued as provided in the last preceding section, from any port or place not within British India, or from any port or place within British India where all the provisions of this Act are not in force, shall, if he arrive at a Presidency town, forthwith report himself to the Commissioner of Police of such town, or if he arrive at any other place then he shall forthwith report himself to the Magistrate of the district, or to such other officer as shall be appointed to receive such reports by the Governor-General of India in Council, or by the Local Government of such place.

7. The report shall be in writing, and shall be signed by the person reporting himself, and shall specify his name or names, the nation to which he belongs, the place from which he shall have come, the place or places of his destination, the object of his pursuit, and the date of his arrival in such Presidency, town, or other place. The report shall be recorded by the officer to whom it is made.

8. The provisions of the last two preceding sections shall not extend to any person being the master or commander of a vessel, or employed therein; but if any such person shall be in any part of British India in which all the provisions of this Act are for the time being in force, after he shall have ceased to be actually employed in a vessel, he shall forthwith report himself in manner aforesaid.

9. If any foreigner shall neglect to report himself as required by this Act, he may be dealt with in the manner hereinafter provided in respect of foreigners travelling without a licence.

10. No foreigner shall travel in or pass through any part of British India in which all the provisions of this Act are for the time being in force without a licence.

11. Licences under this Act may be granted by the Governor-General of India in Council or by any of the Local Governments, under the signature of a Secretary to the Government of India or to such Local Government as the case may be, or by such other officers as shall be specially authorized to grant licences by the Governor-General of India in Council, or by any of the Local Governments.

12. Every such licence shall state the name of the person to whom the licence is granted, the nation to which he belongs, the district or districts through which he is authorized to pass or the limits within which he is authorized to travel, and the period (if any) during which the licence is intended to have effect.

13. The licence may be granted subject to such conditions as the Governor-General of India in Council or the Local Government may direct, or as the officer granting the licence may deem necessary. Any licence may be revoked at any time by the Governor-General of India in Council, or by the Local Government of any part of British India in which all the provisions of this Act are for the time being in force, and in which the foreigner holding the same may be, or by the officer who granted the licence.

14. If any foreigner travel in or attempt to pass through any part of British India without such licence as aforesaid, or beyond the districts or limits mentioned therein, or after such licence shall have been revoked, or shall violate any of the conditions therein specified, he may be apprehended without warrant by any officer exercising any of the powers of a Magistrate, or by any European commissioned officer in the



service of Her Majesty, or by any member of a volunteer corps enrolled by authority of Government whilst on duty, or by any police officer.

15. If any person be apprehended by a person not exercising any of the powers of a Magistrate and not being a police officer, he shall be delivered over as soon as possible to a police officer, and forthwith carried before the Magistrate of the district. Whenever any person shall be apprehended by or taken before the Magistrate of the district, such Magistrate shall immediately report the case to the Local Government to which he is subordinate, and shall cause the person brought before him to be discharged, or to be conveyed to one of the Presidency towns, or pending the orders of such Government to be detained.

16. Any person apprehended or detained under the provisions of this Act may be admitted to bail by the Magistrate of the district, or by any officer authorized to grant licences, and shall be put to as little inconvenience as possible during his detention in custody.

17. The Local Government of any part of British India in which all the provisions of this Act are for the time being in force may order any person apprehended or detained under the provisions of this Act to remove himself from any such part of British India, by sea or by such other route as the said Local Government may direct; or the said Local Government may cause him to be removed from such part of British India by such route and in such manner as to such Local Government shall seem fit. The Governor-General of India in Council may exercise all the powers given by this section to any Local Government.

18. The Governor-General of India in Council may by order prohibit any person or any class of persons not being natural-born subjects of Her Majesty within the meaning of the Statute 3 and 4 William IV, cap. 85, Section 81, from travelling in or passing through any part of British India in which all the provisions of this Act may for the time being be in force, and from passing from any part thereof to another without a licence to be granted by such officer or officers as shall be specified in the order; and if any person so prohibited shall wilfully disobey such order, he may be apprehended without warrant by any of the officers specified in Section 14 of this Act, and carried before the Magistrate of the district, and dealt with under the provisions of Section 17 in the same manner as if he were a foreigner: and the Governor-General of India in Council may order such person to be detained in safe custody or under the surveillance of the police so long as it may be deemed necessary for the peace and security of British India or any part thereof.

19. The Local Government of any Presidency or place in

which all the provisions of this Act may for the time being be in force may by order prohibit any person or any class of persons not being natural-born subjects of Her Majesty within the meaning of the Statute 3 and 4 William IV, cap. 85, Section 81, from travelling in or passing through such Presidency or place or any part thereof, and from passing from any part thereof to another, without a licence to be granted by such officer or officers as shall be specified in the order; and if any person so prohibited shall wilfully disobey such order, he may be apprehended without warrant by any of the officers specified in Section 14 of this Act, and carried before the Magistrate of the district, and dealt with under the provisions of Section 17 in the same manner as if he were a foreigner; and the Local Government may order such person to be detained in safe custody or under the surveillance of the police as long as it may be deemed necessary for the peace and security of British India or any part thereof.

20. It shall be lawful for the Commissioner of Police, or for the Magistrate of the district, or for any officer appointed to receive reports as mentioned in the 6th Section of this Act, or for any police officer under the authority of such Commissioner or Magistrate to enter any vessel in any port or place within British India in which all the provisions of this Act may for the time being be in force, in order to ascertain whether any foreigner bound to report his arrival under the said Section 6 of this Act is on board of such vessel; and it shall be lawful for such Commissioner of Police, Magistrate, or other officer as aforesaid, to adopt such means as may be reasonably necessary for that purpose; and the master or commander of such vessel shall also, before any of the passengers are allowed to disembark, if he shall be required so to do by such Commissioner of Police, Magistrate, or other officer as aforesaid, deliver to him a list in writing of the passengers on board, specifying the ports or places at which they embarked, and the ports or places of their disembarkation or intended disembarkation, and answer to the best of his knowledge all such questions touching the passengers on board the said vessel, or touching those who may have disembarked in any part of British India, as shall be put to him by the Commissioner of Police, Magistrate or other officer as aforesaid. If any foreigner on board such vessel in any part of British India shall refuse to give an account of his objects of pursuit in India, or if his account thereof shall not be satisfactory, the officer may refuse to allow him to disembark, or he may be dealt with in the same manner as a foreigner travelling in British India without a licence.

21. If the master or commander of a vessel shall wilfully give a false answer to any question which by Section 20 of this Act he is bound to answer, or shall make any false report, he

shall be held to have committed the offence specified in Section 177 of the Indian Penal Code.

22. If the master or commander of any vessel shall wilfully neglect or refuse to comply with the requisitions of this Act, he shall, on conviction before the Magistrate of the district or a Justice of the Peace, be liable to a fine not exceeding 2,000 rupees.

23. Whoever intentionally obstructs any officer in the exercise of any of the powers vested in him by this Act shall be held to have committed the offence specified in Section 186 of the Indian Penal Code.

24. All fines imposed under this Act may, according as they shall have been imposed for offences committed within or for offences committed beyond the limits of the towns of Calcutta, Madras, and Bombay, be recovered by a Magistrate of police or by the Magistrate of the district in the manner prescribed in Section 26 of Act 48 of 1860 (to amend Act 13 of 1856 for regulating the Police of the towns of Calcutta, Madras, and Bombay) [and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca].\*

25. The Governor-General of India in Council, or the Local Government of any part of British India in which this Act may for the time being be in force, may exempt any person or any class of persons, either wholly or partially, or temporarily or otherwise, from all or any of the provisions of this Act contained in any of the sections subsequent to Section 5, and may at any time revoke any such exemption.

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*ACT of the Governor-General of India in Council, to control Recruiting in British India for the Service of Foreign States.*

[No. 4.]

[February 24, 1874.]

2. In this Act "foreign State" includes any person or persons exercising or assuming to exercise the powers of government in or over any country, Colony, province, or people beyond the limits of British India.

3. If any person is, within the limits of British India, obtaining or attempting to obtain recruits for the service of any foreign State in any capacity, the Governor-General in Council may, by order in writing, signed by a Secretary to the Government of India, either prohibit such person from so doing, or permit him to do so, subject to any conditions which the Governor-General in Council thinks fit to impose.

4. The Governor-General in Council may from time to time,

\* Repealed by Act No. 12 of 1876.

by general order notified in the "Gazette of India," either prohibit recruiting for the service of any foreign State, or impose upon such recruiting any conditions which he thinks fit.

5. The Governor-General in Council may rescind or vary any order made under this Act in such manner as he thinks fit.

6. Whoever, in violation of the prohibition of the Governor-General in Council, or of any condition subject to which permission to recruit may have been accorded,—

(a.) Induces or attempts to induce any person to accept or agree to accept, or to proceed to any place with a view to obtaining, any commission or employment in the service of any foreign State, or

(b.) Knowingly aids in the engagement of any person so induced by forwarding or conveying him, or by advancing money, or in any other way whatever,—

shall be liable to imprisonment for a term which may extend to seven years, or to fine to such amount as the Court thinks fit, or to both.

7. Any offence against this Act may be inquired into and tried, as well in any district in which the person accused may be found as in any district in which it might be inquired into and tried under the provisions of the Code of Criminal Procedure.

*ACT of the Governor-General of India in Council, to regulate Fisheries in British Burmah.*

[No. 7.]

[February 23, 1875.]

WHEREAS the exclusive right of fishing in British Burma in such fisheries as are hereinafter mentioned belongs by the custom of the country to the Government:

And whereas it is expedient to provide for the protection of this right, and for conceding the enjoyment of it to the public or to individuals gratuitously, or in consideration of fees or rent, and subject to suitable restrictions and conditions:

It is hereby enacted as follows:—

*I.—Preliminary.*

1. This Act may be called "The Burma Fisheries Act, 1875:"

It extends to the territories for the time being under the administration of the Chief Commissioner of British Burma;

2. In this Act—

"Fish" includes also shell-fish:

“Fishery” means any collection of water, running or still, tidal or non-tidal, which is itself of a permanent nature, or is connected with some waters of a permanent nature, and in which fish or turtle may be found. It includes the sea;

“To fish” includes to catch turtle or collect their eggs; and

“Fixed engine” means any fixed implement or engine for catching or for facilitating the catching of fish, and includes a net secured by anchors, or otherwise temporarily fixed to the soil.

## II.—*Rights of Fishery.*

3. No right to fish in any fishery shall be deemed to have been acquired by the public or by any person either previously to the passing of this Act or subsequently thereto, except in one of the modes herein described:

But nothing herein contained shall be held, nor shall the giving of any grant, lease, licence or permission under this Act be held, to prevent the public from angling with a rod and line only in any fishery:

Provided that such angling may, in any case, with the previous sanction of the Chief Commissioner, be forbidden by a proclamation issued by the Deputy Commissioner of the district in which such fishery is situate for such time as may be fixed by such proclamation:

And nothing herein contained shall prejudice or derogate from any express grant of a right to fish heretofore made by the British Government.

4. The Deputy Commissioner of any district may, subject to such rules, conditions, and restrictions as may be prescribed by the Chief Commissioner in this behalf, dispose of the right of fishing in any fishery situate within his district, or specially placed under his charge by the Chief Commissioner, in any one of the following modes, that is to say,—

(a.) He may declare such fishery open to the public, or to the inhabitants of any town or village, or to any other class of persons:

(b.) He may lease the exclusive right of fishing in such fishery to any person; or

(c.) He may, where he has not disposed of the right of fishing in any of the foregoing modes, grant licences to any number of persons to use nets, traps, and other implements for fishing in such fishery,

And (subject as aforesaid) he may declare that any fishery shall cease to be a fishery for the purposes of this Act.

All such declarations, leases, and licences made and granted by the British Government before this Act comes into opera-

tion and then in force shall be deemed to have been respectively made and granted under this section.

5. All fees, rents, and other moneys due to Government in respect of any lease, licence, or permission granted under this Act, may be recovered in the manner prescribed by the law for the time being in force for the recovery of arrears of revenue.

### III.—*Erection of Weirs.*

6. No weir or other fixed obstruction, and no fixed engine tending to hinder the movements of fish, or to interfere with the flow of the water, or to impede navigation, shall be erected, placed, maintained, or used in any fishery, or in waters connected with any fishery, by a grantee or lessee, or by any other person whomsoever, without a special permission in that behalf under the hand of the Deputy Commissioner of the district in which such fishery is situate.

### IV.—*Penalties.*

7. Any person who commits any of the following offences (namely):—

- (a.) Fishes in any fishery not having a right to fish therein;
- (b.) Erects, places, maintains, or uses any fixed obstruction or fixed engine in a fishery, or in waters connected therewith, without being specially permitted to do so under Section 6;
- (c.) Puts or knowingly permits to be put, or causes or knowingly permits to flow, into any fishery, any solid or liquid matter to such an extent as to poison or kill, or to cause the water to poison or kill, fish;
- (d.) Interferes with, or makes any demand in consideration of, the lawful use of the water of any fishery for purposes unconnected with the taking of fish;

shall be punished, for a first offence, with imprisonment for a term not exceeding three months or a fine not exceeding 200 rupees, or both; and for a second offence, with imprisonment for a term not exceeding six months, or a fine not exceeding 500 rupees, or both.

And any obstruction or engine erected, placed, maintained, or used in contravention of Section 6, and any fish taken by means of such obstruction or engine, or otherwise in contravention of this Act, or of any rules made hereunder and for the time being in force, shall be forfeited.

And such obstruction or engine may be removed or taken possession of by the Deputy Commissioner or such person as he empowers in this behalf.

And the expense (if any) of such removal may be recovered from the person erecting, placing, maintaining, or using the obstruction or engine so removed, as if it was an arrear of revenue.

V.—*Subsidiary Rules.*

8. The Chief Commissioner may, from time to time, with the previous sanction of the Governor-General in Council, make rules for all or any of the following purposes:—

(a.) For the survey and demarcation of the limits of fisheries;

(b.) For the determining in which of the modes mentioned in Section 4 the right to fish in each fishery shall be disposed of;

(c.) For regulating the conditions on which, and the procedure by which, fisheries may be opened to the public or granted or let on lease to individuals;

(d.) For fixing the rates at which, and the conditions on which, licences to use implements for fishing may be granted;

(e.) For settling the terms and conditions on which permission to erect, place, maintain, or use fixed obstructions and engines in fisheries or waters connected therewith may be granted;

(f.) For making and maintaining free gaps in weirs; and generally to carry out the purposes of this Act.

9. The Chief Commissioner may, with the like sanction, in making any such rule, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding one month's imprisonment, or 200 rupees fine, or both.

10. All such rules shall be published in the "British Burma Gazette," and shall thereupon have the force of law.

*ACT of the Governor-General of India in Council, to regulate the Emigration of Native Labourers from the Presidency of Fort Saint George to the Straits Settlements; so far as relates to Contracts with Emigrants.*

[No. 5.]

[March 14, 1877.]

VI.—*Contracts with Emigrants.*

14. No contract made by a recruiter with a native of India to emigrate shall be enforceable by the recruiter or his principal unless it

(a.) Is expressed in writing;

(b.) Is executed by the recruiter on behalf of some principal in the Straits Settlements;

(c.) States the terms, if any, agreed on as to the redemption

of the recruit's engagement for employment, or of the unexpired term of such engagement ;

And unless

(d.) The term of the recruit's employment, the nature of the services to be performed by him, and the rate of wages to be paid in respect of the same, are registered in the manner provided in Section 18.

But nothing contained in this section shall be deemed to prevent such native from insisting, if he thinks fit, that such contract shall be performed.

15. Every such contract shall

(a.) Contain an engagement for employment to be provided by such principal for a definite term not exceeding three years; and

(b.) Specify the nature of the services to be performed by such recruit and the rates of wages (not less than 12 cents a day for an able-bodied male adult) payable in respect of the same.

16. Save as provided by Section 14, clause (c), every agreement entered into by a native of India in the territories subject to the Governor of Fort Saint George in Council, to pay money to any person in the Straits Settlements, in consideration of pecuniary or other assistance given to such native to emigrate, shall be illegal and void.

Every contract not containing the particulars required by Section 15 shall be illegal and void.

17. Every recruit who has entered into such a contract as aforesaid shall be brought by the recruiter before the Civil Surgeon of the district or such other medical officer as the Local Government appoints in this behalf or, in default of such appointment, before such medical officer as the Magistrate directs.

The medical officer shall thereupon examine the recruit, and shall either reject him or shall certify that he is in a fit state of health and able in point of physical condition to proceed to the Straits Settlements and to work there.

If it is intended that any persons shall accompany the recruit as his dependents, the recruiter shall also bring them before the medical officer for the purpose of obtaining certificates that they are in a fit state of health and able in point of physical condition to perform the journey to the Straits Settlements; and the medical officer shall examine such persons and shall give or refuse certificates according to his opinion as to their fitness and ability.

Certificates shall be in the form set forth in the second Schedule hereto annexed; and the recruiter shall pay to the medical officer such fee for each person so examined as the Local Government may from time to time prescribe.



18. Every certified recruit and every accompanying dependent shall appear with the recruiter before a Magistrate in the district within which the contract with the recruit was entered into.

The Magistrate shall thereupon inspect the instrument of contract and the medical certificate of the recruit, and shall, apart from the recruiter, examine the recruit with reference to his contract.

If it appears on such examination that the recruit understands the nature of the contract he has entered into, and that he is willing to fulfil the same, the Magistrate shall register

(a.) The name, the father's name, and the age of such recruit;

(b.) The name of the village or place in which he resides;

(c.) The port of embarkation to which it is intended he shall proceed;

(d.) The name of his employer;

(e.) The term of his employment, the nature of the services to be performed by him, and the rate of wages to be paid in respect of the same.

The recruit shall thereupon be deemed an emigrant under this Act.

If the Magistrate thinks that the recruit does not understand the nature of the contract into which he has entered, or has been induced to enter into it by fraud or misrepresentation, or finds that the contract is not in accordance with Section 15, he shall refuse to register the particulars specified as aforesaid, and record his reasons for such refusal.

19. On the appearance of any person claiming to be dependent on an emigrant, the Magistrate, after inspecting the medical certificate, shall, apart from the recruiter, examine such person if able to give intelligent answers to questions as to his dependence upon the emigrant whom he is about to accompany, and as to his willingness to accompany such emigrant.

If the Magistrate is satisfied that such dependence and willingness exist, he shall register the dependent as a dependent on such emigrant.

But if the Magistrate sees reason to doubt the existence of such dependence or willingness, he may refuse to register the alleged dependent, and, if so, shall record his reasons for such refusal.

20. The Magistrate shall furnish to every emigrant an authenticated copy on substantial paper of the matters registered under Sections 18 and 19.

21. A copy of every entry made in the registry-book by a Magistrate shall be forthwith forwarded by such Magistrate to the Emigration Agent and to the Protector of Emigrants.

22. The registration required by Sections 18 and 19 shall, in

the case of emigrants recruited in any local area for which a Protector of Emigrants has been appointed, be effected before him instead of a Magistrate; and such Protector shall furnish to the emigrant one copy of the matters so registered, and another copy of the same matters to the Emigration Agent.

23. For the registration of every recruit under Section 18, the recruiter shall pay to the Magistrate or to the Protector of Emigrants, as the case may be, such fee, not exceeding 1 rupee, as may be from time to time directed by the Local Government.

#### XI.—*Miscellaneous.*

49. Nothing in this Act shall apply to any contract with, or the emigration of, any native seaman or other person who of his own free will contracts to navigate or serve on board of any vessel, or who embarks on board such vessel in pursuance of such contract, or any person who contracts to serve as a menial servant only and who embarks as such menial servant.

52. Act No. 14 of 1872 (to exempt the Straits Settlements from "The Indian Emigration Act, 1871") is hereby repealed.

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ACT of the Governor-General of India in Council, to consolidate and amend the Law relating to Arms, Ammunition, and Military Stores; so far as relates to the Importation, Exportation, and Transportation of Arms.

[No. 11.]

[March 15, 1878.]

#### III.—*Import, Export, and Transport.*

6. No person shall bring or take by sea or by land into or out of British India any arms, ammunition, or military stores except under a licence, and in the manner and to the extent permitted by such licence.

Nothing in the first clause of this section extends to arms (other than cannon) or ammunition imported or exported in reasonable quantities for his own private use by any person lawfully entitled to possess such arms or ammunition; but the Collector of Customs or any other officer empowered by the Local Government in this behalf by name or in virtue of his office may at any time detain such arms or ammunition until he receives the orders of the Local Government thereon.

*Explanation.*—Arms, ammunition, and military stores taken from one part of British India to another, by sea or across intervening territory, not being part of British India, are taken out of and brought into British India within the meaning of this section.

7. Notwithstanding anything contained in "The Sea Customs Act, 1878," no arms, ammunition, or military stores shall be

deposited in any warehouse licensed under Section 16 of that Act without the sanction of the Local Government.

8. In lieu of the duties imposed by "The Indian Tariff Act, 1875," upon the articles mentioned in the second Schedule hereto annexed when imported by sea, there shall be levied and collected, in every part of British India, upon the same articles the duties specified in the same Schedule:

Provided that no duty in excess of 10 per cent. *ad valorem* shall be levied upon any of the said articles imported in reasonable quantity for his own private use by any person lawfully entitled to possess the same:

Provided also that when any articles which have been otherwise imported, and upon which duty has been levied or is leviable under this section, are purchased retail from the importer by a person lawfully entitled as aforesaid, in reasonable quantity for his own private use, the importer may apply to the Customs Collector for a refund or remission (as the case may be) of so much of the duty thereon as is in excess of 10 per cent. *ad valorem*; and if such Collector is satisfied as to the identity of the articles, and that such importer is in other respects entitled to such refund or remission, he shall grant the same accordingly.

9. The Governor-General in Council may from time to time, by notification in the "Gazette of India," direct that duties not exceeding those specified in the second Schedule hereto annexed shall be levied upon any articles mentioned in that Schedule and brought by land into any part of British India, and may in like manner cancel any such notification.

10. The Governor-General in Council may from time to time, by notification in the "Gazette of India,"—

(a.) Regulate or prohibit the transport of any description of arms, ammunition, or military stores over the whole of British India or any part thereof, either altogether or except under a licence and to the extent and in the manner permitted by such licence; and,

(b.) Cancel any such notification.

*Explanation.*—Arms, ammunition, or military stores transported at a port in British India are transported within the meaning of this section.

11. The Local Government, with the previous sanction of the Governor-General in Council, may, at any places along the boundary-line between British India and foreign territory, and at such distance within such line as it deems expedient, establish searching-posts at which all vessels, carts, and baggage-animals, and all boxes, bales, and packages in transit may be stopped and searched for arms, ammunition, and military stores by any officer empowered by such Government in this behalf by name or in virtue of his office.

12. When any person is found carrying or conveying any arms, ammunition, or military stores, whether covered by a licence or not, in such manner or under such circumstances as to afford just grounds of suspicion that the same are being carried by him with intent to use them, or that the same may be used for any unlawful purpose, any person may without warrant apprehend him and take such arms, ammunition, or military stores from him.

Any person so apprehended, and any arms, ammunition, or military stores so taken by a person not being a Magistrate or police officer, shall be delivered over as soon as possible to a police officer.

All persons apprehended by, or delivered to, a police officer, and all arms and ammunition seized by or delivered to any such officer under this section, shall be taken without unnecessary delay before a Magistrate.

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THE SECOND SCHEDULE.

(See Section 8.)

	Rs.	A.
(1) Fire-arms other than pistols, for each .. .. .	50	0
(2) Barrels for the same, whether single or double, for each .. .. .	30	0
(3) Pistols, for each .. .. .	15	0
(4) Barrels for the same, whether single or double, for each .. .. .	10	0
(5) Springs used for fire-arms, for each .. .. .	8	0
(6) Gun-stocks, sights, blocks and rollers, for each .. .. .	5	0
(7) Revolver-breeches, for each cartridge which they will carry .. .. .	2	8
(8) Extractors, nippers, heel-plates, pins, screws, tangs, bolts, thumb-pieces, triggers, trigger-guards, hammers, pistons, plates, and all other parts of a fire-arm not herein otherwise provided for, and all tools used for cleaning or putting together or loading the same, for each .. .. .	1	8
(9) Machines for making or loading or closing cartridges, for each .. .. .	10	0
(10) Machines for capping cartridges, for each .. .. .	2	8

*Exception.*—Articles falling under the 5th, 6th, 8th, 9th, or 10th head of this Schedule, when they appertain to a fire-arm falling under the 1st or 3rd head and are fitted into the same case with each fire-arm.

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ACT of the Governor-General of India in Council, to provide for the Trial of Offences committed in places beyond British India and for the Extradition of Criminals.

[No. 21.]

[November 14, 1879.]

WHEREAS by Treaty, capitulation, agreement, grant, usage, sufferance and other lawful means the Governor-General of India in Council has power and jurisdiction within divers places beyond the limits of British India; and whereas such power and

jurisdiction have, from time to time, been delegated to Political Agents and others acting under the authority of the Governor-General in Council; and whereas doubts having arisen how far the exercise of such power and jurisdiction, and the delegation thereof, were controlled by and dependent on the laws of British India, "The Foreign Jurisdiction and Extradition Act, 1872," was passed to remove such doubts, and also to consolidate and amend the law relating to the exercise and delegation of such power and jurisdiction, and to offences committed by British subjects beyond the limits of British India, and to the extradition of criminals; and whereas it is expedient to repeal that Act and re-enact it with the amendments hereinafter appearing: it is hereby enacted as follows:—

#### CHAPTER I.—*Preliminary.*

1. This Act may be called "The Foreign Jurisdiction and Extradition Act, 1879:"

It extends to the whole of British India;

To all native Indian subjects of Her Majesty beyond the limits of British India; and

To all European British subjects within the dominions of Princes and States in India in alliance with Her Majesty;

And it shall come into force on the passing thereof.

But nothing contained in this Act shall affect the provisions of any Law or Treaty for the time being in force as to the extradition of offenders; and the procedure provided by any such Law or Treaty shall be followed in every case to which it applies.

2. "The Foreign Jurisdiction and Extradition Act, 1872," is repealed; but all existing appointments, delegations, certificates, requisitions, and rules made, and all existing notifications, summonses, warrants, orders, and directions issued, under that Act shall, in so far as they are consistent herewith, be deemed to have been respectively made and issued hereunder.

3. In this Act, unless there is something repugnant in the subject or context,—

"Political Agent" means and includes—

(1.) The principal officer representing the British Indian Government in any territory or place beyond the limits of British India:

(2.) Any officer in British India appointed by the Governor-General in Council, or the Governor in Council of the Presidency of Fort St. George or Bombay, to exercise all or any of the powers of a Political Agent under this Act for any place not forming part of British India; and

"European British subject" means a European British subject as defined in the Code of Criminal Procedure.

CHAPTER II.—*Powers of British Officers in Places beyond British India.*

4. The Governor-General in Council may exercise any power or jurisdiction which he for the time being has within any country or place beyond the limits of British India, and may delegate the same to any servant of the British Indian Government, in such manner and to such extent as the Governor-General in Council from time to time thinks fit.

5. A notification in the "Gazette of India" of the exercise by the Governor-General in Council of any such power or jurisdiction, and of the delegation thereof by him to any person or class of persons, and of the rules of procedure or other conditions to which such persons are to conform, and of the local area within which their powers are to be exercised, shall be conclusive proof of the truth of the matters stated in the notification.

6. The Governor-General in Council may appoint any European British subject, either by name or by virtue of his office, in any such country or place, to be a Justice of the Peace; and every such Justice of the Peace shall have, in proceedings against European British subjects, or persons accused of having committed offences conjointly with such subjects, all the powers conferred by the Code of Criminal Procedure on Magistrates of the first class who are Justices of the Peace and European British subjects.

The Governor-General in Council may direct to what Court having jurisdiction over European British subjects any such Justice of the Peace is to commit for trial.

7. All Political Agents and all Justices of the Peace appointed before the 25th day of April, 1872, by the Governor-General in Council or the Governor in Council of the Presidency of Fort St. George or Bombay, in or for any such country or place as aforesaid, shall be deemed to be and to have been appointed, and to have and to have had jurisdiction, under the provisions of this Act.

8. The law relating to offences and to criminal procedure for the time being in force in British India shall, subject as to procedure to such modifications as the Governor-General in Council from time to time directs, extend—

(a.) To all European British subjects in the dominions of Princes and States in India in alliance with Her Majesty; and

(b.) To all native Indian subjects of Her Majesty in any place beyond the limits of British India.

CHAPTER III.—*Inquiries in British India into Crimes committed by British Subjects in Places beyond British India.*

9. When a European British subject commits an offence in the dominions of a Prince or State in India in alliance with Her Majesty, or

When a native Indian subject of Her Majesty commits an offence at any place beyond the limits of British India,

He may be dealt with in respect of such offence as if it had been committed at any place within British India at which he may be found :

Provided that no charge as to any such offence shall be inquired into in British India unless the Political Agent, if there be such, for the territory in which the offence is alleged to have been committed, certifies that, in his opinion, the charge is one which ought to be inquired into in British India :

Provided also that any proceedings taken against any person under this section which would be a bar to subsequent proceedings against such person for the same offence if such offence had been committed in British India shall be a bar against further proceedings against him under this Act in respect of the same offence at any place beyond the limits of British India.

10. Whenever any such offence as is referred to in Section 9 is being inquired into or tried, the Local Government may, if it thinks fit, direct that copies of depositions made or exhibits produced before the Political Agent or a judicial officer in or for the place in which such offence is alleged to have been committed shall be received as evidence by the Court holding such inquiry or trial in any case in which such Court might issue a commission for taking evidence as to the matters to which such depositions or exhibits relate.

CHAPTER IV.—*Extradition.*

11. When an offence has been committed or is supposed to have been committed in any State against the law of such State by a person not being a European British subject, and such person escapes into or is in British India, the Political Agent for such State may issue a warrant for his arrest and delivery at a place and to a person to be named in the warrant—

If such Political Agent thinks that the offence is one which ought to be inquired into in such State ;

And if the act said to have been done would, if done in British India, have constituted an offence against any of the sections of the Indian Penal Code mentioned in the Schedule

hereto annexed, or under any other section of the said Code, or any other law, which may, from time to time, be specified by the Governor-General in Council by a notification in the "Gazette of India."

12. Such warrant may be directed to the Magistrate of any district in which the accused person is believed to be, and shall be executed in the manner provided by the law for the time being in force with reference to the execution of warrants; and the accused person, when arrested, shall be forwarded to the place and delivered to the officer named in the warrant.

13. Such Political Agent may either dispose of the case himself, or, if he is generally or specially directed to do so by the Governor-General in Council, or by the Governor of the Presidency of Fort St. George in Council or by the Governor of the Presidency of Bombay in Council, may give over the person so forwarded, whether he be a native Indian subject of Her Majesty or not, to be tried by the ordinary Courts of the State in which the offence was committed.

14. Whenever a requisition is made to the Governor-General in Council or any Local Government by or by the authority of the persons for the time being administering the executive government of any part of the dominions of Her Majesty, or the territory of any foreign Prince or State, that any person accused of having committed an offence in such dominions or territory should be given up, the Governor-General in Council or such Local Government, as the case may be, may issue an order to any Magistrate who would have had jurisdiction to inquire into the offence if it had been committed within the local limits of his jurisdiction, directing him to inquire into the truth of such accusation.

The Magistrate so directed shall issue a summons or warrant for the arrest of such person, according as the offence named appears to be one for which a summons or warrant would ordinarily issue; and shall inquire into the truth of such accusation, and shall report thereon to the Government by which he was directed to hold the said inquiry. If, upon receipt of such report, such Government is of opinion that the accused person ought to be given up to the persons making such requisition, it may issue a warrant for the custody and removal of such accused person and for his delivery at a place and to a person to be named in the warrant.

The provisions of Section 10 shall apply to inquiries held under this section.

15. Whenever any person accused or suspected of having committed an offence out of British India is within the local limits of the jurisdiction of a Magistrate in British India, and it appears to such Magistrate that the Political Agent for any State could, under the provisions of Section 11, issue a warrant



for the arrest of such person, or that the persons for the time being administering the executive government of any part of the dominions of Her Majesty or the territory of any foreign Prince or State could demand his surrender, such Magistrate may, if he thinks fit, issue a warrant for the arrest of such person, on such information or complaint and such evidence as would, in his opinion, justify the issue of such a warrant if the offence had been committed within the local limits of his jurisdiction.

Any Magistrate issuing a warrant under this section shall, when the offence appears or is alleged to have been committed in a State for which there is a Political Agent, send immediate information of his proceedings to such Agent, and in other cases shall at once report his proceedings to the Local Government.

16. No person arrested on a warrant issued by a Magistrate under Section 15 shall be detained more than two months from the date of his arrest, unless within such period the Magistrate receives a warrant under Section 11 from the Political Agent for any State for the delivery of such person, or an order with reference to him under Section 14 from the Governor-General in Council or Local Government, or such person is in accordance with law delivered up to some foreign Prince or State.

At any time before the receipt of such a warrant or order the Magistrate, if he thinks fit, may, and the Magistrate if so directed by the Local Government shall, discharge the accused person.

17. The provisions of the Code of Criminal Procedure in respect of bail shall apply in the case of any person arrested under Section 15 in the same manner as if such person were accused of committing in British India the offence with which he is charged.

#### CHAPTER V.—*Miscellaneous.*

18. The Governor-General in Council may, from time to time, make rules to provide for—

(1.) The confinement, diet, and prison-discipline of British subjects, European or native, imprisoned by Political Agents under this Act;

(2.) The removal of accused persons under this Act, and their control and maintenance until such time as they are handed over to the persons named in the warrant as entitled to receive them; and

(3.) Generally to carry out the purposes of this Act.

19. The testimony of any witness may be obtained in relation to any criminal matter pending in any Court or

tribunal in the territory of any foreign Prince or State, in like manner as it may be obtained in relation to any civil matter under the Code of Civil Procedure, Chapter 25; and the provisions of that chapter shall be construed as if the term "suit" included a proceeding against a criminal:

Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

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### THE SCHEDULE.

*Sections of the Indian Penal Code referred to in Section 11.*

Sections 206, 208, and 224; sections 230 to 263, both inclusive; sections 299 to 304, both inclusive; sections 307, 310, and 311; sections 312 to 317, both inclusive; sections 323 to 333, both inclusive; sections 347 and 348; sections 360 to 373, both inclusive; sections 375 to 377, both inclusive; sections 378 to 414, both inclusive; sections 435 to 440, both inclusive; sections 443 to 446, both inclusive; sections 464 to 468, both inclusive; sections 471 to 477, both inclusive.

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## ITALY.

*TREATY of Commerce and Navigation between Great Britain and Italy.\* Signed at Rome, June 15, 1883.†*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the King of Italy, being desirous to extend and facilitate the relations of commerce between their respective subjects and dominions, have determined to conclude a new Treaty with this object, and they have appointed their respective Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, his Excellency the Right Honourable Sir Augustus Berkeley Paget, Knight Commander of the Most Honourable Order of the Bath, a Member of Her Majesty's Most Honourable Privy Council, and Her Ambassador Extraordinary and Plenipotentiary to His Majesty the King of Italy;

And His Majesty the King of Italy, his Excellency Signor

\* Signed also in the Italian language.

† Ratifications exchanged at Rome, June 30, 1883.

Pasquale Stanislao Mancini, Grand Cross and Grand Cordon of the Order of Saints Maurice and Lazarus and of the Crown of Italy, Knight of the Order of Civil Merit of Savoy, &c., Minister of State, Deputy of the National Parliament, and his Minister Secretary of State for Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ART. I. There shall be between the dominions and possessions of the two High Contracting Parties reciprocal freedom of commerce and navigation. The subjects of each of the two parties shall have liberty freely to come, with their ships and cargoes, to all places, ports, and rivers in the dominions and possessions of the other to which native subjects generally are or may be permitted to come, and shall enjoy respectively the same rights, privileges, liberties, favours, immunities, and exemptions in matters of commerce and navigation which are or may be enjoyed by native subjects, without having to pay any tax or impost greater than those paid by the same, and they shall be subject to the laws and regulations in force.

II. No other or higher duties shall be imposed on the importation into the dominions and possessions of Her Britannic Majesty of any article the produce or manufacture of the dominions and possessions of His Majesty the King of Italy, from whatever place arriving, and no other or higher duties shall be imposed on the importation into the dominions and possessions of His Majesty the King of Italy of any article the produce or manufacture of Her Britannic Majesty's dominions and possessions, from whatever place arriving, than on articles produced or manufactured in any other foreign country; nor shall any prohibition be maintained or imposed on the importation of any article the produce or manufacture of the dominions and possessions of either of the Contracting Parties into the dominions and possessions of the other, from whatever place arriving, which shall not equally extend to the importation of the like articles being the produce or manufacture of any other country. This last provision is not applicable to the sanitary and other prohibitions occasioned by the necessity of protecting the safety of persons or of cattle, or of plants useful to agriculture.

III. No other or higher duties or charges shall be imposed in the dominions and possessions of either of the Contracting Parties on the exportation of any article to the dominions and possessions of the other, than such as are or may be payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two Contracting Parties to the dominions and possessions of the

other, which shall not equally extend to the exportation of the like article to any other country.

IV. The subjects of each of the Contracting Parties shall enjoy, in the dominions and possessions of the other, exemption from all transit duties, and a perfect equality of treatment with native subjects in all that relates to warehousing, bounties, facilities, and drawbacks.

V. All articles which are or may be legally imported into the ports of the dominions and possessions of Her Britannic Majesty in British vessels may likewise be imported into those ports in Italian vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in British vessels; and reciprocally all articles which are or may be legally imported into the ports of the dominions and possessions of His Majesty the King of Italy in Italian vessels may likewise be imported into those ports in British vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Italian vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.

In the same manner there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid, and the same bounties and drawbacks allowed, in the dominions and possessions of either of the Contracting Parties on the exportation of any article which is or may be legally exported therefrom, whether such exportation shall take place in Italian or in British vessels, and whatever may be the place of destination, whether a port of either of the Contracting Parties or of any third Power.

VI. No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature, or under whatever denomination, levied in the name or for the profit of Government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country which shall not equally and under the same conditions be imposed in the like cases on national vessels in general. Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

VII. In all that regards the stationing, loading, and unloading of the vessels in the ports, basins, docks, roadsteads, harbours, or rivers of the dominions and possessions of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other

country; the intention of the Contracting Parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

VIII. The coasting trade is excepted from the provisions of the present Treaty; its regulation remains subject to the laws which are or shall be in force in the dominions and possessions of the Contracting Parties.

IX. Any ship of war or merchant-vessel of either of the Contracting Parties which may be compelled by stress of weather, or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to put to sea again, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandize in order to defray his expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the Contracting Parties should run aground or be wrecked upon the coasts of the other, such ship or vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including any which may have been cast into the sea, or the proceeds thereof if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Italian Consul-General, Consul, Vice-Consul, or Consular Agent in whose district the wreck or stranding may have taken place, upon being claimed by him within the period fixed by the laws of the country; and such Consuls, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all duties of Customs, unless cleared for consumption, in which case they shall pay the same rate of duty as if they had been imported in a national vessel.

In the case either of a vessel being driven in by stress of weather, run aground, or wrecked, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorized to interpose in order to afford the necessary assistance to their fellow-countrymen.

X. All vessels which, according to British law, are to be deemed British vessels, and all vessels which according to

Italian law are to be deemed Italian vessels, shall for the purposes of this Treaty be deemed British and Italian vessels respectively.

XI. The Contracting Parties agree that, in all matters relating to commerce and navigation, any privilege, favour, or immunity whatever which either Contracting Party has actually granted or may hereafter grant to the subjects or citizens of any other State shall be extended immediately and unconditionally to the subjects or citizens of the other Contracting Party; it being their intention that the trade and navigation of each country shall be placed in all respects by the other on the footing of the most favoured nation.

XII. It shall be free to each of the Contracting Parties to appoint Consuls-General, Consuls, Vice-Consuls, and Consular Agents to reside in the towns and ports of the dominions and possessions of the other. Such Consuls-General, Consuls, Vice-Consuls, and Consular Agents, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent. They shall enjoy all the facilities, privileges, exemptions, and immunities of every kind which are or shall be granted to Consuls of the most favoured nation.

XIII. The subjects of each of the Contracting Parties who shall conform themselves to the laws of the country—

1. Shall have full liberty, with their families, to enter, travel, or reside in any part of the dominions and possessions of the other Contracting Party.

2. They shall be permitted to hire or possess the houses, manufactories, warehouses, shops, and premises which may be necessary for them.

3. They may carry on their commerce either in person or by any agents whom they may think fit to employ.

4. They shall not be subject in respect of their persons or property, or in respect of passports, nor in respect of their commerce or industry, to any taxes, whether general or local, or to imposts or obligations of any kind whatever other or greater than those which are or may be imposed upon native subjects.

XIV. The subjects of each of the Contracting Parties in the dominions and possessions of the other shall be exempted from all compulsory military service whatever, whether in the army, navy, or national guard, or militia. They shall be equally exempted from all judicial and municipal functions whatever, other than those imposed by the laws relating to juries, as well as from all contributions, whether pecuniary or in kind, imposed as a compensation for personal service, and finally from every species of exaction or military requisition. The duties and charges connected with the ownership or leasing of lands

and other real property are, however, excepted, as well as all exactions or military requisitions to which all subjects of the country may be liable as owners or lessees of real property.

XV. The subjects of each of the Contracting Parties in the dominions and possessions of the other shall be at full liberty to exercise civil rights, and therefore to acquire, possess, and dispose of every description of property, movable and immovable. They may acquire and transmit the same to others, whether by purchase, sale, donation, exchange, marriage, testament, succession *ab intestato*, and in any other manner, under the same conditions as national subjects. Their heirs may succeed to and take possession of it, either in person or by procurators, in the same manner and in the same legal forms as subjects of the country.

In none of these respects shall they pay upon the value of such property any other or higher impost, duty, or charge than is payable by subjects of the country. In every case the subjects of the Contracting Parties shall be permitted to export their property, or the proceeds thereof if sold, freely and without being subjected on such exportation to pay any duty different from that to which subjects of the country are liable under similar circumstances.

XVI. The dwellings, manufactories, warehouses, and shops of the subjects of each of the Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws for subjects of the country.

The subjects of each of the two Contracting Parties in the dominions and possessions of the other shall have free access to the Courts of Justice for the prosecution and defence of their rights, without other conditions, restrictions, or taxes beyond those imposed on native subjects, and shall, like them, be at liberty to employ, in all causes, their advocates, attorneys, or agents from among the persons admitted to the exercise of those professions according to the laws of the country.

XVII. The subjects of each of the Contracting Parties shall have, in the dominions and possessions of the other, the same rights as native subjects in regard to patents for inventions, trade-marks, and designs, upon fulfilment of the formalities prescribed by law.

XVIII. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties, residing in the dominions and possessions of the other, shall receive from

the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

XIX. The stipulations of the present Treaty shall be applicable to all the Colonies and foreign Possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to—

India.  
 The Dominion of Canada.  
 Newfoundland.  
 The Cape.  
 Natal.  
 New South Wales.  
 Victoria.  
 Queensland.  
 Tasmania.  
 South Australia.  
 Western Australia.  
 New Zealand.

Provided always, that the stipulations of the present Treaty shall be made applicable to any of the above-named Colonies or foreign Possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative at the Court of Italy to the Italian Minister for Foreign Affairs, within one year from the date of the exchange of the ratifications of the present Treaty.

XX. The present Treaty shall come into force on the 1st July, 1883, and shall remain in force until the 1st February, 1892, and thereafter until the expiration of a year from the day in which one or other of the Contracting Parties shall have repudiated it.

Each of the Contracting Parties reserves, however, the right of causing it to terminate on the 1st January, 1888, upon six months' notice being given previously.

XXI. The present Treaty shall be ratified by the two Contracting Parties, and the ratifications thereof shall be exchanged at Rome as soon as possible.

In faith whereof the Plenipotentiaries of the Contracting Parties have signed the present Treaty in duplicate, in the English and Italian languages, and thereto affixed their respective seals.

Done at Rome, this 15th day of June, 1883.

(L.S.) A. B. PAGET.  
 (L.S.) P. S. MANCINI.



*PROTOCOL.*

At the moment of proceeding this day to the signature of the Treaty of Commerce and Navigation between Great Britain and Italy, the Plenipotentiaries of the two High Contracting Parties have declared as follows :

Any controversies which may arise respecting the interpretation or the execution of the present Treaty, or the consequences of any violation thereof, shall be submitted, when the means of settling them directly by amicable agreement are exhausted, to the decision of Commissions of Arbitration, and that the result of such arbitration shall be binding upon both Governments.

The members of such Commissions shall be selected by the two Governments by common consent, failing which each of the parties shall nominate an Arbitrator, or an equal number of Arbitrators, and the Arbitrators thus appointed shall select an Umpire.

The procedure of the arbitration shall in each case be determined by the Contracting Parties, failing which the Commission of Arbitration shall be itself entitled to determine it beforehand.

The undersigned Plenipotentiaries have agreed that this Protocol shall be submitted to the two High Contracting Parties at the same time as the Treaty, and that when the Treaty is ratified, the agreements contained in the Protocol shall also equally be considered as approved, without the necessity of a further formal ratification.

In faith whereof the two Plenipotentiaries have signed the present Protocol, and thereto affixed their respective seals.

Done at Rome, this 15th day of June, 1883.

(L.S.) A. B. PAGET.

(L.S.) MANCINI.

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## JOHANNA.

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*CONVENTION between Great Britain and Johanna for the Suppression of Slavery and the Slave Trade. Signed at Bambao, October 10, 1882.\**

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Highness Abdullah bin Selim, the

\* Ratified by Her Majesty, February 28, 1883.

Sultan of Johanna, being desirous to co-operate for the extinction of all Traffic in Slaves and the eventual abolition of slavery, have resolved to conclude a Convention for the purpose of attaining these objects, and with this view have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of Great Britain and Ireland, Frederic Holmwood, Esquire, Her Majesty's Consul for the dominions of the Sultan of Zanzibar, and Acting Consul for the Comoro Islands; and

His Highness the Sultan of Johanna, Abdallah bin Mohamed;

Who, after having communicated to each other their respective powers and full authority to negotiate, have agreed upon and concluded the following Articles:—

ART. I. The Sultan of Johanna engages to forbid the bringing or importing of slaves into Johanna, and undertakes to uphold this prohibition by law with the strictest vigilance. All persons coming or being brought into His Highness' dominions from henceforward are and shall be absolutely free.

II. The Sultan of Johanna authorizes British cruisers to seize all vessels belonging to his subjects, wherever found, with any slave or with slave-fittings on board, or in the event of there being reason to suspect that any vessel has recently carried slaves; all such seizures, including vessel, slaves, cargo, and any persons implicated in the violation of this Treaty, may be dealt with by the nearest or most convenient British authority having Admiralty jurisdiction, in accordance with the rules and instructions of his Government.

III. The Sultan of Johanna engages to prohibit from henceforward the sale, purchase, or transfer of slaves in his dominions (the transfer of slaves of deceased persons to their *bond fide* inheritors alone excepted).

IV. The Sultan of Johanna undertakes to appoint a Registrar, who shall keep a register of all slaves in his dominions, with the names of their masters, and of such transfers as may take place in accordance with Article III of this Convention. All slaves not so registered within six months from the date of this Convention shall be entitled to freedom.

V. The Sultan of Johanna engages to appoint special times for hearing any complaints which slaves may desire to bring before him, and to allow any slave who may suffer injustice or ill-treatment from, or with the connivance of, his master, to appeal personally to him, and, in the event of any complaint of ill-treatment or gross injustice being proved, such slave shall be freed forthwith.

VI. The Sultan of Johanna accords to the British Consul or any Consular officer who may be authorized by him to visit His Highness' dominions, the right to visit all places in the

country, and to inspect all plantations therein; also to have free access to the register of slaves, with liberty to hear all complaints of slaves, and to call before him the complainants or any other slaves he may desire to examine, together with their masters and such witnesses as he may require, His Highness deputing a disinterested and competent person, with authority, to assist him in such inquiries. And in event of such Consul or Consular officer finding sufficient proof that any slave is by the terms of this Convention entitled to manumission he may free him forthwith.

VII. And, furthermore, the Sultan of Johanna engages, after a fixed period, namely, from the 4th day of August, 1889, totally to abolish slavery within his dominions, and he undertakes to promulgate a Law, the text of which shall be annexed to this Treaty, ordaining that the institution of slavery shall cease to exist within his dominions on the said 4th day of August, 1889, from which date all persons in the country shall be absolutely free.

VIII. And Abdullah bin Selim, the Sultan of Johanna, hereby engages and declares that this Convention is and shall be binding upon himself and upon his heirs and successors.

IX. The present Treaty shall be ratified and shall come into operation after its ratification by Her Majesty the Queen of England is received by the Sultan of Johanna, or notice thereof is given to him.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done at Bambao, Johanna Island, this 10th day of October, 1882.

(L.S.) FRED<sup>c</sup>. HOLMWOOD.

(L.S.) ABDALLAH BIN MOHAMED.

This Treaty is ratified.

(L.S.) S. ABDULLAH.

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ANNEX (A).

(Translation.)

We, Abdullah bin Selim, Sultan of Johanna, in accordance with the terms of a Treaty entered into this day between Her Majesty the Queen of England and ourself, do ordain as follows:—

1. That the importation or bringing of slaves into our dominions is henceforward prohibited, and any person violating this Law shall be liable to penal servitude and forfeiture of property.

2. That the sale, purchase, or transfer of slaves within our dominions is from this day wholly forbidden (except only the

transfer of the slaves of deceased persons to their legal inheritors). Henceforward any slave sold or transferred, with the above exception, shall thereby become entitled to freedom.

3. Every owner of slaves shall, without delay, come to our Registrar, and shall register every slave he may possess. Any slaves not so registered by their owners within six months from the date of this Decree shall be entitled to freedom. And every slave transferred by virtue of the 2nd clause of this Decree shall be registered within one month of such transfer. In Patsy and any place in quarantine on account of sickness the time for registration may be extended until six months after removal of quarantine.

(L.S.) S. ABDULLAH.

Dated 10th October, 1882.

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ANNEX (B).

(Translation).

We, Abdullah bin Selim, Sultan of Johanna, in confirmation of a Convention we have entered into with Her Majesty the Queen of England, have ordained and do order as follows:—

1. That after a period of seven years from this time, namely, on the (English date) 4th day of August, 1889—the corresponding Mahomedan date will be hereafter promulgated—slavery shall cease to exist within our dominions, and all persons, old and young, of every degree, age, and nationality, shall become and be absolutely free therein.

This Decree to become law, and to be published throughout our country, so soon as we receive the note of ratification.

(L.S.) S. ABDULLAH.

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BRITISH ORDER IN COUNCIL, *for the execution of the Slave Trade Convention with Johanna of October 10, 1882. Balmoral, November 6, 1883.*

*At the Court at Balmoral, the 6th day of November, 1883.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

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WHEREAS by an Act passed in the 37th year of Her Majesty's reign, chapter 88, intituled "The Slave Trade Act, 1873,"\* it was, amongst other things, provided that where any Treaty in relation to the Slave Trade is made after the passing of

\* See Vol. 14. Page 717.

that Act, by or on behalf of Her Majesty, with any foreign State, Her Majesty may, by Order in Council, direct that as from such date, not being earlier than the date of the Treaty, as may be specified in the Order, such Treaty shall be deemed to be an existing Slave Trade Treaty within the meaning of the Act, and it was further provided that thereupon (as from the said date, or, if no date should be specified, as from the date of such Order) all the provisions of the Act should apply and be construed accordingly:

And whereas on the 10th day of October, 1882, a Treaty or Convention for the suppression of the African Slave Trade was concluded between Her Majesty and His Highness the Sultan of Johanna, in the following terms, that is to say:

[Here follows the Convention. See Page 783.]

And whereas it is expedient that the said Treaty or Convention should be brought within the operation of "The Slave Trade Act, 1873:"

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf as aforesaid, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:—

The said Treaty or Convention hereinbefore recited shall, from the said 10th day of October, 1882, being the day of the date thereof, be deemed to have been and to be an existing Slave Trade Treaty within the meaning of "The Slave Trade Act, 1873."

And the Lords Commissioners of Her Majesty's Treasury, the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lord Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

## LIBERIA.

SWISS NOTIFICATION *of the Accession of Liberia to the Universal Postal Union of June 1, 1878. Berne, September 27, 1878.*

(Circulaire.)

*Le Conseil Fédéral Suisse au Ministère des Affaires Étrangères*  
à

EN conformité de l'Article XVIII de la Convention de Paris du 1<sup>er</sup> Juin, 1878,\* concernant l'Union Postale Universelle, le

\* See Vol. 14. Page 1014.

Conseil Fédéral Suisse a l'honneur d'informer son Excellence M. le Ministre des Affaires Etrangères de , &c. :

1. Que la République de Libéria a déclaré, par voie diplomatique, adhérer à cette Convention, et conséquemment aussi au Règlement d'exécution y relatif :

2. Que le Gouvernement Suisse, conformément à l'Article XVIII précité, s'est entendu avec les Représentants de la République de Libéria, dûment autorisés à cet effet, savoir, M. le Consul-Général Carrance, à Bordeaux, et M. le Consul Huard, à Paris, sur les points suivants :—

(a.) La République de Libéria percevra, comme équivalents, en conformité de l'Article IV du Règlement d'exécution à la Convention de Paris, concernant l'Union Postale Universelle :

Pour 25 centimes.....	5 cents (d'Amérique) ;
„ 10 „ .....	2 „ „
„ 5 „ .....	1 „ „

(b.) Quant à la part contributive aux frais du Bureau International des Postes (Art. XXVIII du Règlement d'exécution précité), la République de Libéria sera dans la 7<sup>m</sup>e classe.

Le Conseil Fédéral Suisse saisit, &c.

Au nom du Conseil Fédéral Suisse :

HAMMER, *Vice-President.*

SCHIESS, *Chancelier de la Confédération.*

## LUXEMBURG.

*DECLARATION between Russia and Luxembourg, recording the Accession of Luxembourg to the International Telegraphic Convention of <sup>1874</sup> July, 1875.\* Signed at Luxembourg, January 12, 1876; and at St. Petersburg, January 26, 1876.*

SA Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, ayant accédé pour le Grand-Duché à la Convention Télégraphique Internationale, conclue à St. Pétersbourg le  $\frac{1}{2}$  Juillet, 1875, par la Déclaration d'Accession dont la teneur suit :—

“Le Ministre d'État Président du Gouvernement, vu l'Arrêté Royal Grand Ducal du 6 Janvier, 1876, No. 24, déclare que Sa Majesté le Roi Grand Duc, après avoir eu communication de la Convention Télégraphique Internationale conclue à St. Pétersbourg le  $\frac{1}{2}$  Juillet, 1875, usant du droit réservé par l'Article XVIII de cette Convention aux États non-signataires, accède

\* See Vol. 14. Page 95.

pour le Grand-Duché de Luxembourg à la dite Convention Télégraphique Internationale, laquelle est censée insérée mot à mot dans la présente Déclaration, et s'engage formellement envers Sa Majesté l'Empereur de Toutes les Russies et les autres Hautes Parties Contractantes à concourir de son coté à l'exécution des stipulations contenues dans la dite Convention Télégraphique.

“En foi de quoi le Soussigné dûment autorisé à cet effet par l'Arrêté Royal Grand Ducal ci-dessus visé, a signé la présente Déclaration d'Accession, et y a apposé le sceau de ses armes.

“Fait à Luxembourg, le 12 Janvier, 1876.

(L.S.) “F. DE BLOCHAUSEN.”

Le Chancelier de l'Empire de Russie, dûment autorisé, déclare que le Gouvernement Impérial accepte formellement la dite accession tant en son nom qu'au nom des autres Hautes Puissances Contractantes, et s'engage à exécuter envers Sa Majesté le Roi Grand Duc toutes les stipulations contenues dans la dite Convention.

En foi de quoi le Soussigné a signé la présente Déclaration, et l'a revêtu du cachet de ses armes.

Fait à St. Pétersbourg, le 14 Janvier, 1876.

(L.S.) GORTCHACOW.

## MADAGASCAR.

ORDER by the Queen of Madagascar, restricting newly-freed Mozambiques from being shipped on board Arab Dhows Antananarivo, June 21, 1877.

(Translation.)

To the Governors, the Officers, the Soldiers, the Judges, the Flag-Officers, and the Princes :

Thus says Ranavalomanjaka, Queen of Madagascar, &c. :

This is what I declare unto you concerning all the Mozambiques that are here in my country and kingdom, they have without exception become my Ambaniandro (free subjects).

Therefore, the Arabs, Banyans, and Comorese, cannot take out of my country and kingdom, across the seas, any of the Mozambiques, even though they may say that they have hired them ; and the reason why I forbid this is, lest any of the Arabs, Banyans (Silamo), or Comorese (Karana), should be evil-disposed and sell in other countries the Mozambiques from my country and kingdom, which, should it happen, would cause me much sorrow. We cannot send people across the seas to be sold as slaves,

Take good heed to these my words, for if any of the Mozambiques belonging to my country are put on board ship by the Arabs, Banyans, or the Comorese, and taken to sea by them, I will account you guilty, and condemn you according to the law.

Therefore take very good heed of these my words. Says,  
 RANAVALOMANJAKA, *Queen of Madagascar, &c.*

This is an Edict of Her Majesty Ranavalomanjaka, Queen of Madagascar. Says,

RAINILAIARIVONY, *Prime Minister and Commander-in-chief.*

May the grace of God be upon the Sovereign.

Antananarivo, 12 Alakaosy (June 21), 1877.

## MOHILLA.

CONVENTION *between Great Britain and Mohilla for the Suppression of Slavery and the Slave Trade. Signed at Doani, October 24, 1882.\**

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and Sultan Abder Rhaman bin Saeed, Sultan of Mohilla, being desirous to co-operate for the extinction of all Traffic in Slaves and the eventual abolition of slavery, have resolved to conclude a Convention for the purpose of attaining these objects, and with this view have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of Great Britain and Ireland, Frederic Holmwood, Esquire, Her Majesty's Consul for the dominions of the Sultan of Zanzibar, and Acting Consul for the Comoro Islands; and

The Sultan of Mohilla, Abood bin Sivandin al Moali;

Who, having communicated to each other their respective powers and full authority to negotiate, have agreed upon and concluded the following Articles:—

ART. I. The Sultan of Mohilla engages to forbid the bringing or importing of slaves into Mohilla, and undertakes to uphold this prohibition by law with the strictest vigilance. All persons coming or being brought into his dominions from henceforward are and shall be absolutely free.

II. The Sultan of Mohilla authorizes British cruizers to seize all vessels belonging to his subjects, wherever found, with any

\* Ratified by Her Majesty, February 28, 1883.



slave or with slave-fittings on board, or in event of there being reason to suspect that any vessel has recently carried slaves; all such seizures, including vessel, slaves, cargo, and any persons implicated in the violation of this Treaty, may be dealt with by the nearest or most convenient British authority having Admiralty jurisdiction, in accordance with the rules and instructions of his Government.

III. The Sultan of Mohilla engages to prohibit from henceforward the sale, purchase, or transfer of slaves in his dominions (the transfer of slaves of deceased persons to their *bond fide* inheritors alone excepted).

IV. The Sultan of Mohilla undertakes to appoint a Registrar who shall keep a register of all slaves in his dominions, together with the names of their masters, and of such transfers as may take place in accordance with Article III of this Convention. All slaves not so registered within six months from the date of this Convention shall be entitled to freedom.

V. The Sultan of Mohilla engages to appoint special times for hearing any complaints which slaves may desire to bring before him, and to allow any slave who may suffer injustice or ill-treatment from, or with the connivance of, his master, to appeal personally to him, and in event of any complaint of ill-treatment or gross injustice being proved, such slave shall be freed forthwith.

VI. The Sultan of Mohilla accords to the British Consul, or to any Consular officer who may be authorized by him to visit his dominions, the right to visit all places in the country, and to inspect all plantations therein; also to have free access to the register of slaves, with liberty to hear all complaints of slaves, and to call before him the complainants or any other slaves he may desire to examine, together with their masters and such witnesses as he may require, the Sultan deputing a disinterested and competent person, with authority to assist him in such inquiries, and, in event of the Consul or such Consular officer finding sufficient proof that any slave is by the terms of this Convention entitled to manumission he may free him forthwith.

VII. And, furthermore, the Sultan of Mohilla engages, after a fixed period, namely, from the 4th day of August, 1889, totally to abolish slavery throughout his dominions, and he undertakes to promulgate a Law, the text of which shall be annexed to this Treaty, ordaining that the institution of slavery shall cease to exist within his dominions on the said 4th day of August, 1889, from which date all persons in the country shall be absolutely free.

VIII. And Abder Rhaman bin Saeed, Sultan of Mohilla, hereby engages and declares that this Convention is and shall be binding upon himself and upon his heirs and successors.

IX. The present Treaty shall be ratified and shall come into operation when notification is made to the Sultan of Mohilla of its ratification by Her Majesty the Queen.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done at Doani, Mohilla Island, this 24th day of October, 1882.

(L.S.) FRED<sup>c</sup>. HOLMWOOD.

(L.S.) [Signature of Abood bin Sivandin  
al Moali, in Arabic.]

This Treaty is ratified.

(L.S.) [Signature of the Sultan of Mohilla,  
in Arabic.]

#### ANNEX (A).

(Translation.)

I, Abder Rhaman bin Saeed, Sultan of Mohilla, in accordance with the terms of a Treaty entered into this day between Her Majesty the Queen of England and myself, do ordain as follows:—

1. That the importation or bringing of slaves into my country is henceforward prohibited, and any person violating this Law shall be liable to penal servitude and forfeiture of property.

2. That the sale, purchase, or transfer of slaves within my dominions is from this day wholly forbidden (except only the transfer of the shares of deceased persons to their legal inheritors). Henceforward any slave sold or transferred, with the above exception, shall thereby become entitled to freedom.

3. Every owner of slaves shall, without delay, come to my Registrar, and shall register every slave he may possess. Any slaves not so registered by their owners within six months from the date of this Decree shall be entitled to freedom. And every slave transferred by virtue of the 2nd clause of this Decree shall be registered within one month of such transfer.

(L.S.) ABDER RHAMAN BIN SAEED.

Dated 24th October, 1882.

#### ANNEX (B).

(Translation.)

I, Abder Rhaman bin Saeed, Sultan of Mohilla, in conformity with a Convention I have entered into with Her Majesty the Queen of England, have ordained and do ordain as follows:—

1. That after a period of seven years from this time,

namely, on the 4th day of August, 1889—the corresponding Mahomedan date will be hereafter promulgated—slavery shall cease to exist within my dominions, and all persons, old and young, of every degree, age, and nationality therein, shall become and be absolutely free.

(L.S.) ABDER RHAMAN BIN SAEED.

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BRITISH ORDER IN COUNCIL, *for the execution of the Slave Trade Convention with Mohilla of October 24, 1882. Balmoral, November 6, 1883.*

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*At the Court at Balmoral, the 6th day of November, 1883.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

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WHEREAS by an Act passed in the 37th year of Her Majesty's reign, chapter 88, intituled "The Slave Trade Act, 1873,"\* it was amongst other things provided, that where any Treaty in relation to the Slave Trade is made after the passing of that Act by or on behalf of Her Majesty with any foreign State, Her Majesty may, by Order in Council, direct that as from such date, not being earlier than the date of the Treaty, as may be specified in the Order, such Treaty shall be deemed to be an existing Slave Trade Treaty within the meaning of the Act, and it was further provided that thereupon (as from the said date, or, if no date should be specified, as from the date of such Order) all the provisions of the Act should apply and be construed accordingly:

And whereas on the 24th day of October, 1882, a Treaty or Convention for the suppression of the African Slave Trade was concluded between Her Majesty and the Sultan of Mohilla, in the following terms, that is to say:

[Here follows the Convention. See Page 790.]

And whereas it is expedient that the said Treaty or Convention should be brought within the operation of "The Slave Trade Act, 1873:"

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf as aforesaid, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:—

The said Treaty or Convention hereinbefore recited shall from the said 24th day of October, 1882, being the day of the date thereof, be deemed to have been and to be an existing

\* See Vol. 14. Page 717.

Slave Trade Treaty within the meaning of "The Slave Trade Act, 1873."

And the Lords Commissioners of Her Majesty's Treasury, the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

## NETHERLANDS.

CONVENTION *between Great Britain, Belgium, Denmark, France, Germany, and the Netherlands, for regulating the Police of the North Sea Fisheries. Signed at the Hague, May 6, 1882.*

[Ratifications deposited at the Hague, March 15, 1884.\*]

Sa Majesté la Reine du Royaume Uni de la Grande-Bretagne et d'Irlande; Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; Sa Majesté le Roi des Belges; Sa Majesté le Roi de Danemark; le Président de la République Française; et Sa Majesté le Roi des Pays-Bas, ayant reconnu la nécessité de régler la police de la pêche dans la Mer du Nord, en dehors des eaux territoriales, ont résolu de conclure à cet effet une Convention, et ont nommé pous leurs Plénipotentiaires, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande-Bretagne et d'Irlande, l'Honorable William Stuart, Compagnon du Très Honorable Ordre du Bain, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye; Mr. Charles Malcolm Kennedy, Compagnon du Très Honorable Ordre du Bain, &c., Directeur du Bureau Commercial au Ministère des Affaires Étrangères; et Mr. Charles Cecil Trevor, Membre du Barreau, Secrétaire-Adjoint au Board of Trade, &c.;

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, M. Veit Richard von Schmidthals, Conseiller de Légation, son Chargé d'Affaires à La Haye, &c.; et M. Peter Christian Kinch Donner, son Conseiller d'État, Capitaine de Vaisseau en retraite, &c.;

Sa Majesté le Roi des Belges, M. le Baron d'Anethan, son Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye, &c.; et M. Léopold Orban, son Envoyé Extraordinaire et Ministre Plénipotentiaire, Directeur-Général de la Politique au Département des Affaires Étrangères, &c.;

\* It was agreed on the 15th of March, 1884, that the Convention should be put into operation two months after that date. See Note, Page 800.

Sa Majesté le Roi de Danemark, M. Carl Adolph Bruun, Capitaine de la Marine, &c. ;

Le Président de la République Française, M. le Comte Lefebvre de Béhaine, Envoyé Extraordinaire et Ministre Plénipotentiaire de la République Française à La Haye, &c. ; et M. Gustave Émile Mancel, Commissaire de la Marine, &c. ;

Sa Majesté le Roi des Pays-Bas, Jonkheer Willem Frederik Rochussen, son Ministre des Affaires Étrangères, &c. ; et M. Eduard Nicolaas Rahusen, Président du Comité des Pêches Maritimes, &c. ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les dispositions de la présente Convention, qui a pour objet de régler la police de la pêche dans la Mer du Nord, en dehors des eaux territoriales, sont applicables aux nationaux des Hautes Parties Contractantes.

II. Les pêcheurs nationaux jouiront du droit exclusif de pêche dans le rayon de 3 milles, à partir de la laisse de basse mer, le long de toute l'étendue des côtes de leurs pays respectifs, ainsi que des îles et des bancs qui en dépendent.

Pour les baies, le rayon de 3 milles sera mesuré à partir d'une ligne droite, tirée en travers de la baie, dans la partie la plus rapprochée de l'entrée, au premier point où l'ouverture n'excédera pas 10 milles.

Le présent Article ne porte aucune atteinte à la libre circulation reconnue aux bateaux de pêche, naviguant ou mouillant dans les eaux territoriales, à la charge par eux de se conformer aux règles spéciales de police édictées par les Puissances Riveraines.

III. Les milles mentionnés dans l'Article précédent sont des milles géographiques de 60 au degré de latitude.

IV. Pour l'application des dispositions de la présente Convention, les limites de la Mer du Nord sont déterminées comme suit :—

1. Au nord par le parallèle du 61° degré de latitude ;

2. A l'est et au sud :—

(1.) Par les côtes de la Norvège entre le parallèle du 61° degré de latitude et le Phare de Lindesnaes (Norvège) ;

(2.) Par une ligne droite tirée du Phare de Lindesnaes (Norvège) au Phare de Hanstholm (Danemark) ;

(3.) Par les côtes du Danemark, de l'Allemagne, des Pays-Bas, de la Belgique et de la France jusqu'au Phare de Griz Nez.

3. A l'ouest :—

(1.) Par une ligne droite tirée du Phare de Gris Nez (France) au feu le plus est de South Foreland (Angleterre) ;

(2.) Par les côtes orientales de l'Angleterre et de l'Écosse ;

(3.) Par une ligne droite joignant Duncansby Head (Écosse) à la pointe sud de South Ronaldsha (Iles Orcades);

(4.) Par les côtes orientales des Iles Orcades;

(5.) Par une ligne droite joignant le feu de North Ronaldsha (Iles Orcades) au feu de Sumburgh Head (Iles Shetland);

(6.) Par les côtes orientales des Iles Shetland;

(7.) Par le méridien du feu de North Unst (Iles Shetland) jusqu'au parallèle du 61<sup>e</sup> degré de latitude.

V. Les bateaux de pêche des Hautes Parties Contractantes sont enregistrés d'après les règlements administratifs des différents pays. Pour chaque port il y a une série continue de numéros, précédés d'une ou plusieurs lettres initiales indiquées par l'autorité supérieure compétente.

Chaque Gouvernement établira un Tableau portant indication des dites lettres initiales.

Ce Tableau, ainsi que toutes les modifications qui pourraient y être ultérieurement apportées, devront être notifiés aux autres Puissances Contractantes.

VI. Les bateaux de pêche portent la lettre ou les lettres initiales de leur port d'attache et le numéro d'enregistrement dans la série des numéros de ce port.

VII. Le nom de chaque bateau de pêche, ainsi que celui du port auquel il appartient, sont peints à l'huile, en blanc sur un fond noir, sur l'arrière de ce bateau, en caractères qui devront avoir au moins 8 centim. de hauteur et 12 millim. de trait.

VIII. La lettre ou les lettres et les numéros sont placés sur chaque côté de l'avant du bateau, à 8 ou 10 centim. au-dessous du plat-bord, d'une manière visible et apparente. Ils sont peints à l'huile en couleur blanche sur un fond noir.

Néanmoins, la distance ci-dessus indiquée n'est pas obligatoire pour les bateaux d'un faible tonnage sur lesquels il n'y aurait pas de place suffisante au-dessous du plat-bord.

Les dimensions de ces lettres et de ces numéros sont, pour les bateaux de 15 tonneaux et au-dessus, de 45 centim. de hauteur sur 6 centim. de trait.

Pour les bateaux au-dessous de 15 tonneaux, ces dimensions sont de 25 centim. de hauteur sur 4 centim. de trait.

La même lettre ou les mêmes lettres et numéros sont également placés sur chaque côté de la grande voile du bateau, immédiatement au-dessus de la dernière bande de ris; ils sont peints à l'huile: en noir, sur les voiles blanches ou tannées; en blanc, sur les voiles noires.

La lettre ou les lettres et numéros portés sur les voiles ont un tiers de plus de dimension dans tous les sens que ceux placés sur l'avant des bateaux.

IX. Les bateaux de pêche ne peuvent avoir, soit sur les parois extérieurs, soit sur les voiles, d'autres noms, lettres, ou

numéros que ceux qui font l'objet des Articles VI, VII, et VIII de la présente Convention.

X. Il est défendu d'effacer, d'altérer, de rendre méconnaissables, de couvrir, ou de cacher, par un moyen quelconque, les noms, lettres, et numéros placés sur les bateaux et sur les voiles.

XI. La lettre ou les lettres et le numéro affectés à chaque bateau sont portés sur les canots, bouées, flottes principales, chaluts, grappins, ancres, et en général sur tous les engins de pêche appartenant au bateau.

Ces lettres et ces numéros sont de dimensions suffisantes pour être facilement reconnus. Les propriétaires de filets ou autres instruments de pêche peuvent, en outre, les marquer de tels signes particuliers qu'ils jugent utile.

XII. Le patron de chaque bateau doit être porteur d'une pièce officielle, dressée par les autorités compétentes de son pays, qui lui permette de justifier de la nationalité du bateau.

Ce document indique obligatoirement la lettre ou les lettres et le numéro du bateau ainsi que sa description, et le nom ou les noms, ou la raison sociale de son propriétaire.

XIII. Il est défendu de dissimuler par un moyen quelconque la nationalité du bateau.

XIV. Il est défendu à tout bateau de pêche de mouiller, entre le coucher et le lever du soleil, dans les parages où se trouvent établis des pêcheurs aux filets dérivants.

Toutefois, cette défense ne s'applique pas à des mouillages qui auraient lieu par suite d'accidents ou de toute autre circonstance de force majeure.

XV. Il est défendu aux bateaux arrivant sur les lieux de pêche de se placer ou de jeter leurs filets de manière à se nuire réciproquement ou à gêner les pêcheurs qui ont déjà commencé leurs opérations.

XVI. Toutes les fois que, pour pêcher avec les filets dérivants, des bateaux pontés et des bateaux non-pontés commenceront en même temps à mettre leurs filets à la mer, ces derniers les jetteront au vent des autres.

Les bateaux pontés doivent, de leur côté, jeter leurs filets sous le vent des bateaux non-pontés.

En général, lorsque des bateaux pontés jettent leurs filets au vent des bateaux non-pontés déjà en pêche, et lorsque des bateaux non-pontés jettent leurs filets sous le vent de bateaux pontés déjà en pêche, la responsabilité des avaries causées aux filets incombe à ceux qui se sont mis en pêche les derniers, à moins qu'ils n'établissent qu'il y a cas de force majeure ou que le dommage ne provient pas de leur faute.

XVII. Il est défendu de fixer ou de mouiller des filets où tout autre engin de pêche dans les parages où se trouvent établis des pêcheurs aux filets dérivants.

XVIII. Il est interdit à tout pêcheur d'amarrer ou de tenir

son bateau sur les filets, bouées, flottes, ou toute autre partie de l'attirail de pêche d'un autre pêcheur.

XIX. Lorsque des pêcheurs au chalut se trouvent en vue de pêcheurs aux filets dérivants ou à la ligne de fond, ils doivent prendre les mesures nécessaires pour éviter tout préjudice à ces derniers ; en cas de dommage, la responsabilité encourue incombe aux chalutiers, à moins qu'ils ne prouvent soit un cas de force majeure, soit que la perte subie ne provient pas de leur faute.

XX. Lorsque des filets appartenant à des pêcheurs différents viennent à se mêler, il est défendu de les couper sans le consentement des deux parties.

Toute responsabilité cesse si l'impossibilité de séparer les filets par d'autres moyens est prouvée.

XXI. Lorsqu'un bateau pêchant aux cordes croise ses lignes avec celles d'un autre bateau, il est défendu à celui qui les lève de les couper, à moins de force majeure, et dans ce cas la corde coupée doit être immédiatement renouée.

XXII. Sauf les cas de sauvetage et ceux prévus par les deux Articles précédents, il est défendu à tout pêcheur de couper, de crocher, ou de soulever, sous quelque prétexte que ce soit, les filets, lignes, et autres engins qui ne lui appartiennent pas.

XXIII. Il est interdit d'employer tout instrument ou engin servant exclusivement à couper ou à détruire les filets.

La présence à bord d'engins de cette nature est également défendue.

Les Hautes Parties Contractantes s'engagent à prendre les mesures nécessaires pour en empêcher l'embarquement à bord des bateaux de pêche.

XXIV. Les bateaux pêcheurs ont à observer les règles générales relatives aux feux adoptées, ou qui seront adoptées, d'un commun accord par les Hautes Parties Contractantes, en vue de prévenir les abordages.

XXV. Tout bateau de pêche, tout canot, tout objet d'armement ou de grément de bateau de pêche, tout filet, ligne, bouée, flotte, ou instrument quelconque de pêche marqué ou non marqué, qui aura été trouvé ou recueilli en mer doit, aussitôt que possible, être remis aux autorités compétentes dans le premier port de retour ou de relâche du bateau sauveteur.

Ces autorités informent le Consul ou Agent Consulaire de la nation du bateau sauveteur et de celle du propriétaire des objets trouvés. Elles rendent ces objets aux propriétaires ou à leurs représentants, dès qu'ils ont été réclamés et que les droits des sauveteurs sont dûment garantis.

Les autorités administratives ou judiciaires, selon la législation des différents pays, fixent l'indemnité que les propriétaires doivent payer aux sauveteurs.



Il demeure entendu que cette disposition ne porte aucune atteinte aux Conventions déjà en vigueur sur cette matière, et que les Hautes Parties Contractantes se réservent la faculté de régler entre elles, par des arrangements spéciaux, le montant d'une allocation fixe à allouer par filet retrouvé.

Les engins de pêche de toute nature trouvés sans marque sont considérés comme épaves.

XXVI. La surveillance de la pêche sera exercée par des bâtiments de la marine militaire des Hautes Parties Contractantes; en ce qui concerne la Belgique, ces bâtiments pourront être des navires de l'État, commandés par des capitaines commissionnés.

XXVII. L'exécution des règles qui concernent le document justificatif de la nationalité, la marque et le numérotage des bateaux, &c., et des engins de pêche, ainsi que la présence à bord des instruments prohibés (Articles VI, VII, VIII, IX, X, XI, XII, XIII, et XXIII, § 2), est placée sous la surveillance exclusive des bâtiments croiseurs de la nation du bateau pêcheur.

Toutefois les commandants des bâtiments croiseurs se signaleront mutuellement les infractions aux dites règles commises par les pêcheurs d'une autre nation.

XXVIII. Les bâtiments croiseurs de toutes les Hautes Parties Contractantes sont compétents pour constater toutes les infractions aux règles prescrites par la présente Convention, autres que celles indiquées dans l'Article XXVII, et tous les délits se rapportant aux opérations de pêche, quelle que soit, d'ailleurs, la nation à laquelle appartiennent les pêcheurs qui commettent ces infractions.

XXIX. Lorsque les commandants des bâtiments croiseurs ont lieu de croire qu'une infraction aux mesures prévues par la présente Convention a été commise, ils peuvent exiger du patron du bateau auquel une contravention est ainsi imputée d'exhiber la pièce officielle justifiant de sa nationalité. Mention sommaire de cette exhibition est faite immédiatement sur la pièce produite.

Les commandants des bâtiments croiseurs ne peuvent pousser plus loin leur visite ou leur recherche à bord d'un bateau pêcheur qui n'appartient pas à leur nationalité, à moins, toutefois, que cela ne soit nécessaire pour relever les preuves d'un délit ou d'une contravention relative à la police de la pêche.

XXX. Les commandants des bâtiments croiseurs des Puissances Signataires apprécient la gravité des faits de leur compétence, parvenus à leur connaissance, et constatent le dommage, quelle qu'en soit la cause, éprouvé par les bateaux de pêche appartenant aux Hautes Parties Contractantes.

Ils dressent, s'il y a lieu, procès-verbal de la constatation

des faits, telle qu'elle résulte tant des déclarations des parties intéressées que du témoignage des personnes présentes.

Si le cas lui semble assez grave pour justifier cette mesure, le commandant d'un bâtiment croiseur aura le droit de conduire le bateau en contravention dans un port de la nation du pêcheur. Il pourra même prendre à son bord une partie des hommes de l'équipage pour les remettre entre les mains des autorités de la nation du bateau.

XXXI. Le procès-verbal prévu à l'Article précédent est rédigé dans la langue du commandant du bâtiment croiseur et suivant les formes en usage dans son pays.

Les inculpés et les témoins ont le droit d'y ajouter ou d'y faire ajouter, dans leur propre langue, toute mention ou témoignage qu'ils croiront utile. Ces déclarations devront être dûment signées.

XXXII. La résistance aux prescriptions des commandants des bâtiments croiseurs chargés de la police de la pêche ou de ceux qui agissent d'après leurs ordres sera, sans tenir compte de la nationalité du croiseur, considérée comme résistance envers l'autorité nationale du bateau pêcheur.

XXXIII. Lorsque le fait imputé n'est pas de nature grave, mais que néanmoins il a occasionné des dommages à un pêcheur quelconque, les commandants des bâtiments croiseurs peuvent concilier à la mer les intéressés et fixer l'indemnité à payer, s'il y a consentement des parties en cause.

Dans ce cas, si l'une des parties n'est pas en mesure de s'acquitter immédiatement, les commandants font signer en double expédition par les intéressés un acte réglant l'indemnité à payer.

Un exemplaire de cette pièce reste à bord du croiseur; l'autre est remis au patron en crédit, afin qu'il puisse au besoin s'en servir devant les Tribunaux du débiteur.

Dans le cas, au contraire, où il n'y aurait pas consentement des parties, les commandants agiront conformément aux dispositions de l'Article XXX.

XXXIV. La poursuite des délits et contraventions prévus dans la présente Convention aura lieu au nom de ou par l'État.

XXXV.\* Les Hautes Parties Contractantes s'engagent à

\* The following Protocol was signed, March 15, 1884:—

*Protocole de la Séance tenue le 15 Mars, 1884, au Ministère des Affaires Étrangères.*

Les Soussignés, Envoyés Extraordinaires et Ministres Plénipotentiaires de Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, de Sa Majesté le Roi des Belges, de la République Française, et de Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes, et le Soussigné, Ministre des Affaires Étrangères de Sa Majesté le Roi des Pays-Bas, autorisé à représenter en même temps à cette occasion le Gouvernement de Sa Majesté le Roi de Danemark, s'étant réunis le 15 Mars, 1884, au Ministère des Affaires Étrangères à La Haye, à l'effet de procéder au dépôt des actes de ratification de la Convention signée à La Haye le 6 Mai,

proposer à leurs Législatures respectives les mesures nécessaires pour assurer l'exécution de la présente Convention, et notamment pour faire punir soit de l'emprisonnement, soit de l'amende, soit de ces deux peines, ceux qui contreviendront aux dispositions des Articles VI à XXIII inclusivement.

XXXVI. Toutes les fois que des pêcheurs de l'un des pays contractants se seront livrés à des voies de fait contre les pêcheurs d'une autre nationalité, ou leur auront causé volontairement des dommages ou des pertes, les Tribunaux du pays auquel appartiendront les bateaux des délinquants seront compétents pour les juger.

La même règle est applicable en ce qui concerne les délits et contraventions prévus par la présente Convention.

XXXVII. La procédure et le jugement des contraventions aux dispositions de la présente Convention ont toujours lieu aussi sommairement que les lois et règlements en vigueur le permettent.

XXXVIII. La présente Convention sera ratifiée. Les ratifications seront échangées à La Haye dans le plus bref délai possible.

XXXIX. La présente Convention sera mise à exécution à partir du jour dont les Hautes Parties Contractantes conviendront.

Elle restera en vigueur pendant cinq années à dater de ce jour, et, dans le cas où aucune des Hautes Parties Contractantes n'aurait notifié 12 mois avant l'expiration de la dite période de cinq années son intention d'en faire cesser les effets, elle continuera à rester en vigueur une année, et ainsi de suite d'année en année. Dans le cas, au contraire, où l'une des Puissances Signataires dénoncerait la Convention, celle-ci sera maintenue entre les autres Parties Contractantes, à moins qu'elles ne la dénoncent également.

1882, ayant pour objet de régler la police de la pêche dans la Mer du Nord, en dehors des eaux territoriales, et pour signer le Protocole relatif à ce dépôt, le Ministre de France a déclaré que tout en adhérant au terme convenu pour la mise en vigueur de la dite Convention, le Gouvernement de la République maintient la réserve contenue dans l'Article 24 de la Loi du 15 Janvier, 1884, ainsi conçu :—

“ La mise en vigueur de la présente Loi sera provisoirement suspendue jusqu'au moment où les autres Puissances Signataires de la Convention du 6 Mai, 1882, auront édicté les pénalités prévues à l'Article XXXV de cette Convention.”

Les autres Soussignés ont déclaré lui donner acte de cette déclaration.

VON ALVENSLEBEN.

BARON D'ANETHAN.

(Pour le Gouvernement de Danemark),

VAN DER DOES DE WILLEROIS.

LOUIS LEGRAND.

W. STUART.

VAN DER DOES DE WILLEBOIS.

## ARTICLE ADDITIONNEL.

Le Gouvernement de Sa Majesté le Roi de Suède et de Norvège aura la faculté d'adhérer à la présente Convention, pour la Suède et pour la Norvège, soit ensemble, soit séparément.

Cette adhésion sera notifiée au Gouvernement des Pays-Bas et par celui-ci aux autres Gouvernements Signataires.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets.

Fait à La Haye en six exemplaires, le 6 Mai, 1882.

(L.S.) W. STUART.  
 (L.S.) C. M. KENNEDY.  
 (L.S.) C. CECIL TREVOR.  
 (L.S.) V. SCHMIDTHALS.  
 (L.S.) CHR. DONNER.  
 (L.S.) B<sup>on</sup>. A. D'ANETHAN.  
 (L.S.) LÉOPOLD ORBAN.  
 (L.S.) C. BRUN.  
 (L.S.) C<sup>te</sup>. LEFÈVRE DE BÉHAIN.  
 (L.S.) EM. MANCEL.  
 (L.S.) ROCHUSSEN.  
 (L.S.) E. N. RAHUSEN.

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 PORTUGAL.
 

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PORTUGUESE CIRCULAR, *enjoining Observance of the Law of April 29, 1875,\* respecting Libertos. Lisbon, January 8, 1877.*

His Majesty the King, through his Secretary of State for the Colonies, &c., recommends to the special attention of the Governor-General of Mozambique the strictest and most vigorous observance of the provisions of the rules laid down by the Law of the 29th April, 1875, which abolishes the servile condition in the Colonies, especially with regard to the transport of labourers or servants ("serviçaes"—those serving) in vessels of every nationality.

JOÃO DE ANDRADE CORVO.

The Palace, January 8, 1877.

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\* See Vol. 14. Page 432.

PROCLAMATION *of the Governor-General of Mozambique, prohibiting the Madagascar Slave Trade from that Province. Mozambique, May 26, 1877.*

(Translation.)

I, GENERAL JOSÉ GUEDES DE CARVALHO E MENEZES, of the Council of His Majesty the King of Portugal, Governor-General of the Province of Mozambique, inform all the Sheikhs, the greater and the lesser Chiefs, dwelling in the Province of Mozambique, that His Majesty the King of Portugal, in accord with Her Britannic Majesty, has resolved now and for ever to put an end to the status of slavery and to the illicit and disgraceful Traffic in Slaves in all his dominions, as already the Khedive and the Sultan of Zanzibar have prohibited it in their States.

And, in obedience to the peremptory orders of the same august Senhor, I am prepared to pursue and prosecute all those persons who, in contravention of the Royal orders, which it is my duty to enforce, engage in, or in any way support, such an inhuman Traffic by entertaining and favouring the Arabs and Moors who are in the habit of visiting this coast for the purpose of procuring people and conveying them to Madagascar and other places reduced into the state of slavery.

And this I make known that it may reach the hearing of all, and that it may be observed as it is commanded.

Mozambique, May 26, 1877.

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PORTUGUESE DECREE, *approving Regulations for the Contracts of Servants and Colonists in Portuguese Africa. Lisbon, November 21, 1878.*

(Translation.)

WHEREAS the draft Regulations respecting the contracting of servants and colonists in the provinces of Portuguese Africa, as drawn up by the Commission appointed by the Decree of the 12th July, 1878, have been laid before me;

Whereas in the said draft Regulations the necessary rules are laid down in order that, without any detriment to, but rather in harmony with, the principle of civil liberty, and of the laws which regulate the same, the rights and duties of masters and of their servants or colonists may be mutually guaranteed;

Whereas also the state of civilization prevalent among the natives does not, as yet, enable them to defend and maintain by themselves their rights as free citizens; and that, for

this reason, the special protection of the authorities is to them an essential requisite, and whereas this matter has been duly attended to in the above-mentioned draft Regulations;

Availing myself, therefore, of the authority conferred upon my Government in virtue of the 1st paragraph of the 15th Article of the Additional Act to the Constitutional Charter of the Monarchy;

After having consulted the Consultative Board for the Colonies, as well as the Council of Ministers;

I hereby decree as follows:—

ART. I. The Regulations respecting the contracts of servants and colonists in the provinces of Portuguese Africa, which form part of this Decree and are annexed hereto, and are signed by the Minister and Secretary of State for the Marine and Colonial Department, are hereby approved.

II. Any legislation to the contrary is hereby revoked.

The said Minister and Secretary of State shall accordingly carry this Decree into effect.

Given at the Palace, November 21, 1878.

THE KING.

THOMAZ ANTONIO RIBEIRO FERREIRA.

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REGULATIONS concerning the Contracts of Servants and Colonists in the Provinces of Portuguese Africa.

[For Regulations, see State Papers. Vol. 69.]

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PORTARIA of the Governor-General of Mozambique, relative to Emigration from Loreuço Marques. Mozambique, December 12, 1879.

(No. 242.)

(Translation.)

1. HAVING been informed by the Governor of Inhambane that he has granted passports to 200 natives who had emigrated to Natal, refusing them to others, as they were sepoys of the Crown lands ("cypaios das terras da Corôa");

2. Considering that, although Portuguese subjects are completely free to emigrate to any country whatever, provided they conform to the local regulations, the law does not extend this privilege to those who are unfit, by their low grade of civilization, to maintain of themselves their rights and privileges as free citizens (see introduction to the Decree of the 21st November, 1878\*);

\* See Page 803.

3. Considering also that, although our laws have extinguished the status of slavery, they do not acknowledge in the individuals referred to in the Law of the 29th April, 1875,\* the necessary capacity to enter immediately into the full enjoyment of all the rights that appertain to a state of liberty, for which reason they were first placed in a state of tutelage, and after that under an especial protection of the Government;

4. Considering also that emigration to foreign possessions is not freely admitted in our ultramarine Colonies, either by the Law of the 29th April, 1875, or by any subsequent regulations, and can only be permitted by the Home Government under certain conditions that secure to the emigrants their positions as free citizens (Portaria, 10th December, 1877, and opinion annexed by the Attorney-General of the Crown);

5. Considering also the circumstances that invest this emigration, and also that which took place previously from the same district, it is not possible to prevent doubts arising respecting the character of an emigration that is not spontaneous, but, on the contrary, is effected altogether through the influence of secret agents ("agentes occultos"), taking the character of a truthful engagement ("de um verdadeiro engajamento") without any guarantees to the engaged;

6. Considering also that the engagement of emigrant labourers is only permitted from the district of Lorenzo Marques to the Colonies of the Cape and Natal, by virtue of the especial conditions established by the Provincial Portaria of the 2nd August, 1875† (Portaria of the Minister of Marine of the 10th December, 1878);

7. Having heard the affirmative and unanimous vote of the Governing Council—

8. I hold it convenient, reviving the observance of the Provincial Portaria No. 251 of the 2nd October, 1877, to prohibit the departure of natives to foreign possessions, solely excepting that which has been permitted from Lorenzo Marques, subject to the provisions of Portaria of the 2nd August, 1875, until the decision of the Home Government prohibiting or permitting such emigration can be obtained.

To the authorities and all whom it may concern, &c.,

FRANCISCO MARIA DA CUNHA, *Governor-General*  
of Mozambique.

December 12, 1879.

\* See Vol. 14. Page 432.

† See Page 282.

PORTUGUESE DECREE, *for the execution of Regulations special to the Province of Angola for the contracting of Labourers and Domestic Servants. Loanda, March 27, 1880.*

(Translation.)

WHEREAS the special Regulations for this province, referred to in Article 32 of the new Regulations for contracting servants and labourers, confirmed by the Decree of the 21st November, 1878,\* are concluded: I hereby, with the unanimous vote of the Provincial Council, order that the said Regulations, signed by me, be duly published and executed.

Be it known to the competent authorities, and to whomsoever these may come.

Given under my hand and seal at the Government Palace of Loanda, on the 27th March, 1880.

VASCO GUEDES DE CARVALHO MENEZES,  
Governor-General.

SPECIAL REGULATIONS *for the Board of Directors for contracting Servants and Labourers in the Province of Angola, agreeably with the General Regulations approved by the Decree of the 21st November, 1878.*

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## ROUMANIA.

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ROUMANIAN DECREE, *declaring Ismail a Free Port. April 24, May 6, 1872.†*

(Translation.)

ART. 1. Ismail is declared a Free Port commencing from January 1, 1873, and up to 1890.

The trench surrounding the town of Ismail, the construction of Customs Offices at the barrier, and their maintenance in proper condition, are placed under the charge of the Commune.

2. Agricultural produce from Russian Bessarabia which may enter Roumania by way of Tabac or Tatarbunar, and is destined for Ismail, shall not pay import duty, but export dues only.

The export dues shall be paid by the importers on the import of the produce, and they shall also give a guarantee that

\* See Page 803.

† See Note. Page 809.



the produce so imported shall be exported within six months of the date of import.

If the importers cannot prove that they have exported the produce within the time above mentioned, they must pay the import dues; the produce will be considered as having been disposed of for consumption in the interior: but the export duty they have paid shall be restored to them.

3. Salt, tobacco, arms, and warlike stores are excepted from the franchise.

4. The carrying out of these provisions will form the subject of special regulations, every precaution being taken that the fiscal interests of the State do not suffer in consequence of fraud.

ROUMANIAN CUSTOMS LAW, *so far as relates to Ismail, Galatz, Ibraïla, &c. (Free Ports). June 5<sup>th</sup>, 1874.*

(Translation.)

PART IV.

§ 111. BONDED warehouses for foreign goods shall be established in the commercial ports where the necessity for such is recognized. These ports will be, in the first place, Ismail, Galatz, Ibraïla, Giurgevo, and Turnu-Severin. For the future, the right of having bonded warehouses may be granted, by means of a Decree signed by the Prince, to all such ports as apply for it, and can prove that they have sufficient means to meet the expenditure attendant on the establishment and maintenance of bonded warehouses.

§ 115. Towns to which the right of having bonded warehouses has been granted, must establish, for this purpose, proper magazines, secure, in one single group of buildings surrounded by one common wall, entirely isolated from other constructions, and situated, as far as possible, within the limits of the port itself. The sites set apart for this purpose must also contain the necessary shelters and offices for the Custom-house Staff in charge of the bonded warehouses.

The plans must be submitted to the Government, who have the right to require such modifications as may appear to them to be necessary, in order that they may fully satisfy the objects in view.

§ 116 (par. 3). If the towns shall not have established and administered bonded warehouses, either by employing their own funds or by means of contract, then the Chambers of Commerce may take the place of the towns and be charged with fulfilling the obligations of the latter, for which purpose they may raise share capital. Should the Chambers of Commerce refuse to

take this course, the Government shall have power to deprive the towns of their right to bonded warehouses, or to take such measures as may seem to them to be fit for the purpose of establishing bonded warehouses. In this last case the tariff of dues for magazine on goods deposited in bonded warehouses shall be fixed by the Government irrespective of the views of the Chambers of Commerce.

#### PART XI.

§ 261. Part IV of the present Law will come into force so soon as the towns to which the right of having bonded warehouses has been granted by Article 111, shall have established the necessary buildings for this purpose in accordance with Article 115. To this end the said towns will be allowed a period which cannot be prolonged beyond January 1, 1878; and at the expiration of this period the Government will avail itself of the power given by the final paragraph of Article 116 in respect of towns where no bonded warehouses shall have been established either by the Commune or by the merchants.

In any case the Free Port rights enjoyed at the present time by Ibraïla, Galatz, and Ismaïl shall cease on January 1, 1878.\*

§ 265. All provisions contrary to the present Law are repealed.

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DECLARATION *between Russia and Roumania, recording the Accession of Roumania to the International Telegraphic Convention of  $\frac{10^{th}}{25^{th}}$  July, 1875.† Signed at Bucharest, December 22, 1875; and at St. Petersburg, January 15, 1876.*

SON Altesse le Prince Charles I de Roumanie ayant accédé à la Convention Télégraphique Internationale, conclue à St. Pétersbourg le  $\frac{10^{o}}{25^{o}}$  Juillet, 1875, par la Déclaration d'Accession dont la teneur suit:—

“ Sur les ordres de Son Altesse le Prince Charles I de Roumanie, et vu l'approbation des Corps Législatifs du pays, le Soussigné, Président du Conseil des Ministres, Ministre de l'Intérieur et *ad interim* des Affaires Étrangères, adhère au nom du Gouvernement Princier à la Convention Télégraphique signée à St. Pétersbourg le  $\frac{10^{o}}{25^{o}}$  Juillet dernier, conformément à la faculté accordée par l'Article XVIII de cette Convention aux États qui n'ont pas pris part au dit acte.

“ En foi de quoi le Soussigné a muni de sa signature la

\* See Laws of April 24, 1878, and March 12, 1880. Page 809.

† See Vol. 14. Page 96.

présente Déclaration, et y a fait apposer le sceau du Ministère Princier des Affaires Étrangères.

“Fait à Bucarest, le  $\frac{10}{12}$  Décembre, 1875.

(L.S.) “L. CATARGI.”

Le Chancelier de l'Empire de Russie, dûment autorisé, déclare que le Gouvernement Impérial accepte formellement la dite accession, tant en son nom qu'au nom des autres Hautes Puissances Contractantes, et s'engage à exécuter envers Son Altesse le Prince Charles I de Roumanie toutes les stipulations contenues dans la dite Convention.

En foi de quoi le Soussigné a signé la présente Déclaration et l'a revêtu du cachet de ses armes.

Fait à St. Pétersbourg, le  $\frac{3}{15}$  Janvier, 1876.

(L.S.) GORTCHACOW

ROUMANIAN LAW, *extending the Limit on which Ibraïla, Galatz, and Ismail should cease to be Free Ports.* April  $\frac{1}{2}$ , 1878.

(Translation.)

THE limit of January 1, 1878, set forth in Article 261 of the General Customs Laws as the date on which the towns of Ibraïla,\* Galatz,\* and Ismail† should cease to enjoy the privileges of Free Ports is extended to January 1, 1880.

ROUMANIAN LAW *relative to the continued Freedom of the Ports of Ibraïla,\* Galatz,\* Tultcha‡, Constantza (Kustendjie),\* and Soulina.†*  $\frac{\text{February } 29}{\text{March } 12}$ , 1880.

Translation.)

ART. 1. The towns of Galatz and Ibraïla continue for the space of 10 years to enjoy the rights and privileges of Free Ports. These same rights and privileges are granted also to the Ports of Tultcha and Constantza (Kustendjie) for the same period. Soulina continues her right as a Free Port.

\* Abolished  $\frac{18\text{th February}}{2\text{nd March}}$ , 1883. See Page 810.

† By Article XLV of the Treaty of Berlin of July 13, 1878, Ismail was restored to Russia, and the privileges of this town as a free port ceased immediately on the Russians taking possession. Roumania received in exchange for Bessarabia the Dobroudscha, comprising the ports of Toultscha, Kustendjie, and Soulina. The port of Soulina had been more or less created by the European Commission of the Danube, and the Turkish Government had granted it the privileges of a Free Port, except for tobacco, salt, and warlike stores. The Roumanian Government recognized the obligation to continue this concession in virtue of Article LIII of the same Treaty.

‡ Abolished 15th April, 1881. See Page 810.

All merchandize and goods from foreign countries arriving by water are exempt from all Customs dues on entering these towns.

They can be re-exported free of any duty.

Import duties on goods, which are imported into the country by the Free Ports, shall be levied on their exit from these towns.

All merchandize magazined in the Free Ports can be declared for transit by fulfilling the formalities prescribed by Article V of the Customs Law.

2. All prohibitions and restrictions on imports and exports which are the result of commercial Treaties or special laws are applicable also to the Free Ports.

3. The municipalities of the towns of Ibraila, Galatz, Constantza (Kustendjie), and Tultcha are obliged to establish and maintain in good order the trench surrounding the town and houses at each of the barriers for the service of the Custom-house.

In case the Communes refuse to build the houses necessary for the service of the Custom-house at the barriers, and to maintain these places in good order, as well as the trench round the town, the Government is authorized to make these expenses, and officially insert the necessary sums in the Budget of the Communes.

ROUMANIAN LAW *relative to the Abolition of the Freedom of the Port of Tultcha.* April  $\frac{3}{15}$ , 1881.

(Translation.)

SINGLE ARTICLE.—The privilege of a Free Port accorded to the town of Tultcha by the Law of the <sup>29th February,</sup> 1880,\* is abolished.

ROUMANIAN LAW *relative to the Abolition of the Privileges of being Free Ports accorded to the Towns of Galatz, Ibraila, and Constantza (Kustendjie).* <sup>February 18,</sup> <sub>March 3,</sub> 1883.

(Translation.)

ART. 1. The privileges of being Free Ports accorded by the Law of the 29th February, 1880,† to the towns of Galatz, Ibraila, and Constantza (Kustendjie), are annulled.

All merchandize and foreign produce which is imported into

\* See Page 809.

† <sup>29th February,</sup> <sub>12th March.</sub> See Page 809.

these towns after the opening of the navigation shall be subjected to the payment of taxes in accordance with the Custom-house tariff. They may be placed in magazines in accordance with former Laws.

2. The Minister of Finance will take measures necessary to verify the merchandize found in the depôts of wholesale merchants.

3. All the goods and merchandize referred to in the preceding Article shall be considered in bond, whether they are to be re-exported free of duty, or to pay the Customs dues merely on being taken out of the magazines.

4. All the measures relative to the putting into application of the present Law shall be determined by an Act of Public Administration.

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## SIAM.

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*TREATY between Great Britain and Siam, for the Prevention of Crime in the Territories of Chiengmai, Lakon, and Lamphoonchi, and for the Promotion of Commerce between British Burmah and the Territories aforesaid. Signed at Bangkok, September 3, 1883.\**

WHEREAS the relations of peace, commerce, and friendship happily subsisting between Great Britain and Siam are regulated by a Treaty bearing date the 18th April, 1855,† and a Supplementary Agreement dated 13th May, 1856;‡ and, as regards the territories of Chiengmai, Lakon, and Lamphoonchi, by a special Treaty between the Government of India and the Government of His Majesty the King of Siam, bearing date the 14th January, 1874:‡

And whereas Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the King of Siam, Sovereign of Laos, Malays, Kareans, &c., with a view to the more effectual prevention of crime in the territories of Chiengmai, Lakon, and Lamphoonchi, belonging to Siam, and to the promotion of commercial intercourse between British Burmah and the territories aforesaid, have agreed to abrogate the said Treaty Special concluded on the 14th January, 1874, and to substitute therefor a new Treaty, and have named their respective Plenipotentiaries for this purpose, that is to say:

\* Ratifications exchanged, May 7, 1884.

† See Vol. 10. Pages 557 and 565.

‡ See Page 349.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, William Henry Newman, Esq., Her Majesty's Acting Agent and Consul-General in Siam;

And His Majesty the King of Siam, Sovereign of Laos, Malays, Kareans, &c., his Excellency Chow Phya Bhanwongse Maha Kosa Thibodi, Grand Cross of the Most Honourable Order of the Crown of Siam, Grand Cross of the Most Noble Order of the Chula Chom Klao, Grand Officer of the Most Exalted Order of the White Elephant, Member of the Privy Council, Minister for Foreign Affairs; Phya Charon Raj Maitri, Grand Officer of the Most Exalted Order of the White Elephant, Knight Commander of the Most Noble Order of the Chula Chom Klao, Member of the Privy Council, Chief Judge of the International Court; and Phya Thep Prachun, Grand Cross of the Most Honourable Order of the Crown of Siam, Knight Commander of the Most Noble Order of the Chula Chom Klao, Grand Officer of the Most Exalted Order of the White Elephant, Member of the Privy Council, Under-Secretary of State of the War Department.

The said Plenipotentiaries, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ART. I. The Treaty between the Government of India and the Government of His Majesty the King of Siam, bearing date the 14th January, 1874, shall be and is hereby abrogated.

II. The Siamese authorities in Chiengmai, Lakon, and Lam-poonchi will afford due assistance and protection to British subjects carrying on trade or business in any of those territories; and the British Government in India will afford similar assistance and protection to Siamese subjects from Chiengmai, Lakon, and Lam-poonchi carrying on trade or business in British territory.

III. British subjects entering Chiengmai, Lakon, and Lam-poonchi must provide themselves with passports from the Chief Commissioner of British Burmah, or such officer as he appoints in his behalf, stating their names, calling, and the weapons they carry, and description. Such passports must be renewed for each journey, and must be shown to the Siamese officers at the frontier stations, or in the interior of Chiengmai, Lakon, and Lam-poonchi on demand. Persons provided with passports and not carrying any articles prohibited under the Treaty of the 18th April, 1855, or the Supplementary Agreement of the 13th May, 1856, shall be allowed to proceed on their journey without interference; persons unprovided with passports may be turned back to the frontier, but shall not be subjected to further interference.

Passports may also be granted by Her Majesty's Consul-General at Bangkok and by Her Majesty's Consul or Vice-

Consul at Chiengmai, in case of the loss of the original passport or of the expiration of the term for which it may have been granted, and other analogous cases.

British subjects travelling in Siamese territory must be provided with passports from the Siamese authorities.

Siamese subjects going from Chiengmai, Lakon, and Lamponchi into British Burmah must provide themselves with passports from the authorities of Chiengmai, Lakon, and Lamponchi respectively, stating their name, calling, description, and the weapons they carry. Such passports must be renewed for each journey, and must be shown to the British officer at the frontier stations, or in the interior of British Burmah on demand.

Persons provided with passports, and not carrying any prohibited article, shall be allowed to proceed on their journey without interference. Persons unprovided with passports may be turned back at the frontier, but shall not be subjected to further interference.

IV. British subjects entering Siamese territory from British Burmah must, according to custom and the regulations of the country, pay the duties lawfully prescribed on goods liable to such duty.

Siamese subjects entering British territory will be liable, according to the regulations of the British Government, to pay the duties lawfully prescribed on goods liable to such duty.

Tables of such duties shall be published for general information.

V. His Majesty the King of Siam will cause the Prince of Chiengmai to establish and maintain guard stations, under proper officers, on the Siamese bank of the Salween River, which forms the boundary of Chiengmai belonging to Siam, and to maintain a sufficient police force for the prevention of murder, robbery, dacoity, and other crimes of violence.

VI. If any persons accused or convicted of murder, robbery, dacoity, or other heinous crime in any of the territories of Chiengmai, Lakon, and Lamponchi escape into British territory, the British authorities and police shall use their best endeavours to apprehend them. Such persons when apprehended shall, if Siamese subjects, or subjects of any third Power, according to the extradition law for the time being in force in British India, be delivered over to the Siamese authorities at Chiengmai; if British subjects, they shall either be delivered over to the Siamese authorities, or shall be dealt with by the British authorities as the Chief Commissioner of British Burmah, or any officer duly authorized by him in this behalf, may decide.

If any persons accused or convicted of murder, robbery, dacoity, or other heinous crime in British territory, escape into

Chiengmai, Lakon, or Lamponchi, the Siamese authorities and police shall use their best endeavours to apprehend them. Such persons when apprehended shall, if British subjects, be delivered over to the British authorities, according to the Extradition Law for the time being in force in Siam; if Siamese subjects, or subjects of any third Power not having Treaty relations with Siam, they shall either be delivered over to the British authorities, or shall be dealt with by the Siamese authorities, as the latter may decide, after consultation with the Consul or Vice-Consul.

VII. The interests of all British subjects coming to Chiengmai, Lakon, and Lamponchi shall be placed under the regulations and control of a British Consul or Vice-Consul, who will be appointed to reside at Chiengmai, with power to exercise civil and criminal jurisdiction in accordance with the provisions of Article II of the Supplementary Agreement of the 13th May, 1856, subject to Article VIII of the present Treaty.

VIII. His Majesty the King of Siam will appoint a proper person or persons to be a Commissioner or Judge, or Commissioners and Judges, in Chiengmai for the purposes herein-after mentioned. Such Judge or Judges shall, subject to the limitations and provisions contained in the present Treaty, exercise civil and criminal jurisdiction in all cases arising in Chiengmai, Lakon, and Lamponchi, between British subjects, or in which British subjects may be parties as complainants, accused, plaintiffs, or defendants, according to Siamese law; provided always, that in all such cases the Consul or Vice-Consul shall be entitled to be present at the trial, and to be furnished with copies of the proceedings, which, when the defendant or accused is a British subject, shall be supplied free of charge, and to make any suggestions to the Judge or Judges which he may think proper in the interests of justice: provided also, that the Consul or Vice-Consul shall have power at any time, before judgment, if he shall think proper in the interests of justice, by a written requisition under his hand, directed to the Judge or Judges, to signify his desire that any case in which both parties are British subjects, or in which the accused or defendant is a British subject, be transferred for adjudication to the British Consular Court at Chiengmai, and the case shall thereupon be transferred to such last-mentioned Court accordingly, and be disposed of by the Consul or Vice-Consul as provided by Article II of the Supplementary Agreement of 13th May, 1856.

The Consul or Vice-Consul shall have access, at all reasonable times, to any British subject who may be imprisoned under a sentence or order of the said Judge or Judges, and, if he shall think fit, may require that the prisoner be removed to the Consular prison, there to undergo the residue of his term of imprisonment.



The tariff of Court fees shall be published, and shall be equally binding on all parties concerned, whether British or Siamese.

IX. In civil and criminal cases in which British subjects may be parties, and which shall be tried before the said Judge or Judges, either party shall be entitled to appeal to Bangkok; if a British subject, with the sanction and consent of the British Consul or Vice-Consul, and in other cases by leave of the presiding Judge or Judges.

In all such cases a transcript of the evidence, together with a report from the presiding Judge or Judges, shall be forwarded to Bangkok, and the appeal shall be disposed of there by the Siamese authorities and Her Britannic Majesty's Consul-General in consultation.

Provided always that in all cases where the defendants or accused are Siamese subjects the final decision on appeal shall rest with the Siamese authorities; and that in all other cases in which British subjects are parties the final decision on appeal shall rest with Her Britannic Majesty's Consul-General.

Pending the result of the appeal, the judgment of the Court at Chiengmai shall be suspended on such terms and conditions (if any) as shall be agreed upon between the said Judge or Judges and the Consul or Vice-Consul.

In such cases of appeal, as above set forth, the appeal must be entered in the Court of Chiengmai within a month of the original verdict, and must be presented at Bangkok within a reasonable time, to be determined by the Court at Chiengmai, failing which the appeal will be thrown out of Court.

X. The British authorities in the frontier districts of British Burmah, and the Siamese authorities in Chiengmai, Lakon, and Lamponchi, will at all times use their best endeavours to procure and furnish such evidence and witnesses as may be required for the determination of civil and criminal cases pending in the Consular and Siamese Courts at Bangkok and in Chiengmai respectively, when the importance of the affair may render it necessary.

XI. British subjects desiring to purchase, cut, or girdle timber in the forests of Chiengmai, Lakon, and Lamponchi must enter into a written agreement for a definite period with the owner of the forest. The agreement must be executed in duplicate, each party retaining a copy, and each copy must be sealed by the British Consul or Vice-Consul and a Siamese Judge and Commissioner at Chiengmai, appointed under Article VIII of this Convention, and be countersigned by a competent local authority, and every such agreement shall be duly registered in the British Consulate and in the Siamese Court at Chiengmai. Any British subject cutting or girdling trees in a forest without the consent of the owner of the forest

obtained as aforesaid, or after the expiration of the agreement relating to it, shall be liable to pay such compensation to the owner of the forest as the British Consular Officer at Chiengmai shall adjudge.

Transfers of agreements shall be subject to the same formalities.

The charges for sealing, countersigning, and registration shall be fixed at a moderate scale, and published for general information.

XII. The Siamese Judges and Commissioners at Chiengmai appointed under Article VIII shall, in conjunction with the local authorities, endeavour to prevent the owners of forests from executing agreements with more than one party for the same timber or forests, and to prevent any person from illegally marking or effacing the marks on timber which has been lawfully cut or marked by another person, and they shall give such facilities as are in their power to the purchasers and fellers of timber to identify their property. Should the owners of forests hinder the cutting, girdling, or removing of timber under agreements duly executed in accordance with Article XI of this Convention, the Siamese Judges and Commissioners of Chiengmai and the local authorities shall enforce the agreement, and the owners of such forests acting as aforesaid shall be liable to pay such compensation to the persons with whom they have entered into such agreements as the Siamese Judges and Commissioners at Chiengmai shall determine, in accordance with Siamese law.

XIII. Except as and to the extent specially provided, nothing in this Treaty shall be taken to affect the provisions of the Treaty of Friendship and Commerce between Her Majesty and the Kings of Siam of the 18th April, 1855, and the Agreement supplementary thereto of the 13th May, 1856.

XIV. This Treaty has been executed in English and Siamese, both versions having the same meaning; but it is hereby agreed that in the event of any question arising as to the construction thereof, the English text shall be accepted as conveying its true meaning and intention.

XV. This Treaty shall come into operation immediately after the exchange of the ratifications thereof, and shall continue in force for seven years from that date, unless either of the two Contracting Parties shall give notice of their desire that it should terminate before that date. In such case, or in the event of notice not being given before the expiration of the said period of seven years, it shall remain in force until the expiration of one year from the day on which either of the High Contracting Parties shall have given such notice. The High Contracting Parties, however, reserve to themselves the power of making, by common consent, any modifications in

these Articles which experience of their working may show to be desirable.

XVI. This Treaty shall be ratified, and the ratifications exchanged at Bangkok as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same in duplicate, and have affixed thereto their respective seals.

Done at Bangkok, the 3rd day of September, in the year 1883 of the Christian era, corresponding to the 2nd day of the waxing moon of the 10th month of the year of the Goat 1245 of the Siamese era.

(L.S.) W. H. NEWMAN.  
 (L.S.) (Signatures of the  
 (L.S.) Siamese Plenipo-  
 (L.S.) tentiaries.)

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ANNEX.

LIST of heinous crimes appended to the Treaty made between Great Britain and Siam with regard to Chiengmai, Lakon, and Lamphoonchi, this 3rd day of September, 1883, in connection with the provisions of Article VI of that Treaty with regard to the extradition of offenders:—

Murder.  
 Culpable homicide.  
 Dacoity.  
 Robbery.  
 Theft.  
 Forgery.  
 Counterfeiting coin or Government stamps.  
 Kidnapping.  
 Rape.  
 Mischief by fire or by any explosive substance.

(L.S.) W. H. NEWMAN.  
 (L.S.) (Signatures of the  
 (L.S.) Siamese Plenipo-  
 (L.S.) tentiaries.)

## SPAIN.

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SPANISH LAW *for the Abolition of Slavery in the Island of Cuba.* Madrid, February 13, 1880.

(Translation.)

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DON ALFONSO XII, by the grace of God Constitutional King of Spain.

Know all men who shall see and hear these presents, that the Cortes have decreed, and we have sanctioned the following:

ART. 1. The state of slavery in the Island of Cuba ceases, in accordance with the prescriptions of the present Law.

2. The persons who, without infraction of the Law of the 4th July, 1870,\* are inscribed as slaves in the census concluded in 1871, and remain in slavery at the promulgation of this Law, shall continue under the patronage of their owners for the time determined herein.

The patronage shall be transferable by all the means recognized in law, but it cannot be transferred without transferring to the new patron that of the children under 12 years, and that of their father or mother respectively. In no case can the persons who constitute a family be separated, whatever may be the origin thereof.

3. The patron shall retain the right to employ the labour of those who are under his patronage, and to represent them in all civil and judicial acts, in accordance with the laws.

4. The patron's obligations shall be—

(1.) To maintain those under his patronage.

(2.) To clothe them.

(3.) To assist them when they are ill.

(4.) To remunerate their labour with the monthly pay determined in this Law.

(5.) To give primary instruction to those who are minors, and the necessary education for the exercise of an art, business, or useful calling.

(6.) To feed, clothe, and assist in sickness the children of those under patronage while in infancy and puberty, whether born before or since the patronage, with liberty to avail himself of their services without remuneration.

5. At the promulgation of this Law those under patronage shall receive a ticket containing a statement of all the rights and duties of their new state.

6. The monthly pay referred to in paragraph 4 of Article 4 shall be from 1 dollar to 2 dollars for those who are more than 18 years of age, and have not reached majority. For those who are of age the pay shall be 3 dollars a month.

\* See Vol. 13. Page 793.

In case those under patronage shall be unable to work from sickness or any other cause, the patron shall not be bound to pay the portion of the remuneration corresponding with the time that the said inability has lasted.

7. The patronage shall cease—

(1.) Through extinction by gradual order of the ages of those under patronage from elder to younger in the manner determined in Article 8, so that it shall definitely terminate at the eighth year from the promulgation of this Law.

(2.) By mutual agreement of the patron and the person under patronage, without external intervention, except that of the parents, if known, and in their default that of the respective Local Boards, when the case relates to minors under 20 years, this age to be decided in the manner expressed in Article 13.

(3.) By the patron's renunciation, unless those under patronage be minors, 60 years of age, or be sickly or incapable.

(4.) By redemption of services, through payment to the patron of the sum of 30 to 50 dollars a year, according to the sex, age, and condition of the person under patronage, for the time that the latter shall be deficient of the first five years of the patronage, and the mean term of the three remaining.

(5.) By any of the causes of manumission established in the civil and penal laws, or by the patron's failure in the duties imposed on him in Article 4.

8. The extinction of the patronage by means of the order of the ages of those under patronage, which is referred to in the first paragraph of the preceding Article, shall take place by fourth parts of the number of persons under each patron, beginning at the close of the fifth year, and going on at the end of those succeeding, until it definitively ceases at the conclusion of the eighth.

The nomination of the persons who are to be freed from the patronage by reason of their age shall take place before the Local Boards, one month in anticipation of the close of the fifth year, and of the others in succession.

If there should be more persons of the same age than those who are to be freed from the patronage in one same year, lots shall be cast before the said Boards, and those who get the lowest number shall leave the patronage.

When the number of persons under patronage is more than four, and not divisible by this cipher, the excess shall add one person to each of the first nominations.

If the number of persons under patronage does not amount to four, the nomination shall be by third parts, by moiety, or at once; but the patron shall not be required to perform his obligation until the end of the sixth, seventh, or eighth year respectively.

The form and method of drawing up the registers and lists

which are to serve for the nominations will be decided by the regulations.

9. Those who are freed from patronage in virtue of the provisions in Article 7 will enjoy their civil rights, but they will remain under the protection of the State, and be subject to the laws and regulations which impose the necessity of proving the engagement of their labour, or a known business or calling. Those who are under 20 years of age and have no parents will remain under the immediate protection of the State.

10. The duty of proving the engagement of their labour for those who have been freed from patronage will last for four years, and those who fail according to the judgment of the assessing Government authority of the Local Boards will be accounted vagrants for all legal purposes, and may be called upon to render paid service on the public works for such time as the regulations shall determine, according to the cases. After the lapse of the four years specified in this Article, those who have been under patronage will enjoy all their political and civil rights.

11. The persons who, at the time of the promulgation of this Law, had already made arrangements for their redemption, will retain in their new state of subjection to patronage the rights acquired under such arrangements. They may, moreover, avail themselves of the benefit stated in the fourth case of Article 7, by paying their patrons the difference between the amount they shall have given and that which is equivalent for redemption of services in accordance with the provision in the Article and case before mentioned.

12. The persons who, in virtue of the provisions in the Law of the 4th July, 1870, are free because they were born since the 17th September, 1868, will be subject to the prescriptions of that Law, excepting in all that may be more advantageous to them in the present one.

Those who are freedmen in virtue of Article 19 of the aforesaid Law of 1870 will remain under the immediate protection of the State, and be bound to prove, until the expiration of four years, the engagement of their labour and the other conditions of their occupation, as referred to in Articles 9 and 10 of the present Law.

13. It shall be understood that for the effects of this Law those are minors who are not full 20 years of age, if their age can be proved, and if not, this shall be deduced by the Local Boards with reference to the physical circumstances of the minor, on a professional report.

14. The patrons shall have no power to inflict on those under patronage the corporal punishment prohibited by the second paragraph of Article 21 of the Law of the 4th July, 1870, even though it be under pretext of maintaining the dis-

cipline of labour within the plantations. Nevertheless, they shall possess such powers of coercion and discipline as are determined by the regulations, which shall at the same time contain the necessary rules for enforcing labour and insuring the moderate exercise of those powers. The patrons may also reduce the monthly wages in proportion to the deficiency of work done by those who receive them, according to the cases and in the manner defined by the regulations.

15. In each province a Board shall be formed under the presidency of the Governor, and failing him, under that of the President of the Provincial Deputation, consisting of a Provincial Deputy, the Judge of First Instance, the Fiscal Promotor, the Syndic Procurator of the capital, and two taxpayers, one of whom shall be a patron.

In the municipal towns where, in the opinion of the respective Governors, it may be expedient, and with the previous approval of the Governor-General, Local Boards shall also be formed, with the Alcalde as President, and consisting of the Syndic Procurator, one of the principal taxpayers, and two respectable inhabitants. These Boards and the Public Prosecutor shall attend to the strict observance of this Law, and besides the duties herein specified, they shall perform those which the regulations may impose upon them.

16. The persons under patronage will be subject to the ordinary tribunals for the crimes and misdemeanours for which they shall be answerable according to the Penal Code; but from this rule are excepted the crimes and offences of rebellion, sedition, outrage, and public disorders, for which they will be tried by military jurisdiction.

Nevertheless, the patrons shall have a right to claim the assistance of the governing authority against those under patronage who disturb the regular course of labour, and the action of the patrons shall not be sufficient to prevent this; then the aforesaid authority may, on the third well-founded complaint, compel the person under patronage to labour on the public works for the term fixed by the regulations, according to the cases, within the time that remains for the extinction of the patronage. If the person under patronage should offend again after having been once put upon the above-mentioned service, should forsake it or cause serious disturbance in the order thereof, the Governor-General may, on giving a report of the reason to the Government, direct his removal to the Spanish Islands on the coast of Africa, there to remain, subject to the supervision prescribed by the regulations.

17. The regulations referred to in this Law will be drawn up by the Governor-General of the island, on consultation with the Archbishop of Santiago de Cuba and the Bishop of Havana, the Audience Court of the latter town and the Council of

Administration, within 60 days from the reception of the Law, and on the completion of this unalterable term the said authority shall simultaneously publish and establish the Law and the regulations, without prejudice to the transmission of the latter by the first mail for the approval of the Government, which will definitively resolve what is fitting in the term of a month after hearing the Council of State.

18. All the laws, regulations, and provisions which are at variance with the present Law are repealed without prejudice to the rights already acquired by the slaves and freedmen in conformity with the Law of the 4th July, 1870, in everything that is not expressly modified by the foregoing Articles.

Wherefore :

We command all the Tribunals, Justices, Chiefs, Governors, and other authorities, civil as well as military and ecclesiastical, of whatever class and dignity, to observe the present Law and to cause it to be observed, fulfilled, and executed in all its parts.

Given at the Palace, the 13th of February, 1880.

I, the KING.

JOSÉ ELDUAYEN, *Colonial Minister.*

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PROTOCOL of Agreement, and Declaration, between Great Britain and Spain, respecting the Commercial Relations of the two Countries. Madrid, December 1, 1883.\*

No. 1.—*Protocol of Agreement signed at Madrid, December 1, 1883.*

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the King of Spain, being desirous to put an end to the unsatisfactory state of the commercial relations actually existing between the two countries, Sir Robert Morier, K.C.B., Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Court of Madrid, and his Excellency Don Servando Ruiz Gomez, His Catholic Majesty's Minister of State, duly authorized thereto by their respective Governments, have come to the following agreement :—

1. The two Governments engage at once to open negotiations for a Treaty of Commerce, which shall include a Consular Convention and a Treaty of Navigation, and shall be concluded with the least possible delay.

2. With a view to increasing their trade by respectively widening their markets for each other's produce, the two Governments engage,—

\* Signed also in the Spanish language.



The Government of His Catholic Majesty to make, within the limits compatible with their financial requirements, with due regard to the present state of Spanish industry, and with the sanction of the Cortes, such modifications in their present Conventional Tariff as, after careful investigation and inquiry, shall be found necessary to meet the legitimate requirements of British trade:

The Government of Her Britannic Majesty to apply to Parliament for sanction to modify the present alcoholic scale of the British Tariff, so as to meet the legitimate requirements of Spanish trade.

3. Should the modifications proposed by the Spanish Government, after the careful investigation and inquiry above provided for, be such as to satisfy the Government of Her Britannic Majesty in respect to the Spanish Tariff on British goods, Her Britannic Majesty's Government engage to apply to Parliament for sanction to extend the present 1s. limit from 26 degrees to 30 degrees, and above 30 degrees to modify the present scale to such extent as may be deemed proper.

4. The two Governments engage at once to name a Mixed Commission for the purpose of the investigation provided for by paragraph 2.

Such Commission shall thoroughly investigate values, and all the other conditions which go to make up prices, and also take cognizance of any hindrances which militate against that perfect liberty and free movement of trade and commerce which are so desirable in the interest of both countries.

The Commission will be ready to hear interested parties, whether Spanish or British.

5. With the further view of removing, as quickly as possible, the grave prejudices resulting to the trade of both countries from the differential system now in force towards British goods, the two Governments agree on the following *modus vivendi*, which shall remain in force until such time as the Treaty shall have taken effect.

The Government of His Catholic Majesty at once to apply to the Cortes for the powers necessary to admit British goods according to the rates of the second column of the present Spanish Tariff.

The Government of Her Britannic Majesty on their side, as soon as Parliament deals with the Budget, to apply for the necessary sanction to extend the 1s. scale from its present limit of 26 degrees to 30 degrees.

6. This agreement to remain in force until the definitive Treaty of Commerce shall take effect, with liberty, however, should unforeseen circumstances interrupt the negotiations, of termination in 1887.

7. The two Governments further engage that, so long as the

aforesaid *modus vivendi* remains in force, they will respectively accord to each other most-favoured-nation treatment in regard to all matters appertaining to trade and navigation.

Done in duplicate at Madrid, the 1st day of December, 1883.

(L.S.) R. B. D. MORIER.

(L.S.) SERVANDO RUIZ GOMEZ.

No. 2.—*Declaration signed at Madrid, December 1, 1883.*

THE Undersigned, with a view to obviate all misconception in reference to the procedure to be adopted for putting into force the *modus vivendi* agreed to in the Protocol signed by them this day, make the following declarations:—

His Catholic Majesty's Minister of State declares, on his side, that, although he feels no doubt that the British Parliament will sanction the extension of the *ls.* scale from 26 degrees to 30 degrees, it will nevertheless be impossible, on formal grounds, to propose to the Cortes to sanction the admission of British goods, according to the rates of the second column of the Tariff, otherwise than in a Project of Law, which shall stipulate that the concession made by Spain shall only take effect when the sanction of the British Parliament shall have been obtained to the modification of the alcoholic scale agreed to, this day, by Her Majesty's Government for the purposes of the *modus vivendi*.

Her Britannic Majesty's Minister, on his side, declares that, seeing that the proposed alteration in the scale involves a loss of revenue, which has to be provided for in the Budget, and that accordingly it is imperative that the measure should be passed in connection with, and as an integral part of, the financial arrangements for the entire financial year, it may be impossible for Her Majesty's Government, if the Project of Law is not passed through the Cortes previously to the date at which Parliament deals with the Budget, to propose the adoption of the measure in the next ensuing Session of Parliament.

Done in duplicate at Madrid, the 1st day of December, 1883.

R. B. D. MORIER.

SERVANDO RUIZ GOMEZ.

## SWEDEN.

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BRITISH ORDER IN COUNCIL, *extending the British System of Tonnage Measurement to Swedish Vessels. Windsor, May 3, 1882.\**

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*At the Court at Windsor, the 3rd day of May, 1882.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

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WHEREAS by "The Merchant Shipping Act Amendment Act, 1862" [cap. 63, § 60], it is enacted:

[See Vol. 11. Page 338.]

And whereas it was made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant-ships now in force under "The Merchant Shipping Act, 1854,"† had been adopted in Sweden by the Government of His Majesty the King of Sweden and Norway, and came into force in Sweden on the 1st day of April, 1875:

And whereas by Order in Council dated the 17th day of March, 1875,‡ Her Majesty was accordingly pleased, by and with the advice of her Privy Council, to direct that the ships of Sweden, the certificates of Swedish nationality and registry, or the certificates of measurement of which are dated on or after the 1st day of April, 1875, should be deemed to be of the tonnage denoted in the said certificates of Swedish nationality and registry, or certificates of measurement:

And whereas a slight difference in the mode of estimating the allowance for engine-room in Swedish ships has been introduced into the said rules and the same came into operation on the 1st day of April, 1882:

And whereas it has been made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant-ships now in force under "The Merchant Shipping Act, 1854," adopted by the Government of His Majesty the King of Sweden and Norway, are, with the exception of the said slight difference in the mode of estimating the allowing for engine-room, still in force in that country:

Her Majesty is pleased, by and with the advice of her Privy Council, to direct as follows:—

1. As regards sailing-ships, that merchant sailing-ships of Sweden the measurement whereof, after the said 1st day of April, 1882, has been ascertained and denoted in the registers and

\* Revoked by Order in Council of August 18, 1882.

† 17 & 18 Vict., c. 104, §§ 20 to 29. See Vol. 14. Page 696.

‡ See Vol. 14. Page 532.

other national papers of such sailing-ships, testified by the date thereof, shall be deemed to be of the tonnage denoted in such registers and other national papers in the same manner, and to the same extent, and for the same purpose, in, to, and for which the tonnage denoted in the certificate of registry of British sailing-ships is deemed to be the tonnage of such ships.

2. As regards steam-ships: that merchant-ships belonging to Sweden which are propelled by steam, or any other power requiring engine-room, the measurement whereof shall, after the said 1st day of April, 1882, have been ascertained and denoted in the registers and other national papers of such steam-ships, testified by the dates thereof, shall be deemed to be of the tonnage denoted in such registers or other national papers in the same manner, and to the same extent, and for the same purpose, in, to, and for which the tonnage denoted in the certificate of registry of British ships is deemed to be the tonnage of such ships: provided nevertheless, that if the owner or master of any such Swedish steam-ship desires the deduction for engine-room in his ships to be estimated under the rules for engine-room measurement and deduction applicable to British ships, instead of under the Swedish rule, the engine-room shall be measured and the deduction calculated according to the British rules, and that in the event of the net registered tonnage of such steam-ships, estimated under the British rule, being denoted in the said certificate of nationality and registry or measurement of Swedish steam-ships, the same shall be deemed to be of the tonnage so denoted therein.

C. L. PEEL.

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DECLARATION *between Great Britain and Sweden and Norway, respecting the Privileges of Commercial Travellers. Signed at Stockholm, October 13, 1883.*

(Translation.)

THE Government of Her Britannic Majesty and the Government of His Majesty the King of Sweden and Norway, being desirous of defining by a special Declaration the interpretation to be given to Article IX of the Convention of Commerce and Navigation signed at London the 18th March, 1826,\* as regards the Customs treatment of the samples introduced into the territories of either of the Contracting Parties by commercial travellers, being subjects of the other, have agreed upon the following Articles:—

ART. 1. Swedish and Norwegian commercial travellers shall in the United Kingdom of Great Britain and Ireland, and British

\* See Vol. 3. Page 437.

commercial travellers shall, in Sweden and Norway, enjoy the same privileges, facilities, and advantages in respect to the Customs treatment of their samples, or in any other matter, as are now or may hereafter be accorded to commercial travellers of the most favoured nation in these respects.

2. The present Declaration shall come into operation from the date of its signature, and shall remain binding so long as the Convention between Great Britain and the United Kingdoms of the 18th March, 1826, shall continue in force.

Done at Stockholm, the 13th October, 1883.

(L.S.) HORACE RUMBOLD.  
(L.S.) HOCHSCHILD.

## SWITZERLAND.

**DECLARATION** *between Great Britain and Switzerland, recording the Accession of Newfoundland, the Gold Coast Colony, the West Africa Settlements, the Falkland Islands, and British Honduras, to the General Postal Union of October 9, 1874.\**  
*Signed at Berne, September 9, 1878.*

L'ADMINISTRATION des Postes Suisses et l'Office des Postes Britannique étant d'accord pour admettre dans l'Union Générale des Postes :

1. La Colonie Britannique de Terre-Neuve, aux mêmes conditions que l'a été le Canada, c'est-à-dire, aux conditions pures et simples du Traité de Berne du 9 Octobre, 1874 ; et

2. Les Colonies Britanniques de la Côte d'Or, Sénégal, Lagos, Sierra-Leone, Iles Falkland et Honduras Britannique, aux mêmes conditions que l'ont été les Colonies Françaises et l'Inde Britannique, c'est-à-dire, aux conditions de l'Arrangement signé à Berne le 27 Janvier, 1876 : †

Les Soussignés, dûment autorisés à cet effet, constatent par le présent Acte Diplomatique l'adhésion définitive, dès le 1<sup>er</sup> Janvier, 1879, du Gouvernement de Sa Majesté Britannique, pour ses Colonies de Terre-Neuve, la Côte-d'Or, Sénégal, Lagos, Sierra-Leone, Iles Falkland et Honduras Britannique, aux stipulations du Traité concernant la création d'une Union Générale des Postes, conclu à Berne le 9 Octobre, 1874, ainsi qu'aux dispositions du Règlement de détail pour l'exécution du dit Traité.

Fait en double expédition, à Berne, le 9 Septembre, 1878.

\* See Vol. 14. Page 67.

† See Page 172.

Pour le Conseil Fédéral Suisse, au nom des membres de l'Union :

SCHENK, *Président de la Confédération.*

Pour le Gouvernement de Sa Majesté Britannique :

HORACE RUMBOLD, *Son Ministre-Résident  
près la Confédération Suisse.*

BRITISH ORDER IN COUNCIL, *for carrying into effect the Treaty of March 31, 1874, the Protocol of November 28, 1874, and the Conventions of June 19, 1878, December 13, 1878, and December 8, 1879, between Great Britain and the Swiss Confederation for the Mutual Extradition of Fugitive Criminals. Windsor, December 15, 1879.*

*At the Court at Windsor, the 15th day of December, 1879.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Prince Leopold, Lord President, Earl of Beaconsfield, Mr. Secretary Cross, Mr. W. H. Smith.

WHEREAS by the Extradition Acts of 1870\* and 1873,† it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient :

And whereas a Treaty was concluded on the 31st day of March, 1874, between Her Majesty and the Swiss Confederation for the Mutual Extradition of Fugitive Criminals, which Treaty is in the terms following :—

[See Vol. 14. Page 533.]

And whereas a Protocol amending Article XVI of the aforesaid Treaty was signed by the Plenipotentiaries of Her Majesty and of the Swiss Confederation on the 28th day of November, 1874, which Protocol is in the following terms :—

[See Vol. 14. Page 537.]

\* 33 & 34 Vict., c. 52. See Vol. 13. Page 1194.

† 36 & 37 Vict., c. 60. See Vol. 14. Page 709.

And whereas the ratifications of the said Treaty and Protocol were exchanged at Berne on the 31st day of December, 1874 :

And whereas under and by virtue of the powers in and by Article XVII of the said Treaty reserved and contained, the Swiss Confederation did, on the 22nd day of December, 1877, give notice to Her Majesty's Government of the termination of the said Treaty, subject to the provisions in the said Article contained that the same should remain in force for six months after notice should be given for its termination :

And whereas on the 19th day of June, 1878, a Convention was entered into between Great Britain and Switzerland in the terms following :—

[See Vol. 14. Page 539.]

And whereas on the 13th day of December, 1878, a further Convention was entered into between Great Britain and Switzerland in the terms following :—

[See Vol. 14. Page 1166.]

And whereas on the 8th day of December, 1879, a further Convention was entered into between Great Britain and Switzerland in the terms following :—

[See Vol. 14. Page 1168.]

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and in virtue of the authority committed to her by the said recited Acts, doth order, and it is hereby ordered, that the said Acts shall apply in the case of Switzerland and of the said Treaty and Protocol, and Conventions with the Swiss Confederation.

C. L. PEEL.

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## TRANSVAAL.

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BRITISH ORDER IN COUNCIL, *giving effect to the Extradition Ordinance of the Legislature of the Transvaal Province of 1880. Osborne, July 31, 1880.*

*At the Court at Osborne House, Isle of Wight, the 31st day of July, 1880.*

PRESENT : THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President. Lord Steward. Lord Chamberlain.

WHEREAS by Section 18 of "The Extradition Act, 1870," it is among other things enacted :

[See Vol. 13. Page 1200.]

And whereas by a Law enacted by the Legislature of the Transvaal Province, the short title of which is "The Extradition Law, Transvaal, 1880," it is provided that "all powers vested in and acts authorized or required to be done by a Police Magistrate or any Justice of the Peace in relation to the surrender of fugitive criminals in the United Kingdom under 'The Extradition Acts, 1870 and 1873,' are thereby vested in and may in the Province be exercised and done by any Landdrost in relation to the surrender of fugitive criminals under the said Acts:"

And whereas it is further provided by the said Law that the said Law shall not come into operation until Her Majesty shall, by Order in Council, direct that the said Law shall have effect within the Province as if it were part of "The Extradition Act, 1870," but that the said Law shall thereafter come into operation as soon as such Order in Council shall have been publicly made known in the Province:

Now, therefore, Her Majesty, in pursuance of "The Extradition Act, 1870," and in exercise of the power in that behalf in the said Act contained, doth by this present Order, by and with the advice of Her Majesty's Privy Council, direct that the said Law shall have effect in the Transvaal Province without modification or alteration, as if it were part of "The Extradition Act, 1870."

And the Right Honourable the Earl of Kimberley, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

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## TURKEY.

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NOTICE to *British Ship-masters navigating the Bosphorus.* Constantinople, June 3, 1872.

(Royal Seal.)

*Her Britannic Majesty's Consulate-General  
at Constantinople.*

NOTICE.

*To British Ship-masters.*

STEAM-SHIPS whilst navigating the Bosphorus must be kept in mid-channel, and not close to the shore, on account of the danger to small craft and passenger steam-ships.

Tugs are to keep clear of the Imperial Palaces at Beshik-



tash, passing outside the inner line of iron-clads, so as not to cause inconvenience by the smoke.

June 3, 1872.

FIRMAN *abolishing Slave Trade in Tripoli.* February 24, 1877.

(Traduction.)

MON Vézir Moustafa Pacha, Moushir de mon armée Impériale, Gouverneur-Général de Tripoli, de Barbarie, &c.

LA confirmation péremptoire de l'abolition du Trafic d'Esclaves par des mesures définitives et efficaces étant l'objet de mon Iradé Impérial émané précédemment, l'affaire fut référée à mon Conseil d'État, où la section du Tanzimat rédigea là-dessus un rapport, dont il ressort que dans certaines localités de mon empire les mesures prises et proclamées en conformité des nombreux ordres précédemment émis à cet égard n'eurent pas l'effet désiré, et le Trafic en question y continue à être pratiqué. Or ces nègres, qui, arrachés de leur pays, sont soumis à de fatigues excessives pendant qu'ils traversent le désert pour arriver à la côte, en sont décimés en grande partie. Le reste aussi, transféré comme il est inopinément des régions tropicales à un climat froid, contracte des affections de poitrine et d'autres maladies qui conduisent au tombeau la plupart d'entre eux dans la fleur de la jeunesse. Un tel état de choses regrettable et contraire à tout sentiment humain ne saurait être plus longtemps toléré. En effet, par suite de l'exécution incomplète des nombreux ordres émanés en prohibition du trafic des nègres, on n'en rencontre pas moins encore quelques uns entre les mains des particuliers. Il fut donc jugé nécessaire de mettre un terme à cet état de choses par une stricte prohibition de l'esclavage, ce qui serait une mesure appropriée aux nécessités de l'époque et des circonstances.

Ainsi il fut arrêté par mon Conseil d'État que mes ordres Impériaux fussent expédiés aux localités nécessaires à l'effet de renouveler et établir de la manière la plus péremptoire et la plus efficace, la prohibition du Trafic des Nègres et d'enjoindre la punition de tous ceux qui dorénavant oseraient accepter la vente ou l'achat d'un esclave nègre, d'une esclave négresse ou d'un eunuque, de servir d'intermédiaire à un tel trafic, et d'en faire l'importation, ou bien de la faciliter. Cet arrêt du Conseil ayant été soumis à mon Trône Impérial pour en obtenir la sanction, je me suis plu de la confirmer par mon Iradé Impérial, en conformité de quoi des firmans furent adressés aux Gouverneurs-Généraux de l'Égypte, de Bagdad, de Bassora et de Yemen, à chacun séparément. Conséquemment toi qui es le Gouverneur-

Général ci-dessus mentionné, tu auras soin, à la réception de mon Firman Impérial, de l'annoncer comme étant le résultat de ma volonté spéciale et définitive en faveur de la liberté humaine, de la mettre en stricte exécution dans le vilayet de Tripoli et d'empêcher toute infraction à mon dit Firman Impérial. Le 11 Séfer, 1294 (le 24 Février, 1877).

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NOTICE to *British Ship-masters navigating the Bosphorus. Constantinople, July 14, 1881.*

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(Royal Arms.)

*Her Britannic Majesty's Consulate-General at Constantinople.*

NOTICE.

*To British Ship-masters.*

HER Majesty's Consulate-General wishes again to call the attention of British ship-masters to the Regulations framed by the Sublime Porte in 1868, and re-issued in May, 1872.\* Under these Regulations, which are still in force, seagoing steamers passing through the Bosphorus are obliged to keep in mid-channel in order to avoid causing difficulties and danger to the "Shirket-i-Havieh" steamers and to small craft.

It has recently been observed that masters of British steamers have neglected to comply with the above-mentioned Regulations; and they are hereby warned that the consequences of such neglect may be serious.

Constantinople, July 14, 1881.

By Order.

(L.S.)

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TURKISH NOTICE *respecting the Navigation of the Bosphorus. Constantinople, February 27, 1883.*

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As it generally happens that steamers passing through the Bosphorus keep close to the shore and capes instead of keeping in mid-channel in conformity to the General Regulations: Therefore, in order to avoid dangers and accidents, the Prefecture of the Port, compelled to remedy such a state of things, has decided to enforce the legal fine against infringers.

Steamers carrying passengers must conform strictly to Articles 5 and 6, and steam-tugs to Article 1 of the Règlement

\* See Page 830.

in force, with an express prohibition to infringe it. Consequently all steamers in general going up and down the Bosphorus are requested, in order to avoid collisions, to keep far from the shores and capes and to pass in mid-channel.

As regards sailing-vessels towed from shore, which according to an old custom pass close to the shore, they are, however, subjected to the same rules as steamers when they go before the wind.

Therefore, it is made known to captains of steamers and sailing-vessels :

1. That all infringers will pay a fine from 10*l.* to 30*l.* in gold.

2. In case of any prejudice whatever being caused in consequence of the infringement, the transgressor will be bound to repair the damage done. This provision is applicable to all steamers or sailing-vessels under Ottoman flag as well as under foreign flag.

Constantinople, February  $\frac{2}{14}$ , 1883.

## UNITED STATES.

AWARD of the Tribunal of Arbitration on the "Alabama" Claims. Geneva, September 14, 1872.

DECISION and Award made by the Tribunal of Arbitration constituted by virtue of Article I of the Treaty concluded at Washington the 8th of May, 1871,\* between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America.

HER Britannic Majesty and the United States of America having agreed by Article I of the Treaty concluded and signed at Washington the 8th of May, 1871, to refer all the claims "generically known as the *Alabama* Claims" to a Tribunal of Arbitration to be composed of five Arbitrators named—

One by Her Britannic Majesty,

One by the President of the United States,

One by His Majesty the King of Italy,

One by the President of the Swiss Confederation,

One by His Majesty the Emperor of Brazil; and

Her Britannic Majesty, the President of the United States, His Majesty the King of Italy, the President of the Swiss Con-

\* See Vol. 13. Page 970.

federation, and His Majesty the Emperor of Brazil, having respectively named their Arbitrators, to wit :

Her Britannic Majesty, Sir Alexander James Edmund Cockburn, Baronet, a Member of Her Majesty's Privy Council, Lord Chief Justice of England ;

The President of the United States, Charles Francis Adams, Esquire ;

His Majesty the King of Italy, his Excellency Count Frederic Sclopis, of Salerano, a Knight of the Order of the Annunciata, Minister of State, Senator of the Kingdom of Italy ;

The President of the Swiss Confederation, M. Jacques Staempfli ;

His Majesty the Emperor of Brazil, his Excellency Marcos Antonio d'Araujo, Viscount d'Itajubá, a Grandee of the Empire of Brazil, Member of the Council of His Majesty the Emperor of Brazil, and his Envoy Extraordinary and Minister Plenipotentiary in France.

And the five Arbitrators above named having assembled at Geneva in Switzerland, in one of the Chambers of the Hôtel de Ville, on the 15th of December, 1871, in conformity with the terms of Article II of the Treaty of Washington of the 8th of May of that year, and having proceeded to the inspection and verification of their respective powers, which were found duly authenticated, the Tribunal of Arbitration was declared duly organized.

The Agents named by each of the High Contracting Parties, by virtue of the same Article II, to wit :—

For Her Britannic Majesty, Charles Stuart Aubrey, Lord Tenterden, a Peer of the United Kingdom, Companion of the Most Honourable Order of the Bath, Assistant Under-Secretary of State for Foreign Affairs ;

And for the United States of America, John C. Bancroft Davis, Esquire ;

Whose powers were found likewise duly authenticated, then delivered to each of the Arbitrators the printed Case prepared by each of the two Parties, accompanied by the documents, the official correspondence, and other evidence on which each relied, in conformity with the terms of Article III of the said Treaty.

In virtue of the decision made by the Tribunal at its first session, the Counter-Case and additional documents, correspondence, and evidence, referred to in Article IV of the said Treaty were delivered by the respective Agents of the two Parties to the Secretary of the Tribunal on the 15th of April, 1872, at the Chamber of Conference, at the Hôtel de Ville of Geneva.

The Tribunal, in accordance with the vote of adjournment passed at their second session, held on the 16th December, 1871, reassembled at Geneva on the 15th of June, 1872 ; and the Agent of each of the Parties duly delivered to each of the

Arbitrators and to the Agent of the other Party the printed Argument referred to in Article IV of the said Treaty.

The Tribunal having since fully taken into their consideration the Treaty and also the Cases, Counter-Cases, documents, evidence, and Arguments, and likewise all other communications made to them by the two Parties during the progress of their sittings, and having impartially and carefully examined the same,

Has arrived at the decision embodied in the present Award :

Whereas, having regard to Articles VI and VII of the said Treaty, the Arbitrators are bound under the terms of the said Article VI, "in deciding the matters submitted to them, to be governed by the three Rules therein specified and by such principles of International Law, not inconsistent therewith, as the Arbitrators shall determine to have been applicable to the case ;"

And whereas the "due diligence" referred to in the first and third of the said Rules ought to be exercised by neutral Governments in exact proportion to the risks to which either of the belligerents may be exposed, from a failure to fulfil the obligations of neutrality on their part ;

And whereas the circumstances out of which the facts constituting the subject-matter of the present controversy arose, were of a nature to call for the exercise on the part of Her Britannic Majesty's Government of all possible solicitude for the observance of the rights and duties involved in the Proclamation of Neutrality issued by Her Majesty on the 13th day of May, 1861 ;\*

And whereas the effects of a violation of neutrality committed by means of the construction, equipment, and armament of a vessel are not done away with by any commission which the Government of the belligerent Power, benefited by the violation of neutrality, may afterwards have granted to that vessel : and the ultimate step, by which the offence is completed, cannot be admissible as a ground for the absolution of the offender, nor can the consummation of his fraud become the means of establishing his innocence ;

And whereas the privilege of extritoriality accorded to vessels of war has been admitted into the law of nations, not as an absolute right, but solely as a proceeding founded on the principle of courtesy and mutual deference between different nations, and therefore can never be appealed to for the protection of acts done in violation of neutrality ;

And whereas the absence of a previous notice cannot be regarded as a failure in any consideration required by the law of nations, in those cases in which a vessel carries with it its own condemnation ;

\* See Vol. 11. Page 616.

And whereas, in order to impart to any supplies of coal a character inconsistent with the second Rule, prohibiting the use of neutral ports or waters, as a base of naval operations for a belligerent, it is necessary that the said supplies should be connected with special circumstances of time, of persons, or of place, which may combine to give them such character ;

And whereas, with respect to the vessel called the *Alabama*, it clearly results from all the facts relative to the construction of the ship at first designated by the Number 290 in the port of Liverpool, and its equipment and armament in the vicinity of Terceira through the agency of the vessels called the *Agrippina* and the *Bahama*, despatched from Great Britain to that end, that the British Government failed to use due diligence in the performance of its neutral obligations ; and especially that it omitted, notwithstanding the warnings and official representations made by the Diplomatic Agents of the United States during the construction of the said Number 290, to take in due time any effective measures of prevention, and that those orders which it did give at last, for the detention of the vessel, were issued so late that their execution was not practicable ;

And whereas, after the escape of that vessel, the measures taken for its pursuit and arrest were so imperfect as to lead to no result, and therefore cannot be considered sufficient to release Great Britain from the responsibility already incurred ;

And whereas, in spite of the violations of the neutrality of Great Britain committed by the "290," this same vessel, later known as the Confederate cruiser *Alabama*, was on several occasions freely admitted into the ports of Colonies of Great Britain, instead of being proceeded against as it ought to have been in any and every port within British jurisdiction in which it might have been found ;

And whereas the Government of Her Britannic Majesty cannot justify itself for a failure in due diligence on the plea of the insufficiency of the legal means of action which it possessed :

Four of the Arbitrators for the reasons above assigned, and the fifth for reasons separately assigned by him,

Are of opinion—

That Great Britain has in this case failed, by omission, to fulfil the duties prescribed in the first and the third of the Rules established by Article VI of the Treaty of Washington.

And whereas, with respect to the vessel called the *Florida*, it results from all the facts relative to the construction of the *Orto* in the port of Liverpool, and to its issue therefrom, which facts failed to induce the Authorities in Great Britain to resort to measures adequate to prevent the violation of the neutrality of that nation, notwithstanding the warnings and repeated representations of the Agents of the United States,

that Her Majesty's Government has failed to use due diligence to fulfil the duties of neutrality ;

And whereas it likewise results from all the facts relative to the stay of the *Oreto* at Nassau, to her issue from that port, to her enlistment of men, to her supplies, and to her armament, with the co-operation of the British vessel "Prince Alfred," at Green Cay, that there was negligence on the part of the British Colonial Authorities ;

And whereas, notwithstanding the violation of the neutrality of Great Britain committed by the *Oreto*, this same vessel, later known as the Confederate cruizer *Florida*, was nevertheless on several occasions freely admitted into the ports of British Colonies ;

And whereas the judicial acquittal of the *Oreto* at Nassau cannot relieve Great Britain from the responsibility incurred by her under the principles of international law ; nor can the fact of the entry of the *Florida* into the Confederate port of Mobile, and of its stay there during four months, extinguish the responsibility previously to that time incurred by Great Britain :

For these reasons,

The Tribunal, by a majority of four voices to one, is of opinion—

That Great Britain has in this case failed, by omission, to fulfil the duties prescribed in the first, in the second, and in the third of the Rules established by Article VI of the Treaty of Washington.

And whereas, with respect to the vessel called the *Shenandoah*, it results from all the facts relative to the departure from London of the merchant-vessel the *Sea King*, and to the transformation of that ship into a Confederate cruizer under the name of the *Shenandoah*, near the Island of Madeira, that the Government of Her Britannic Majesty is not chargeable with any failure, down to that date, in the use of due diligence to fulfil the duties of neutrality ;

But whereas it results from all the facts connected with the stay of the *Shenandoah* at Melbourne, and especially with the augmentation which the British Government itself admits to have been clandestinely effected of her force, by the enlistment of men within that port, that there was negligence on the part of the authorities at that place :

For these reasons,

The Tribunal is unanimously of opinion—

That Great Britain has not failed, by any act or omission, to fulfil any of the duties prescribed by the three Rules of Article VI in the Treaty of Washington, or by the principles of international law not inconsistent therewith, in respect to the vessel called the *Shenandoah*, during the period of time anterior to her entry into the port of Melbourne ;

And, by a majority of three to two voices, the Tribunal decides that Great Britain has failed, by omission, to fulfil the duties prescribed by the second and third of the Rules aforesaid, in the case of this same vessel, from and after her entry into Hobson's Bay, and is therefore responsible for all acts committed by that vessel after her departure from Melbourne, on the 18th day of February, 1865.

And so far as relates to the vessels called the *Tuscaloosa* (tender to the *Alabama*), the *Clarence*, the *Tacony*, and the *Archer* (tenders to the *Florida*),

The Tribunal is unanimously of opinion—

That such tenders or auxiliary vessels, being properly regarded as accessories, must necessarily follow the lot of their principals, and be submitted to the same decision which applies to them respectively.

And so far as relates to the vessel called *Retribution*,

The Tribunal, by a majority of three to two voices, is of opinion—

That Great Britain has not failed by any act or omission to fulfil any of the duties prescribed by the three Rules of Article VI in the Treaty of Washington, or by the principles of international law not inconsistent therewith.

And so far as relates to the vessels called the *Georgia*, the *Sumter*, the *Nashville*, the *Tallahassee*, and the *Chickamauga*, respectively,

The Tribunal is unanimously of opinion—

That Great Britain has not failed, by any act or omission, to fulfil any of the duties prescribed by the three Rules of Article VI in the Treaty of Washington, or by the principles of international law not inconsistent therewith.

And so far as relates to the vessels called the *Sallie*, the *Jefferson Davis*, the *Music*, the *Boston*, and the *V. H. Joy* respectively,

The Tribunal is unanimously of opinion—

That they ought to be excluded from consideration for want of evidence.

And whereas, so far as relates to the particulars of the indemnity claimed by the United States, the costs of pursuit of the Confederate cruizers are not, in the judgment of the Tribunal, properly distinguishable from the general expenses of the war carried on by the United States:

The Tribunal is, therefore, of opinion, by a majority of three to two voices—

That there is no ground for awarding to the United States any sum by way of indemnity under this head.

And whereas prospective earnings cannot properly be made the subject of compensation, inasmuch as they depend in their nature upon future and uncertain contingencies:



The Tribunal is unanimously of opinion—

That there is no ground for awarding to the United States any sum by way of indemnity under this head.

And whereas, in order to arrive at an equitable compensation for the damages which have been sustained, it is necessary to set aside all double claims for the same losses, and all claims for “gross freights,” so far as they exceed “nett freights;”

And whereas it is just and reasonable to allow interest at a reasonable rate ;

And whereas, in accordance with the spirit and letter of the Treaty of Washington, it is preferable to adopt the form of adjudication of a sum in gross, rather than to refer the subject of compensation for further discussion and deliberation to a Board of Assessors, as provided by Article X of the said Treaty ;

The Tribunal, making use of the authority conferred upon it by Article VII of the said Treaty, by a majority of four voices to one, awards to the United States a sum of 15,500,000 dollars in gold as the indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims referred to the consideration of the Tribunal, conformably to the provisions contained in Article VII of the aforesaid Treaty.

And, in accordance with the terms of Article XI of the said Treaty, the Tribunal declares that “all the claims referred to in the Treaty as submitted to the Tribunal are hereby fully, perfectly, and finally settled.”

Furthermore, it declares that “each and every one of the said claims, whether the same may or may not have been presented to the notice of, or made, preferred, or laid before the Tribunal, shall henceforth be considered and treated as finally settled, barred, and inadmissible.”

In testimony whereof this present Decision and Award has been made in duplicate, and signed by the Arbitrators who have given their assent thereto, the whole being in exact conformity with the provisions of Article VII of the said Treaty of Washington.

Made and concluded at the Hôtel de Ville of Geneva, in Switzerland, the 14th day of the month of September, in the year of Our Lord 1872.

✓ C. F. ADAMS.  
FREDERIC SCLOPIS.  
STAEMPFLI.  
VICOMTE D'ITAJUBA.

PROCLAMATION of the President of the United States, declaring that the Imperial Parliament of Great Britain, the Parliament of Canada, and the Legislature of Prince Edward's Island have passed Laws to carry into effect Articles XVIII to XXV and Article XXX of the Treaty of Washington of May 8, 1871\* (Fisheries). Washington, July 1, 1873.

[After Preamble, and Protocol of June 7, 1873.†]

Now, therefore, I, Ulysses S. Grant, President of the United States of America, in pursuance of the premises, do hereby declare that I have received satisfactory evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the Legislature of Prince Edward's Island, have passed laws on their part to give full effect to the provisions of the said Treaty as contained in Articles XVIII to XXV inclusive, and Article XXX of said Treaty.

In testimony 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 1st day of July, in the year of Our Lord 1873, and of the Independence of the United States of America the 97th.

U. S. GRANT.

By the President :  
HAMILTON FISH, *Secretary of State.*

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ACT of Congress of the United States, to permit Grain brought by Canadian Farmers to be ground at Mills in the United States adjacent to Canadian Territory, under such Rules and Regulations as may be prescribed by the Treasury Department.

[No. 11.]

[January 9, 1883.]

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that grain brought into the United States, in wagons or other ordinary road vehicles, by farmers residing in the Dominion of Canada, to be ground by mills owned by citizens of the United States, shall not be deemed to be imported or liable to import duties. Provided that such grain shall be brought into the United States under such regulations as the Treasury Department may prescribe to prevent fraud and evasion, and shall be returned as in like manner provided by such regulations. And provided further, that entry shall be made of and duties paid upon all such grain as shall be taken or received by mill-owners

\* See Vol. 13. Page 970.

† See Vol. 14. Page 684.

as tolls for such grinding, under like regulations provided by the Treasury Department.

Approved, January 9, 1883.

BRITISH ORDER IN COUNCIL, *relative to the Punishment of Unauthorized Persons found on board United States' Ships in British Territorial Waters.* Windsor, May 22, 1883.

*At the Court at Windsor, the 22nd day of May, 1883.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by Section 5 of "The Merchant Seamen (Payment of Wages and Rating) Act, 1880" [cap. 16], it is provided that:

[See Page 623.]

And whereas by Section 6 of the said Act it is further provided that:

[See Page 624.]

And whereas it has been made to appear to Her Majesty that the Government of the United States of America has provided as aforesaid,\* and is desirous that the provisions of the said Section 5 shall apply to unauthorized persons going on board of American ships within the limits of British territorial jurisdiction:

Now, therefore, Her Majesty, by virtue of the power vested in her by the said recited Act, and by and with the advice of her Privy Council, is pleased to declare that the provisions of the said recited Section 5 of "The Merchant Seamen (Payment of Wages and Rating) Act, 1880," shall apply to American ships.

C. L. PEEL.

NOTIFICATION *by the United States' Government of the Termination on the 2nd of July, 1885, of Articles XVIII to XXV, and Article XXX of the Treaty with Great Britain of May 8, 1871† (Canada and Newfoundland Fisheries).* London, July 2, 1883.

No. 2.—*Mr. Lowell to Earl Granville.*—(Received April 20.)

*Legation of the United States, London,*  
April 18, 1883.

MY LORD,

I HAVE received to-day from Mr. Frelinghuysen a despatch

\* Section 9 of the Act of Congress "To regulate the Carriage of Passengers by Sea" (No. 193 of August 2, 1882) and Sections 4606 and 4607 of the Revised Statutes of the United States.

† See Vol. 13. Page 970.

inclosing the copy of a Joint Resolution of both Houses of Congress of the United States, providing for the termination of certain Articles of the Treaty between the United States of America and Her Britannic Majesty, concluded at Washington on the 8th May, 1871,\* which Articles, under the Protocol signed on the 7th June, 1873,† took effect on the 1st July, 1873, and, by the terms of the original Treaty, are subject to termination by either party on two years' notice given at the expiration of ten years from 1st July, 1873. This Resolution, which was approved on 3rd March, 1883, directs the President to give notice to the Government of Her Britannic Majesty that the provisions of each and every of the Articles numbered XVIII to XXV, inclusive, and of Article XXX of the Treaty of the 8th May, 1871, will terminate and be of no force on the expiration of two years next after the time of giving such notice, which the President is further directed to give on the 1st July, 1883, or as soon thereafter as may be.

I am, therefore, instructed to comply with the directions of Congress in this matter, as set forth in this Resolution, by giving the notice required, and as the 1st July falls on Sunday, I am directed to give this notice on the next succeeding day.

I beg also, in compliance with further directions, to inform your Lordship of the purport of this instruction, and of my contemplated action under it.

I have, &c.,

J. R. LOWELL.

Earl Granville.

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No. 3.—*Earl Granville to Mr. Lowell.*

SIR,

*Foreign Office, April 27, 1883.*

I HAVE the honour to acknowledge the receipt of your note of the 18th instant, in which you acquaint me that, in compliance with the instructions you have received from your Government, you propose to give notice on Monday, the 2nd July (the 1st July falling on a Sunday), of the intention of the United States to terminate Articles XVIII to XXV, inclusive, and Article XXX of the Treaty of the 8th May, 1871, between Great Britain and the United States, which will cease to be in force on the expiration of two years from the date of such notice being given.

I have, &c.,

J. R. Lowell, Esq.

GRANVILLE.

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No. 4.—*Mr. Lowell to Earl Granville.*—(Received July 2.)

*Legation of the United States, London,*

MY LORD,

*July 2, 1883.*

REFERRING to my note to your Lordship of the 18th of April last, and to your Lordship's reply of the 27th of the same

\* See Vol. 13. Page 970.

† See Vol. 14. Page 684.

month, I have the honour to recapitulate the statements I made in that note, to the following effect: That I received on the said 18th April a despatch from Mr. Frelinghuysen, inclosing the copy of a Joint Resolution of both Houses of Congress of the United States, providing for the termination of certain Articles of the Treaty between the United States of America and Her Britannic Majesty, concluded at Washington on the 8th May, 1871; which Articles, under the Protocol signed on the 7th June, 1873, took effect on the 1st July, 1873, and, by the terms of the original Treaty, are subject to termination by either party on two years' notice given at the expiration of ten years from the 1st July, 1873. This Resolution, which was approved on the 3rd March, 1883, directs the President to give notice to the Government of Her Britannic Majesty that the provisions of each and every of the Articles numbered XVIII to XXV inclusive and of Article XXX of the Treaty of the 8th May, 1871, will terminate and be of no force on the expiration of two years next after the time of giving such notice; which the President is further directed to give on the 1st July, 1883, or as soon thereafter as may be.

I am, therefore, instructed by the President of the United States to comply with the directions of Congress in this matter, as set forth in the Resolution, by giving the notice required; and as the 1st July falls on Sunday, I am further instructed to give this notice on the succeeding day.

I do, therefore, this 2nd day of July, 1883, on behalf of the President of the United States, hereby give notice to the Government of Her Britannic Majesty that the provisions of each and every of the Articles numbered XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, and XXX of the Treaty of the 8th May, 1871, between the United States of America and Her Britannic Majesty, will terminate and be of no force on the expiration of two years next after the time of giving such notice.

I have, &c.,

Earl Granville.

J. R. LOWELL.

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No. 5.—*Earl Granville to Mr. Lowell.*

SIR,

*Foreign Office, August 22, 1883.*

I HAVE the honour to acknowledge the receipt of your note of the 2nd ultimo, in which you give notice that the provisions of Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, and XXX of the Treaty of the 8th May, 1871, between Great Britain and the United States will terminate and be of no force on the expiration of two years next after the date of the said notice.

In accepting this notice on behalf of Her Majesty's Government, I have the honour to inquire whether Her Majesty's

Government correctly understand the intention of the United States' Government to be that the provisions of Article XXXII, which relate to Newfoundland, shall cease to be in force and operation at the same time as the Articles recited in the notice, which relate to the Dominion of Canada.

I have, &c.,

*J. R. Lowell, Esq.*

GRANVILLE.

No. 6.—*Mr. Lowell to Earl Granville.*—(Received November 19.)

*Legation of the United States, London,*

*November 16, 1883.*

MY LORD,

REFERRING to your Lordship's note of the 22nd August last, in which your Lordship inquired whether, in accepting the notice which I gave to Her Majesty's Government on the 2nd July last that the provisions of Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, and XXX of the Treaty of the 8th May, 1871, between the United States and Great Britain, will terminate and be of no force on the expiration of two years from the date of said notice, Her Majesty's Government correctly understand the intention of the United States' Government to be that the provisions of Article XXXII, which relate to Newfoundland, shall cease to be in force and operation at the same time as the Articles recited in the notice which relate to the Dominion of Canada, I have the honour to acquaint you that I lost no time in transmitting a copy of your Lordship's note to the Department of State.

I have now received a reply from Mr. Frelinghuysen, in which I am instructed to inform your Lordship that Her Majesty's Government correctly understand the intention of the Government of the United States to be that the provisions of Article XXXII of the Treaty of Washington which relate to Newfoundland shall cease to be in force and operation at the same time as the Articles recited in the notice of the termination given by me on the 2nd July last, which relate to the Dominion of Canada.

Mr. Frelinghuysen states that your Lordship's inquiry does not appear to invite any discussion of the points involved, or to ask anything more than a simple declaration of the intention of the United States' Government as to the scope of the notice of the termination so given. He states, however, for my information, the reasons why Article XXXII must be considered as in force only so long as the other Articles which are specifically terminable are in force. As his views on this subject may be interesting to your Lordship, I venture to send you a copy of his despatch, although I have no instructions to do so.

I have, &c.,

*Earl Granville.*

J. R. LOWELL.

(Inclosure.)—*Mr. Frelinghuysen to Mr. Lowell.*

SIR, *Department of State, Washington, October 16, 1883.*

ANSWERING your despatch of the 28th August last, I have to instruct you to inform Earl Granville that Her Majesty's Government correctly understand the intention of the United States' Government to be that the provisions of Article XXXII of the Treaty of Washington, which relate to Newfoundland, shall cease to be in force and operation at the same time as the Articles recited in the notice of termination given by you on the 2nd July last, which relate to the Dominion of Canada.

His Lordship's inquiry of the 22nd August does not appear to invite any discussion of the points involved, or to ask anything more than a simple declaration of the intention of this Government as to the scope of the notice of termination so given. For your information I may, however, observe that, while the Treaty itself does not in terms provide for terminating Article XXXII, that Article, so far as it concerns the extension of the fisheries stipulations to Newfoundland, is dependent wholly upon the Articles specified as terminable, and that such extension can only last so long as the privileges to be extended continue to exist, as they do, by virtue of the Treaty and of the ascertained and proclaimed fact of legislation being in force for the execution of the Treaty in both the United States and Newfoundland. The United States' Statute to that end of the 1st March, 1873,\* in terms continues effective so long as the specifically terminable Articles of Treaty shall continue, and no longer. Article XXXII, therefore, loses all valid operative force with the removal of the sole bases of conjoined Treaty and legislation upon which it rested.

I am, &c.,

*J. R. Lowell, Esq.*

FREDK. T. FRELINGHUYSEN.

No. 7.—*Earl Granville to Mr. Lowell.*

SIR, *Foreign Office, January 16, 1884.*

I HAVE the honour to acknowledge the receipt of your note of the 16th November last, in which you state that it is the intention of the Government of the United States that the provisions of Article XXXII of the Treaty of Washington which relate to Newfoundland shall cease to be in force and operation at the same time as the Articles recited in the notice of termination given by you on the 2nd July last, which relate to the Dominion of Canada.

I have to state to you, in reply, that Her Majesty's Government accept this notice as applying to Newfoundland as well as to the Dominion of Canada.

I have, &c.,

*J. R. Lowell, Esq.*

GRANVILLE.

\* See Vol. 14. Page 682.

## VENEZUELA.

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DECREE *abolishing Differential Duties on Goods with Through Invoices consigned to Venezuelan Ports from Europe and North America.* Caracas, January 26, 1883.

(Translation.)

THE President of the United States of Venezuela, in exercise of the powers which are sanctioned by Article 2 of the 6th Law of the Code of Finance for the regulation of fiscal laws, and with the approving vote of the Federal Council,

Decrees:

ART. 1. The products, merchandize, and goods which proceed from the United States of North America and Europe, consigned for Venezuela, furnished with all the documents required by the law for the management of the Custom-house, shall be able to be transhipped in foreign Colonies from vessel to vessel to proceed to their destination, and shall be considered as proceeding directly from the (original) port of their shipment.

2. When for want of (immediate) transport, the said merchandize, produce, and goods may have to be disembarked in foreign Colonies, they shall be able to be reshipped for Venezuela without being considered as proceeding from them (the Colonies), always upon the condition that the owners or consignees must present in the Custom-houses of the Republic, in which they may be imported, together with the Consular manifest from the port of their original shipment, a certificate from the Venezuelan Consul in the Colony, in which it must be stated that the goods, &c., have been placed there in depôt for want of vessels in which to proceed to their destination.

3. The measures contained in the preceding Articles shall take effect from the 15th of next February, and thenceforth in all the Custom-houses of the Republic.

4. The Minister of Finance is entrusted with the execution of this Decree.

Signed, sealed, and countersigned in the Federal Palace in Caracas, the 26th day of January, 1883, in the 19th year of the Law, and 24th of the Federation.

GUZMAN BLANCO.

J. P. ROJAS PAUL, *Minister of Finance.*

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## AFRICA (*South*).

TREATIES, &c., *between Great Britain and Native Chiefs and States of South Africa.* 1836—1882.\*

(1.)—AGREEMENT *with the King of Abaqua Zooloo or Qua Machoban.* Cape Town, March 3, 1836.

ARTICLES OF AGREEMENT between the Governor of the Colony of the Cape of Good Hope on the one part, and Umsiligas (by his representative and chief councillor Um 'Nombate, specially appointed for the purpose of treating), on the other part.

I. The King of the Abaqua Zooloo or Qua Machoban, Umsiligas, engages to be a faithful friend and ally of the Colony.

II. He engages to preserve order in his territory and to abstain from war unless forced thereto in self-defence.

III. He engages to protect all white men who may visit his country, and to defend and treat in a friendly manner all missionaries or other persons who may, with his consent, settle and reside in his territory, so long as they act in accordance with justice.

IV. He engages to defend and assist all travellers or traders who may reach his country either with the object of extending knowledge or otherwise benefiting mankind.

V. He engages not to interfere with the remnants of tribes resident in the vicinity of his country, unless in self-defence, and promises to permit them to enjoy, undisturbed, the advantages of religious instructors, should any such be disposed to settle amongst them.

VI. And, generally, he engages to cultivate and encourage peace, and apprise the Colonial Government of any intended or actual hostile movements in the interior, and to act in concert with the said Government, in subduing whatever may be calculated to disturb the general peace, or retard the civilization and prosperity of the native tribes of South Africa.

In consequence of the 'above engagement, the Governor, upon his part, engages:—

1. That he will regard Umsiligas and his subjects as friends, and will receive any of them as such when they visit the Colony.

2. That he will grant, in the first instance, as presents for

\* Included in a "Return of Copies or Extracts of Engagements subsisting between Great Britain and States or Native Tribes of South Africa," laid before Parliament by the Colonial Office in 1884.

Umsiligas a variety of articles suitable to his present condition, and will continue supplies of the kind from time to time, so long as the terms agreed upon shall be strictly observed.

And in order to facilitate intercourse hereafter between Umsiligas and the Colony, the Governor will duly consider the request made for an individual of the Colony to be resident with the Abaqua Zooloo or Qua Machoban, and endeavour to obtain a missionary for that purpose, who will be most calculated, under circumstances, to forward the views of the contracting parties.

This done at the Government House in Cape Town, this 3rd day of March, in the year of Our Lord 1836.

(L.S.) B. D'URBAN, *Governor*.

(L.S.) UM 'NOMBATE, his X mark.

Signed and sealed in our presence :

ANDREW SMITH, *M.D.*

JAS. EDW. ALEXANDER, *A.D.C.*

(2.)—TREATY *with the King of the Zoolah Nation. Signed at Elapeen, October 5, 1843.*

ARTICLES OF A TREATY made and entered into between and signed by the undersigned Panda, King of the Zoolah nation, on the one part, and the undersigned the Honourable Henry Cloete, Esq., L.L., LL.D., in his capacity as Her Majesty's Commissioner for the Territory of Natal, on the other part.

ART. I. There shall be henceforward and for ever peace and friendship between the undersigned King Panda and his subjects, and Her Majesty Queen Victoria and all Her Majesty's subjects.

II. It is hereby agreed between the Undersigned that the respective boundaries between the territory of Natal and the Zoolah nation shall be defined at the sea line, by the mouth of the River Tugela, and from thence upwards until the junction of that stream with the River Umsinyaatee (or Buffels River), from thence upwards by the said River Umsinyaatee (or Buffels River), or such other boundary line along or near its banks, as may, at any time hereafter, be fixed upon by the Undersigned. Her Majesty's Commissioner for the territory of Natal, or such other Commissioner as Her Majesty may appoint, and by any two Indunas or Commissioners, whom the undersigned Panda, King of the Zoolah nation, may appoint for that purpose, and from thence northward to the foot of the Quathlamba (or Draaksberg) mountains.

III. The undersigned Panda, King of the Zoolah nation,

hereby agrees and binds himself to direct Koedoe, the captain of certain kraals placed by the late King Dingaan on the right bank of the Tugela, and all such other captains or Chiefs of kraals as may be found to come within the boundaries of the territory of Natal, hereby fixed and determined, to be removed from their respective stations.

The Undersigned, Her Majesty's Commissioner, for and on behalf of Her Majesty, hereby agreeing and consenting to allow them to remain until their crops shall have been reaped, and then to take with them all their effects and lawful property.

Thus done, and agreed upon, and confirmed, by the signature and marks of the Undersigned, King Panda, and the Undersigned, Her Majesty's Commissioner at the chief town of Elapeen, on this the 5th day of October, 1843, in the presence of the undermentioned witnesses.

This is the mark of the King ✕ PANDA,  
made by himself.

This is the mark of the Induna ✕ UMVUNHLAAN,  
made by him.

This is the mark of the Induna ✕ UMKONDANI,  
made by him.

H. CLOETE, L.L., *Her Majesty's High Commissioner.*

Witnesses: D. C. TOOKEY, C. J. BUISSINE.

This document has been faithfully interpreted from word to word, by me, to the King Panda, who declared fully to understand and approve of the contents thereof.

J. KIRKMAN.

I, the Undersigned, Chief and King of the Zoolah nation, do hereby declare to cede all right and title which I heretofore had to the mouth of the River Umvolooi, and to the bay there situate,\* to and in favour of Her Majesty Queen Victoria, or the lawful Sovereign of Great Britain, for the time being, for ever, with full liberty to visit, land upon, and occupy, the shores along the said bay and mouth of the said River Umvolooi, the Undersigned hereby agreeing and consenting to appoint, whenever he shall be thereto requested, two Indunas or Commissioners, for the purpose of defining and proving the limits and extent of the sea-shore so ceded and given up to Her Majesty Queen Victoria, or the lawful Sovereign of Great Britain for the time being.

In witness hereof I have hereto affixed my mark at my chief town of Elapeen, on this 5th day of October, 1843, in the presence of the undermentioned witnesses.

This is the mark of the King PANDA ✕  
made by himself.

✕ the mark of the Induna UMVANKLAMA.

✕ the mark of the Induna UMKONDANE.

Witnesses: D. C. TOOKEY, C. J. BUISSINE.

\* St. Lucia.

This document has been faithfully interpreted from word to word, by me, to the King Panda, who declared fully to understand and approve of the contents thereof.

J. KIRKMAN.

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(3).—CONVENTION *with the Representatives of the Orange River Territory. (Recognition of the Independence of the Orange Free State.) Signed at Bloemfontein, February 23, 1854.*

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ARTICLES OF CONVENTION entered into between Sir George Russel Clerk, Knight Commander of the Most Honourable Order of the Bath, Her Majesty's Special Commissioner for settling and adjusting the affairs of the Orange River Territory, on the one part, and the undermentioned representatives, delegated by the inhabitants of the said territory :—

*For the District of Bloemfontein.*

George Frederik Linde; Gerhardus Johannes du Toit, Field Cornet; Jacobus Johannes Venter; Dirk Johannes Kramfort.

*For the District of Smithfield.*

Josias Philip Hoffmann; Hendrik Johannes Weber, Justice of the Peace and Field Commandant; Petrus Arnoldus Human; Jacobus Theodorus Snyman, Field Cornet; Petrus Van der Walt, sen. (absent on leave).

*For Sannah's Poort.*

Gert Petrus Visser, Justice of the Peace; Jacobus Groenendaal; Johannes Jacobus Rabe, Field Cornet; Esias Rynier Snyman; Charl Petrus du Toit; Hendrik Lodewicus du Toit.

*For the District of Winburg.*

Fredrik Peter Schnehage; Matheys Johannes Wessels; Cornelis Johannes Fredrik du Plooy; Fredrik Petrus Sennekal, Field Cornet; Petrus Lafras Moolman, Field Cornet; Johan Isaak Jacobus Fick, Justice of the Peace.

*For the District of Harrismith.*

Paul Michiel Bester, Justice of the Peace; Willem Adriaan van Aardt, Field Cornet; Willem Jurgens Pretorius; Johannes Jurgen Bornman; Hendrik Venter (absent on leave); Adriaan Hendrik Stander, on the other part.

ART. I. Her Majesty's Special Commissioner, in entering into a Convention for finally transferring the government of the Orange River Territory to the representatives delegated by the inhabitants to receive it, guarantees, on the part of Her Majesty's Government, the future independence of that country and its government; and that, after the necessary preliminary arrangements for making over the same between Her Majesty's Special Commissioner and the said representatives shall have been completed, the inhabitants of the country shall then be free. And that this independence shall, without unnecessary delay, be confirmed and ratified by an instrument, promulgated in such form and substance as Her Majesty may approve, finally freeing them from their allegiance to the British Crown, and declaring them, to all intents and purposes, a free and independent people, and their Government to be treated and considered thenceforth a free and independent Government.

II. The British Government has no alliance whatever with any native Chiefs or tribes to the northward of the Orange River, with the exception of the Griqua Chief, Captain Adam Kok; \* and Her Majesty's Government has no wish or intention to enter hereafter into any Treaties which may be injurious or prejudicial to the interests of the Orange River Government.

III. With regard to the Treaty existing between the British Government and the Chief Captain Adam Kok, some modification of it is indispensable. Contrary to the provisions of that Treaty, the sale of lands in the Inalienable Territory has been of frequent occurrence, and the principal object of the Treaty thus disregarded. Her Majesty's Government therefore intends to remove all restrictions preventing Griquas from selling their lands, and measures are in progress for the purpose of affording every facility for such transactions, the Chief, Adam Kok, having, for himself, concurred in and sanctioned the same. And with regard to those further alterations arising out of the proposed revision of relations with Captain Adam Kok, in consequence of the aforesaid sales of lands having from time to time been effected in the Inalienable Territory contrary to the stipulations of the Maitland Treaty, it is the intention of Her Majesty's Special Commissioner, personally, without any unnecessary loss of time, to establish the affairs in Griqualand on a footing suitable to the just expectations of all parties.

IV. After the withdrawal of Her Majesty's Government from the Orange River Territory, the new Orange River Government shall not permit any vexatious proceedings towards those of Her Majesty's present subjects remaining within the Orange River Territory who may heretofore have been acting under the authority of Her Majesty's Government, for or on account of

\* See Vol. 9. Page 106.

any acts lawfully done by them, that is, under the law as it existed during the occupation of the Orange River Territory by the British Government. Such persons shall be considered to be guaranteed in the possession of their estates by the new Orange River Government.

Also, with regard to those of Her Majesty's present subjects who may prefer to return under the dominion and authority of Her Majesty to remaining where they now are, as subjects of the Orange River Government, such persons shall enjoy full right and facility for the transfer of their properties, should they desire to leave the country under the Orange River Government at any subsequent period within three years from the date of this Convention.

V. Her Majesty's Government and the Orange River Government shall, within their respective territories, mutually use every exertion for the suppression of crime, and keeping the peace, by apprehending and delivering up all criminals who may have escaped or fled from justice either way across the Orange River, and the Courts, as well the British as those of the Orange River Government, shall be mutually open and available to the inhabitants of both territories for all lawful processes. And all summonses for witnesses directed either way across the Orange River shall be countersigned by the Magistrates of both Governments respectively, to compel the attendance of such witnesses, when and where they may be required, thus affording to the community north of the Orange River every assistance from the British Courts, and giving, on the other hand, assurance to such Colonial merchants and traders as have naturally entered into credit transactions in the Orange River Territory during its occupation by the British Government, and to whom, in many cases, debts may be owing, every facility for the recovery of just claims in the Courts of the Orange River Government. And Her Majesty's Special Commissioner will recommend the adoption of the like reciprocal privileges by the Government of Natal in its relations with the Orange River Government.

VI. Certificates issued by the proper authorities, as well in the Colonies and Possessions of Her Majesty as in the Orange River Territory, shall be held valid and sufficient to entitle heirs of lawful marriages, and legatees, to receive portions and legacies accruing to them respectively, either within the jurisdiction of the British or Orange River Government.

VII. The Orange River Government shall, as hitherto, permit no slavery, or trade in slaves, in their territory north of the Orange River.

VIII. The Orange River Government shall have freedom to purchase their supplies of ammunition in any British Colony or Possession in South Africa, subject to the laws provided for the

regulation of the sale and transit of ammunition in such Colonies and Possessions; and Her Majesty's Special Commissioner will recommend to the Colonial Government that privileges of a liberal character, in connection of import duties generally, be granted to the Orange River Government, as measures in regard to which it is entitled to be treated with every indulgence, in consideration of its peculiar position and distance from the sea-ports.

IX. In order to promote mutual facilities and liberty to traders and travellers, as well in the British Possessions as in those of the Orange River Government, and it being the earnest wish of Her Majesty's Government that a friendly intercourse between these territories should at all times subsist, and be promoted by every possible arrangement, a Consul or Agent of the British Government, whose especial attention shall be directed to the promotion of these desirable objects, will be stationed within the Colony near to the frontier, to whom access at all times may readily be had by the inhabitants on both sides of the Orange River, for advice and information, as circumstances may require.

This done and signed at Bloemfontein, on the 23rd day of February, 1854.

GEORGE RUSSEL CLERK, *Her Majesty's  
Special Commissioner.*

[Here follow the signatures of the Representatives of the Orange River Territory.]

(4.)—CONVENTION *with the Orange Free State respecting Basutoland. Aliwal North, February 12, 1869.*

HIS EXCELLENCY SIR PHILIP EDMOND WODEHOUSE, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of the Colony of the Cape of Good Hope, Her Britannic Majesty's High Commissioner for the Affairs of South Africa, &c., acting on behalf and in the name of the Government of Her Britannic Majesty, on the one part;

And Johannes Hendricus Brand, Esq., President of the Orange Free State, Hendrik Antonie Lodewyk Hamelberg, Esq., Cornelius Janse de Villiers, Esq., Jacobus Johannes Venter, Esq., and Andries Jacobus Bester, Esq., members of the Volksraad of the Orange Free State, appointed as Commissioners by, and acting on behalf and in the name of, the Government of the Orange Free State, on the other part:

Having met at Aliwal North, in the Colony of the Cape of Good Hope, in South Africa, for the purpose of negotiating about all pending questions with regard to the Basuto affairs, have agreed, as they hereby agree:—

ART. I. The boundary line between Basutoland, forming part of the British Empire by virtue of the Proclamation of his Excellency the High Commissioner of Her Britannic Majesty, dated 12th March, 1868,\* and the Orange Free State, shall, subject to the provisions contained in Article VI hereof, be as follows:—From the junction of the Cornetspruit with the Orange River, along the centre of the former to the point nearest to Olifantsbeen; from that point to Olifantsbeen; from Olifantsbeen to the southern point of Langberg; along the top of Langberg to its north-western extremity; from thence to the eastern point of Jammerberg; along the top of Jammerberg to its north-western extremity; from thence, by a prolongation of the same, to the Caledon River; along the centre of the Caledon River to where the Putisani falls into it; along the centre of the Putisani to its source in the Drakensberg; from thence along the Drakensberg.

II. The boundary line mentioned in Article I shall be marked off, and proper beacons shall be erected along the same without delay as far as may be deemed necessary, by two or more Commissioners, to be appointed respectively by his Excellency the High Commissioner and the President of the Orange Free State, in the presence of two land surveyors, who shall be appointed in the same manner, and who shall frame two similar sketches of the said boundary line or such part of the same as shall be marked off, to be signed by them and by the Commissioners aforesaid, one to be transmitted to his Excellency the High Commissioner, and one to the President of the Orange Free State.

III. The Government of the Orange Free State hereby acknowledges the Basutos domiciled on the eastern side of the boundary line mentioned in Article I to be British subjects.

IV. All natives who have been allowed or permitted by the Government of the Orange Free State to establish themselves on the Free State side of the boundary line mentioned in Article I are hereby acknowledged to be subjects of the Orange Free State.

V. Such Basutos, not falling within the terms of Article IV or Article VII, as at present live on the western side of the boundary line mentioned in Article I, shall be allowed to remain on the said side until the 31st day of July, 1869, in order to enable them to reap and remove their crops; and after the said day, unless specially permitted by the Government of the Orange Free State to remain, shall be obliged to quit the

\* See Page 499.



territory of the said State. Such of them as may fail to comply herewith may be expelled by such means as the Government of the Orange Free State may think fit to adopt for that purpose.

VI. Upon the written request of the Chief Molapo to the Volksraad of the Orange Free State for himself and his people to be relieved from their subjection to that State, and to become British subjects, the Volksraad shall grant the said request; whereupon the land between the Putisani, the Caledon River, and the Drakensberg shall cease to form part of the territory of the Orange Free State; and the boundary line mentioned in Article I, instead of running along the centre of the Caledon River to where the Putisani falls into it, along the centre of the Putisani to its source in the Drakensberg, and from thence along the Drakensberg, shall thereafter be taken to run along the centre of the Caledon River to its source in the Drakensberg.

VII. The French missionary establishments, Mequatling and Mabilele, shall be maintained for the reasonable purposes of the mission, and the missionaries and natives residing on them shall be subject to such regulations as shall from time to time be made by the Government of the Orange Free State for the proper management of the same; and 1,500 morgen of land, or such addition of ground as the Volksraad of the said State may consider necessary and practicable, shall be assigned to each of the said establishments. The French Missionary Society, however, or their representatives, shall be entitled at any time to give them up as such, and to dispose of the same should they consider it advisable to do so.

VIII. There shall be free intercourse, personal and commercial, between the white inhabitants residing in the Orange Free State on the one side, and Basutoland on the other side, subject to such laws and regulations now in force or to become in force in the two countries respectively.

IX. No natives residing in Basutoland shall be allowed to enter or pass through the territory of the Orange Free State, and no natives residing in the Orange Free State shall be allowed to enter or pass through Basutoland otherwise than in conformity with such conditions and regulations as are now in force or may hereafter be enacted by the Volksraad of the Orange Free State, and by or in the name of the British Government respectively.

X. It is stipulated between the two Contracting Parties that from both sides criminals shall be delivered, upon the terms which shall be agreed upon hereafter, between the Government of Her Britannic Majesty on the one part, and the Government of the Orange Free State on the other part, and which shall constitute the subject of a special Convention, as soon as the Government of Basutoland shall have been constituted.

XI. It is stipulated between the two Contracting Parties that the manner in which thefts of cattle and other property are to be proved, the manner in which the spoor of stolen cattle is to be traced, the manner in which compensation for thefts is to be claimed and to be obtained, and all other matters connected therewith, shall form the subject of a separate Agreement, to be entered into from time to time between the Government of Her Britannic Majesty and the Government of the Orange Free State, or such Commissioners as may be appointed by them for the said purpose.

XII. His Excellency the High Commissioner agrees to submit to arbitration the claim of the Orange Free State to compensation for thefts committed and other damage done by the Basutos to the inhabitants of the Orange Free State, and the claim of the Basutos to like compensation since the date of the proclamation of his Excellency the High Commissioner, by which the Basutos have become British subjects, should the Volksraad of the Orange Free State desire such arbitration.

XIII. In the same manner his Excellency the High Commissioner agrees to arbitration with regard to the claim of the Orange Free State to compensation for the abandonment of the land situate between the boundary line mentioned in Article I of the Treaty of Peace between the Orange Free State and the Chief Moshesh, dated 3rd April, 1866, and that mentioned in Article I of the present Convention, and in the case provided for by Article VI for the abandonment of the land situate between the Putisani, the Caledon River, and the Drakensberg.

XIV. Nothing herein contained shall be construed to set aside or invalidate the Convention entered into on the 23rd February, 1854,\* between Sir George Russel Clerk, Her Britannic Majesty's Special Commissioner, and the representatives delegated by the inhabitants of the Orange River Territory, nor any part of the same, nor shall the Proclamation of his Excellency the High Commissioner, dated 12th March, 1868, be held to have been a violation of said Convention.

XV. Nothing in the preceding Articles contained shall be held to prevent the acceptance by the Volksraad of the Orange Free State of the proposals made to the Commissioners of the said State by his Excellency the High Commissioner on the 5th day of February, 1869, as the same are set forth in the Schedule hereto annexed. And if such proposals shall be accepted by the said Volksraad, then the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, and 13th of the preceding Articles shall be deemed to have been cancelled, and the several Articles contained in the said proposals shall be taken to be Articles of the Convention.

XVI. The present Convention, subject to the confirmation and ratification of the Government of Her Britannic Majesty on

\* See Page 850.

the one part, and the Government of the Orange Free State on the other part, shall be carried immediately into execution, without waiting for the exchange of ratifications, which shall take place in Cape Town, in the Colony of the Cape of Good Hope, within six months from this date.

Thus done and signed at Aliwal North, in the Colony of the Cape of Good Hope, this 12th day of February, in the year of Our Lord 1869.

P. E. WODEHOUSE.  
 J. H. BRAND.  
 H. A. L. HAMELBERG.  
 C. J. A. DE VILLIERS.  
 J. J. VENTER.  
 A. J. BESTER.

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SCHEDULE.

1. The border between the Free State and Basutoland shall be that recognized before the war of 1865.

2. All persons to whom the Government of the Free State shall, before the 1st day of April, 1868, have sold or granted farms lying between the line in the preceding Article mentioned, and the line described in a letter from the High Commissioner to the President, of the 14th April, 1868, and who shall have complied with the conditions of the sale or grant, shall, subject to the stipulations hereinafter contained, receive titles for the same from the British Government. All instalments remaining under the conditions of sale shall be paid to the Free State.

3. It shall be open to the British Government in any case in which special circumstances may render it necessary to do so, to withhold the title and resume the possession of any such farm, on condition of granting to the purchaser or grantee a farm of equal value or compensation in money.

4. All the said farms that have become forfeited for non-fulfilment of the conditions of sale or grant shall revert to the British Government, and any such forfeited farms shall be available for the purpose of the preceding Article; and such of the said farms as shall not be applied to such purposes shall be sold, and of the proceeds of sale two-thirds shall be paid to the Government of the Free State.

5. The obligations of personal residence on the part of the purchaser or grantee or his substitute shall be abolished, and the quit-rent payable for every such farm shall be at the rate of 5*l.* per annum for each thousand morgen.

6. The British Government shall, in consideration of the above-stated arrangement, pay to the Government of the Free State, over and above all sums accruing under the preceding Articles, the sum of 50,000*l.* sterling on or before the day

of next; and in default of such payment, and until the same shall be made, pay annually the sum of 3,000*l.*, commencing from the day on which the first payment of quit-rent shall become due under the preceding Article.

P. E. WODEHOUSE.

5th February, 1869.

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Subject to the regulations to be hereafter made, it is agreed:—

1. Whenever the spoor of stolen cattle or horses is traced across the boundary line to Basutoland, the officer of the British Government stationed nearest to the place where the theft was committed, shall, upon receiving report thereof, be bound to aid the owner of the stolen property, or the person acting on his behalf, in tracing the spoor until the stolen cattle or horses are discovered in Basutoland, or until the spoor is lost, and further to give every aid and assistance which may lead to the discovery and punishment of the thief, and the recovery and restitution of the stolen property. Information shall be given by the Agent of the High Commissioner from time to time to the authorities of the Orange Free State of the names and place of residence of the officers on the border.

2. If the spoor of any stolen cattle or horses shall be traced across the boundary line to the Orange Free State, it shall be reported to the nearest field-cornet of the Orange Free State, who shall be bound to afford every assistance in tracing the spoor and discovering and apprehending the thief, in order that he may be dealt with according to law, and that the stolen property may be recovered and restored.

P. E. WODEHOUSE.

J. H. BRAND.

H. A. L. HAMELBERG.

C. J. DE VILLIERS.

J. J. VENTER.

A. J. BESTER.

Aliwal North, 12th February, 1869.

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(5.)—TREATY *with Chief of the Bondelzwartz. Springbokfontein, January 31, 1870.*

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BE it remembered that on the 31st day of January, 1870, I, William Christian, Chief of the Bondelzwartz, of Nisbett, Bath, entered into the following arrangement with George Alexander

Reynolds, Acting Resident Magistrate of Namaqualand, on the part of and representing the Colonial Government:

In consideration of the annual allowance granted to me, and so long as such allowance be continued, I, William Christian, Chief of the Bondelzwartz, do hereby bind myself to the said George Alexander Reynolds, acting as aforesaid, to aid the Government of the Cape Colony, on all possible occasions, in suppressing disturbances, preventing depredations and thefts, and co-operating with the Government generally in preserving peace and order along the Orange River.

Dated at Springbokfontein, this 31st day of January, 1870.

His  
X WILLIAM CHRISTIAN.  
mark.

Witnesses:

M. E. HARE, J.P.  
TIMOTHEUS SNEW.

(6.)—CONDITIONS *on which the Tembus were taken over by the Colonial Government, and became British Subjects. October 28, 1875.*

1st. THAT the following Chiefs be recognized as Chiefs:—  
N'Gangelizwe, Umguhla, Umdukiso, Bacelo, Umhlobo, Umdulasi, Sandili, Umdeki, Tsompa, Dubelikwele, Umtuyedwa, Ndwanyaza, Stockwe (son of Charlie Ungonyama), and Maramcana.

2nd. That the following salaries be paid to the Chiefs:—

	£	s.	d.
N'Gangelizwe .. .. .	200	0	0
Son of Gangelizwe, when arrived at 20 years of age .. .. .	100	0	0
Umguhla .. .. .	50	0	0
Umdukiso .. .. .	50	0	0
Bacelo .. .. .	30	0	0
Umhlobo .. .. .	30	0	0
Sandili, son of Myolisa .. .. .	30	0	0
Ndiki, son of Umtwa .. .. .	20	0	0
Umdulasi .. .. .	20	0	0
Tsompa .. .. .	20	0	0
Dubulukwele .. .. .	20	0	0
Umtuyedwa .. .. .	20	0	0
Stockwe, son of Charlie .. .. .	20	0	0
Ndwanyaza .. .. .	20	0	0
Maramcana .. .. .	20	0	0
Ungonyama .. .. .	20	0	0

3rd. That, in order to induce the return of those Tembus

who have been compelled to leave through mismanagement and wars, the hut-tax shall not become due until January, 1878.

4th. That the boundary on the north-west be that fixed by the Commission, the members of which were Messrs. Griffith, Ayliff, and Grant. The boundary on the south-east be that fixed by the Honourable Mr. Brownlee in 1873.

5th. The Chiefs to exercise authority and settle lawsuits (except cases of murder, crimes arising out of charges of witchcraft, serious assaults, and thefts from other tribes and from the Colony) within their own sections, subject to right of appeal to the Magistrate.

The Chief Gangelizwe, having been hitherto considered the paramount Chief of the whole tribe, it is now proposed that the authority should not extend beyond his own section.

6th. That the government of the mission stations shall not be interfered with for the present.

7th. That, in order to remove all cause of irritation and heart-burning arising from the compulsory return of Mensiwe, he and his tribe be located in the land vacated by the Chief Umtata, and the land at present occupied by Mensiwe be filled up by loyal Tembus, who choose to return to this part.

8th. It is understood that Government will prohibit the sale of liquors to all natives.

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*Office of the Resident with Gangelizwe,  
October 28, 1875.*

The Reverend Mr. Hargreaves appears at the office and states that he is deputed by the Tambookie tribe to submit the above proposals to the Resident for the consideration of the Government.

Mr. Bowker, Commandant of Police, being present, the above proposals are submitted to him, for his information, who fully concurs in its being forwarded to Government.

W. WRIGHT, *Resident.*

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(7.)—LETTER of the Chief of the Amaquatis, placing his Country and Tribe under the Protection of the British Government. December 10, 1875.

REQUEST of Chief Dalasile to be received under British Protection.

This was publicly made known at the meeting 10th December, 1875, by Commandant Bowker, Inspector Chalmers interpreting.

THE Chief Dalasile, of the Amaquati tribe, being seriously unwell and unable to attend the meeting summoned by Commandant Bowker

at the Residency, Njanyana, on the 10th December, 1875, wishes it to be stated at the meeting that he gladly places his country and tribe under the protection of the British Government.

1. Dalasile wishes it to be understood that he is not taken over by Government on account of misconducting himself, and trusts that his good behaviour will be taken into consideration.

2. Dalasile hopes the Government will consent to grant a separate Magistrate for his tribe.

3. Dalasile hopes the Government will allow his tribe the country they have hitherto occupied without being mixed up with other tribes.

4. Dalasile hopes the hut-tax will not come into force in his tribe for two years.

5. Dalasile hopes that Government will make him an allowance of not less than 100*l.* per annum.

6. Dalasile hopes the Government will be pleased to make an annual allowance to his son and heir, Thomas, to his elder brother Dandi, and to the five following headmen in his tribe, viz., Singama, Sitongo, Sandille, Mangela, and Matyobeni.

7. Dalasile hopes the Government will confirm the grants of land made in his country (four in number) for Church of England Missions.

8. Dalasile also begs that the Government will strenuously prohibit the sale of brandy in his country.

1.

This also was made known as quite understood, the Commandant remarking "that Dalasile, unlike N'Gangelizwe, came in with clean hands."

2.

Agreed to.

3.

Agreed to, such Magistrate's being under the Resident, Njanyana.

4.

Agreed to.

5.

Agreed to.

6.

Dandi to receive 25*l.* per annum, the names of the other six to be submitted to Government with recommendation that they get an allowance.

7.

Agreed to, the Commandant remarking that additions would be made to these grants, if necessary.

8.

Agreed to.

(8.)—AGREEMENT *with the Orange Free State, respecting the Frontier Line, Claims, &c. London, July 13, 1876.*

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London, July 13, 1876.

MEMORANDUM OF AGREEMENT between the Right Honourable the Earl of Carnarvon, Her Majesty's Secretary of State for the Colonies, representing Her Majesty's Government, and his Honour President Brand, for the Orange Free State, who, having met and fully communicated with each other for the purpose of arriving at an understanding with regard to the Frontier Line between the British and the Orange Free State Territories, and as to the sum to be paid by Her Majesty's Government to the Orange Free State in full settlement of all claims with respect to the Diamond Fields and the question of Sovereignty over the lands hitherto in dispute, hereby agree as follows:—

ART. I. THE frontier shall be known and recognized hereafter (subject to the provisions in paragraph No. 2) by a line drawn from Rama (Fountain), passing through David's Graf (close above the junction of the Riet and Modder Rivers) to the beacon standing on Tartantal Kop (and marked by De Villiers on the map referred to hereafter), thence by a straight line at right angles to the line from David's Graf to the summit of Platberg, and from the point where the two lines join, thence to the summit of Platberg, thence in a straight line to the point marked G on the said map, on the River Vaal, including the whole of the places known as the Diamond Fields.

II. The boundary line given shall be drawn so as to leave within the Free State territory the farm belonging to Gideon Joubert, and the four farms occupied by Commandant Dolf Erasmus, according to the boundaries of the said farms as registered in the Registry of Deeds Office at Bloemfontein, on the 27th October, 1871, but verified and certified by examination, and by marking of beacons, to be made on the spot by two experts, approved by the Right Honourable the Earl of Carnarvon and his Honour President Brand.

III. The map now in the hands of the Right Honourable the Earl of Carnarvon, drawn by Mr. Jonas de Villiers, of the Free State, and signed in duplicate by the Right Honourable the Earl of Carnarvon and his Honour President Brand, shows the line of boundary as herein set forth. But it is admitted that this map is to be verified and approved on the spot by the experts herein referred to, who will mark out the line of boundary by beacons, and make out two copies of the chart, and sign the same, which is to be completed within six months,



unless prevented by unforeseen circumstances, or sooner if possible.

IV. The amount to be paid by Her Majesty's Government on the due fulfilment and carrying out of the details of this agreement is hereby fixed at the sum of 90,000*l.* sterling, payable as follows:—20,000*l.* payable at Bloemfontein on the completion of the surveys and settlement of the boundaries by beacons in bills drawn by the Treasurer-General of the Orange Free State upon Her Majesty's Government in London at 60 days after sight, and the remainder (70,000*l.* sterling) by bills equal to cash in London on the completion of the documents exchanged there.

V. The Right Honourable the Earl of Carnarvon and his Honour President Brand hereby express their cordial satisfaction with the foregoing arrangement as a just and fair settlement in full of the question referred to herein and heretofore in dispute; and all grounds for controversy now being removed, the Right Honourable the Earl of Carnarvon and his Honour President Brand, for themselves and for Her Majesty's Government and for the Orange Free State, agree to seek, by friendly co-operation hereafter, all that can advance the common interests of their respective countries.

CARNARVON.  
J. H. BRAND.

In the presence of—  
DONALD CURRIE.  
DONOUGHMORE.

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(9.)—AGREEMENT *with the Orange Free State, respecting Railways. London, July 13, 1876.*

London, July 13, 1876.

FURTHER MEMORANDUM OF AGREEMENT between the Right Honourable the Earl of Carnarvon, for Her Majesty's Government, and President Brand, on behalf of the Orange Free State respectively:—

THE questions at issue between Her Majesty's Government and the Orange Free State having been arranged this day, as set forth in the Memorandum of Agreement to which this is attached,—\*

The Right Honourable the Earl of Carnarvon has proposed to President Brand, as an additional proof of his good feeling towards the Orange Free State, and of his desire for its material prosperity, that if, within five years from this date, the Orange

\* See Page 862.

Free State shall establish a line of railway to connect with the Natal Railway, or any line of railway which the Cape Colony may make, then and in such case Her Majesty's Government will pay to the Orange Free State the sum of 15,000*l.* sterling, without any further condition than that this amount so payable is to be employed in the construction of the line of railway referred to within the territory of the Orange Free State ;

And President Brand, fully recognizing in this offer the friendly disposition of Her Majesty's Government towards the Orange Free State, but not feeling himself authorized to decide in this matter, seeing that the subject of railways rests entirely with the Volksraad of the Orange Free State, accepts the same in the spirit in which the Right Honourable the Earl of Carnarvon has made it, subject to the approval of the Volksraad, to whom the President will submit the proposal, and obtain their decision, within three months after his arrival at Bloemfontein, and communicate the same to the Right Honourable the Earl of Carnarvon without delay.

CARNARVON.  
J. H. BRAND.

In the presence of—  
DONALD CURRIE.  
DONOUGHMORE.

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(10.)—AGREEMENT *between Nquiliso, Chief of Pondoland, and the Cape Government. July 17, 1878.*

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AGREEMENT entered into between the Chief Nquiliso, on behalf of himself and people, and Major H. G. Elliot, acting on behalf of the Government of the Cape of Good Hope, at Nquiliso's great place "Emhlanganisweni," Pondoland, this 17th day of July, in the year of Our Lord 1878.

I. THE Chief Nquiliso hereby cedes to the Government of the Cape Colony all sovereign rights which he now possesses, or is entitled to claim, over the waters and navigation of the Umzimkulu River.

II. That the Chief Nquiliso hereby agrees to cede to the Government of the Cape Colony such portions of land as may hereafter be agreed upon, for the erection of a Custom-house or other buildings on the banks of the Umzimvubu. The land to be paid for at a fair valuation.

III. The Chief Nquiliso hereby agrees to roads being made and maintained through his country from the Umzimvubu to the main waggon-road from the Colony to Natal.

IV. From the date hereof, the Government of the Cape of Good Hope will acknowledge the Chief Nquiliso as Chief in his territory, entirely independent of Umqikela, from whose attack he will be protected as long as he maintains his present friendly relations with the Government of the Cape of Good Hope.

In testimony whereof we, the contracting parties, have hereunto subscribed our names.

Their

X NQUILISO, *Chief*.

X GUMBELO, *Councillor*.

marks. PHILIP CHARLES.

H. G. ELLIOT, *Chief Magistrate, Tembulund*.

Witnesses : T. R. JAMES.

JOHN OXLEY OXLAND.

(11.)—CONDITIONS of *Appointment of Zulu Chiefs*.

*September 1, 1879.*

I RECOGNIZE the victory of British arms over the Zulu nation, and the full right and title of Her Majesty Queen Victoria, Queen of England and Empress of India, to deal as she may think fit with the Zulu Chiefs and people, and with the Zulu country ; and I agree, and I hereby signify my agreement, to accept from Sir Garnet Joseph Wolseley, G.C.M.G., K.C.B., as the representative of Her Majesty Queen Victoria, the Chieftainship of a territory of Zululand, to be known hereafter as the

, subject to the following terms, conditions, and limitations.

TERMS, Conditions, and Limitations laid down by General Sir Garnet Joseph Wolseley, G.C.M.G., K.C.B., and assented to by me as the terms, conditions, and limitations, subject to which I agree to accept the Chieftainship of the aforesaid Territory :—

1. I will observe and respect whatever boundaries shall be assigned to my territory by the British Government, through the Resident of the division in which my territory is situated.

2. I will not permit the existence of the Zulu military system, or the existence of any military system or organization whatsoever within my territory ; and I will proclaim, and make it a rule that all men shall be allowed to marry when they choose, and as they choose, according to the good and ancient customs of my people, known and followed in the days preceding the establishment by Chaka of the system known as the military system ; and I will allow and encourage all men living within my territory to go and come freely for peaceful purposes, and to work in Natal, or the Transvaal, or elsewhere, for themselves or for hire.

3. I will not import or allow to be imported into my terri-

tory, by any person upon any pretence or for any object whatsoever, any arms or ammunition from any part whatsoever, or any goods or merchandize by the sea-coast of Zululand, without the express sanction of the Resident of the division in which my territory is situated, and I will not encourage, or promote, or take part in, or countenance in any way whatsoever, the importation into any part of Zululand of arms or ammunition from any part whatsoever, or of goods or merchandize by the sea-coast of Zululand, without such sanction, and I will confiscate and hand over to the Natal Government all arms and ammunition and goods and merchandize so imported into my territory, and I will punish by fine or other sufficient punishment any person guilty of or concerned in such unsanctioned importation, and any person found possessing arms, or ammunition, or goods, or merchandize knowingly obtained thereby.

4. I will not allow the life of any of my people to be taken for any cause, except after sentence passed in a council of the chief men of my territory, and after fair and impartial trial in my presence, and after the hearing of witnesses; and I will not tolerate the employment of witch doctors, or the practice known as "smelling out," or any practices of witchcraft.

5. The surrender of all persons fugitives in my territory from justice, when demanded by the Government of any British Colony, territory, or province, in the interests of justice, shall be readily and promptly made to such Government; and the escape into my territory of persons accused or convicted of offences against British laws shall be prevented by all possible means, and every exertion shall be used to seize and deliver up such persons to British authority.

6. I will not make war upon any Chief or Chiefs, or people, without the sanction of the British Government, and in any unsettled dispute with any Chief or people I will appeal to the arbitration of the British Government, through the Resident of the division in which my territory is situated.

7. The succession to the Chieftainship of my territory shall be according to the ancient laws and customs of my people, and the nomination of each successor shall be subject to the approval of the British Government.

8. I will not sell, or in any way alienate, or permit or countenance any sale or alienation of, any part of the land in my territory.

9. I will permit all people now residing within my territory to there remain upon the condition that they recognize my authority as Chief, and any person not wishing to recognize my authority as Chief, and desiring to quit my territory, I will permit to quit it, and to pass unmolested elsewhere.

10. In all cases of dispute in which British subjects are

involved, I will appeal to and abide by the decision of the British Resident of the division in which my territory is situated; and in all cases where accusations of offences or crimes committed in my territory are brought against British subjects, or against my people in relation to British subjects, I will hold no trial and pass no sentence except with the approval of such British Resident.

11. In all matters not included within these terms, conditions, and limitations, and in all cases unprovided for herein, and in all cases where there may be doubt or uncertainty as to the laws, rules, or stipulations applicable to matters to be dealt with, I will govern, order, and decide in accordance with ancient laws and usage of my people.

These terms, conditions, and limitations I engage, and I solemnly pledge my faith to abide by and respect in letter and spirit, without qualification or reserve.

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(12.)—DEED OF TRANSFER of certain Land at Umtata (*Tembuland*), passed by N'Gangelizwe in favour of the Colonial Government. Umtata, August 1, 1882.

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KNOW ALL MEN WHOM IT MAY CONCERN,

THAT N'Gangelizwe, the paramount Chief of the Tembu tribe, being at the time advised and assisted by his councillors M'bande, Msenge, and Bida, appeared before me, Arthur Henry Bell Stanford, Resident Magistrate of the District of Umtata, in the territory of Tembuland, and declared that he had truly and legally sold, and that he did by these presents cede and transfer, in full and free property, to and on behalf of Henry George Elliot, C.M.G., Chief Magistrate of the Territory of Tembuland, he, the said Henry George Elliot, acting for and on behalf of the Government of the Cape of Good Hope, by the instructions and advice of the said Government, a certain portion of ground situate in the territory of Tembuland above said, and heretofore known as the European settlement of Umtata, the boundary lines of which extend from the Sutshaba Drift due west to the point of the ridge above the place known as Ncanda's Kraal, thence westerly to a small vley, thence in a straight line to the summit of a grassy knoll on a dividing ridge between the Cicira and Ncise streams, crossed by the waggon-road leading to the Tabase, thence along the ridge aforesaid to the point where the north-eastern branch of the Tuvee stream rises, thence down the Tuvee stream aforesaid to its junction with the Cicira River, thence up that river to the junction of the Qweqwe Stream, from thence up that stream to the point where the main waggon-road from Clarkebury and Umtata crosses it, thence along the said waggon-road to the first ravine east of the Qweqwe Mission

Station, up this ravine to the summit of a high hill overlooking the Zimbana Valley, from this hill in a straight line across to the ridge north of the Zimbana River, down this ridge to the source of the Tyumbu Stream, down this stream to its junction with the Umtata River, thence up that river to the Sutshaba Drift as aforesaid.

Wherefore, the appearer, the said N'Gangelizwe, advised and assisted by his councillors as aforesaid, renouncing all the right and title he heretofore had to the premises on behalf as aforesaid, did in consequence also acknowledge to be entirely dispossessed of and disentitled to the same, and that, by virtue of these presents, the said Henry George Elliot, Chief Magistrate of the Territory of Tembuland, acting for and on behalf of the Government of the Colony of the Cape of Good Hope as aforesaid, now is and henceforth shall be entitled thereto, moreover promising to free and warrant the property thus sold and transferred, as also to clear it from all encumbrances and hypothecations according to the laws respecting the purchase and sale of landed property, save and except only that the rights and privileges now enjoyed by the Europeans residing within the boundary of the "European settlement of Umtata" as aforesaid, and to whom the appearer, the said N'Gangelizwe, as paramount Chief of the Tembu tribe, had formerly granted leave to settle, and who are at present paying to the Government of the Cape of Good Hope licences for holdings—to be respected and maintained as heretofore, and finally acknowledging to be satisfactorily paid the whole of the purchase-money, amounting to a sum of one thousand and two hundred pounds sterling (1,200*l.*)

In witness whereof, I, the said Arthur Henry Bell Stanford, together with the appearer, the said N'Gangelizwe, advised and assisted by his councillors as aforesaid, have subscribed to these presents.

This done and executed at the office of the Resident Magistrate of Umtata, Tembuland, Cape of Good Hope, on the 1st day of the month of August in the year of Our Lord 1882.

His

X  
mark.

N'GANGELIZWE.

In my presence—

A. H. STANFORD, *Resident Magistrate,*  
*Umtata, Tembuland.*

Witnesses:—

Their		
X	M'BANDE	} <i>Councillors.</i>
X	MSENGE	
X	BIDA	
marks.		

ARCH. T. KINTHERS.  
J. W. HEATHCOTE, J.P.  
G. HOUSLEY.

(13.)—TERMS, *Conditions, and Limitations of Cetewayo's Restoration to Zululand; assented to by him after they had been explained to him by the Earl of Kimberley and subsequently by Mr. H. Shepstone. August, 1882.*

(Agreed to by Cetewayo while in England.)

1. I WILL observe and respect the boundaries assigned to my territory by the British Government.

2. I will not permit the existence of the Zulu military system or the existence of any military system or organization whatsoever, within my territory; and I will proclaim, and make it a rule that all men shall be allowed to marry when they choose, and as they choose, according to the good and ancient customs of my people, known and followed in the days preceding the establishment by Chaka of the system known as the military system; and I will allow and encourage all men living within my territory to go and come freely for peaceful purposes, and to work in Natal, or the Transvaal, or elsewhere, for themselves, or for hire.

3. I will not import or allow to be imported into my territory, by any person upon any pretence or for any object whatsoever, any arms or ammunition from any part whatsoever, or any goods or merchandize by the sea-coast of Zululand, without the express sanction of the British Resident, and I will not encourage, or promote, or take part in, or countenance in any way whatsoever, the importation into any part of Zululand of arms or ammunition from any part whatsoever, or of goods or merchandize by the sea-coast of Zululand, without such sanction, and I will confiscate and hand over to the Natal Government all arms and ammunition and goods and merchandize so imported into my territory, and I will punish by fine or other sufficient punishment any person guilty of, or concerned in, such unsanctioned importation, and any person found possessing arms, or ammunition, or goods, or merchandize knowingly obtained thereby.

4. I will not allow the life of any of my people to be taken for any cause, except after sentence passed in a council of the chief men of my territory, and after fair and impartial trial in my presence, and after the hearing of witnesses; and I will not tolerate the employment of witch doctors, or the practice known as "smelling out," or any practices of witchcraft.

5. The surrender of all persons fugitives in my territory from justice when demanded by the Government of any British Colony, territory, or province, in the interests of justice, shall be readily and promptly made to such Government; and the escape into my territory of persons accused or convicted of offences against British laws shall be prevented by all possible

means, and every exertion shall be used to seize and deliver up such persons to British authority.

6. I will not make any Treaty or Agreement with any Chief, people, or Government outside my territory without the consent and approval of the British Government. I will not make war upon any Chief, or Chiefs, or people, without the sanction of the British Government, and in any unsettled dispute with any Chief, people, or Government I will appeal to the arbitration of the British Government, through the British Resident.

7. The nomination of my successor, and of all future successors, shall be according to the ancient laws and customs of my people, and shall be subject to the approval of the British Government.

8. I will not sell, or in any way alienate, or permit or countenance any sale or alienation of, any part of the land in my territory.

9. I will permit all people now residing within my territory to there remain upon the condition that they recognize my authority, and any persons not wishing to recognize my authority, and desiring to quit my territory, I will permit to quit it, and to pass unmolested elsewhere.

10. In all cases of dispute in which British subjects are involved, I will appeal to and abide by the decision of the British Resident; and in all cases where accusations of offences or crimes committed in my territory are brought against British subjects, or against my people in relation to British subjects, I will hold no trial and pass no sentence except with the approval of such British Resident.

11. In all matters not included within these terms, conditions, and limitations, and in all cases unprovided for herein, and in all cases where there may be doubt or uncertainty as to the laws, rules, or stipulations applicable to matters to be dealt with, I will govern, order, and decide in accordance with ancient laws and usage of my people.

These terms, conditions, and limitations I engage, and I solemnly pledge my faith, to abide by and respect in letter and in spirit, without qualification or reserve.

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#### FURTHER CONDITIONS.

(Agreed to by Cetywayo after his return to Cape Town.)

I WILL observe and respect the boundaries of the territory placed under the appointed Chief Usibebu, as also those of the territory which Her Majesty's Government have decided shall be set apart as reserved territory with a British Resident Commissioner, and I will not attempt in any way to interfere with any of the people living in those territories.



I undertake to leave without interference unmolested all girls who, prior to the war in 1879, formed part of what was known as the Royal Zulu Household, and who since that time have been married, as also their husbands, parents, guardians, and other relatives, and I will make no claim whatsoever upon any of them in respect of any such marriage; and I also undertake to hold no one criminally or otherwise responsible for any act of whatsoever nature or kind done or committed during my absence from Zululand, and I will not punish or proceed against anyone for such in any way.

## AUSTRIA-HUNGARY.

BRITISH NOTIFICATION *of the Denunciation by the Austro-Hungarian Government of the Treaty between Great Britain and Austria-Hungary of December 16, 1865,\* and of the Supplementary Convention of December 30, 1869.† London, December 16, 1875.*

*Foreign Office, December 16, 1875.*

THE Secretary of State for Foreign Affairs has received a note dated the 11th instant, from the Austro-Hungarian Ambassador at this Court, containing a denunciation, on the part of the Austro-Hungarian Government, of the Treaty of Commerce between Great Britain and Austria of the 16th of December, 1865, and of the Supplementary Convention of the 30th of December, 1869.

The above Treaty and Convention will expire on the 1st of January, 1877.‡

BRITISH CIRCULAR, *notifying the Accession of Bosnia and the Herzegovina to the International Telegraphic Convention of July 22, 1875. London, October 12, 1883.*

### CIRCULAR.

*Foreign Office, October 12, 1883.*

ARTICLE XVIII§ of the International Telegraph Convention requires that adhesions to that Convention should be notified to the Signatory Powers by the country in which the

\* See Vol. 12. Page 168.

† See Vol. 13. Page 81.

‡ A new Treaty was signed December 5, 1876. See Vol. 14. Page 163.

§ See Vol. 14. Page 98.

last Conference was held; and this duty, therefore, devolves at present upon Great Britain.

I have consequently to request you to inform the Government to which you are accredited that Bosnia and the Herzegovina have adhered to the Convention in question,\* the accession of those Provinces to date from the 1st of July, 1880.

In making the above communication you will explain that the delay in notifying to the Signatory Powers the adhesion of Bosnia and Herzegovina has been owing to the fact that the necessary formalities had not been previously completed.

I am, &c.,

GRANVILLE.

Country.	Rates for European and extra-European Correspondence.	Class of States contributing under Article LXXVI to the Expenses of the International Telegraph Office.	Value of local money as compared with the franc.
Bosnia .. ..	<i>European.</i> Terminal rate, 5 c. Transit rate, 4 c.  <i>Extra-European.</i> Terminal and transit rate, 7½ c.	5th.	50 kr.
Herzegovina ..			

## CHINA.

ORDINANCE of the Governor of Hong Kong, with the advice of the Legislative Council thereof, entitled "The Macao Extradition Ordinance, 1881."

[No. 1.]

[March 14, 1881.†]

WHEREAS persons who have committed certain crimes within the territory of Macao may escape to this Colony, and it is

\* Declaration of Accession dated June 6, 1883.

† Proclaimed July 28, 1881.

expedient to provide for the apprehension of such fugitives from justice and for their surrender to the Government of Macao in order that they may be dealt with according to law: Be it enacted by the Governor of Hong Kong, with the advice of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as “The Macao Extradition Ordinance, 1881.”

2. In the interpretation of this Ordinance, the expression “Governor of Macao” shall include the person for the time being administering the Government of Macao;

The expression “territory of Macao” shall extend to any place within the jurisdiction of the Government of Macao, and shall include the high seas;

The expression “Superintendent of the Gaol” shall mean the Superintendent of Victoria Gaol or the keeper of any prison or place of custody for criminals within this Colony.

3. In case requisition is at any time made by the Governor of Macao to the Governor of this Colony to deliver up to justice any person who, being accused or convicted of any of the crimes and offences specified in the First Schedule of this Ordinance, and alleged to have been committed either before or after the passing of this Ordinance within the territory of Macao, has taken refuge within this Colony, the Governor of this Colony may, if he in his discretion thinks fit, by warrant under his hand and seal, signify that such requisition has been made, and require the Police Magistrates to govern themselves accordingly and to aid in apprehending the person so accused or convicted, and hereinafter referred to as the fugitive.

4. Upon the issue of such warrant any Police Magistrate may issue his warrant for the apprehension of the fugitive, and if he be already in custody, issue an order to the Superintendent of the gaol forthwith to bring the fugitive before him to be dealt with in manner hereinafter provided.

5. If the fugitive be apprehended, or if he be already in custody, he shall be brought forthwith before the Magistrate, and the following conditions and regulations shall be complied with:

- (1.) There must be the production before the Magistrate of a valid warrant of arrest issued by a Judge or other competent Magistrate having authority within the territory of Macao to take cognizance of the crime charged, and clearly setting forth such crime;
- (2.) In the case of a person accused but not convicted, such evidence shall be produced to the Magistrate as would in his opinion justify the apprehension of the fugitive if the crime of which he is accused had been committed within the jurisdiction of this Colony, with this qualifi-

cation,—that copies of depositions signed or taken before any such Judge or other competent Magistrate as aforesaid and authenticated in manner hereinafter provided may be received in evidence of the criminality of the fugitive ;

- (3.) In the case of a person convicted, a copy of the conviction, authenticated in manner hereinafter provided, shall be produced: But if it should appear that the conviction was pronounced in the absence of the accused for contumacy in not having surrendered to take his trial, the same evidence shall be produced to the Magistrate as in the case of a person accused but not convicted;
- (4.) In every case proof of the identity of the fugitive must be given to the satisfaction of the Magistrate;
- (5.) Warrants of arrest and copies of depositions, signed or taken before any such Judge or other competent Magistrate as aforesaid, and copies of convictions, shall be received in evidence, if the warrant of arrest purports to be signed by such Judge or Magistrate, and if the copies of depositions purport to be certified under the hand of such Judge or Magistrate to be true copies of the original depositions, and if the copy of the conviction purport to be certified under the hand of the Judge of the Court by which the fugitive was convicted to be a true copy of the original conviction. The signature of every such Judge or Magistrate, and his authority to take cognizance of the crime or offence charged, shall be sufficiently proved if the document purport to be sealed with the official seal of the Governor of Macao, and all Courts of Justice in this Colony shall, for the purpose of this Ordinance, take judicial notice of such seal, and shall admit the documents so authenticated by it to be received in evidence without further proof;
- (6.) The original warrant of arrest and the copy of the depositions, or, as the case may be, the copy of the conviction, shall be read to the fugitive, and he shall be asked if he has any valid cause to show why he should not be committed to gaol to await the order of the Governor in Council.

6. If the fugitive fails to show cause to the satisfaction of the Magistrate why he should not be committed, and if the Magistrate is of opinion that there is sufficient *prima facie* evidence to establish the criminality of the fugitive, he shall commit him to gaol, there to await the order of the Governor in Council: Provided that before any such committal, the

Magistrate shall inform the fugitive that a period of 15 days will be allowed him to appeal to the Supreme Court if he shall think fit, under Section 7, or to apply for a writ of *habeas corpus*.

7. Ordinance 4 of 1858, as to appeals from the decisions of Magistrates, shall not apply to proceedings under this Ordinance, but the following rules as to appeals shall be observed, that is to say:—

- (1.) If the fugitive desires to appeal to the Supreme Court against a Magistrate's order of committal, and notifies such desire to the Magistrate at any time before the expiration of 15 days from the date of such order; or if the Attorney-General desires to appeal to the Supreme Court against a Magistrate's order of discharge of a fugitive, and notifies such desire to the Magistrate at any time before the actual discharge of the fugitive, the Magistrate shall, subject to the provision in Rule 3 hereinafter contained, grant such appeal, and transmit forthwith to the Registrar of the Supreme Court the depositions and all other documents relating to the case, together with any statement in writing which he may think fit to annex in relation thereto;
- (2.) If the appeal is by the Attorney-General against an order of discharge, such order shall be suspended until the conclusion of the appeal, and the fugitive shall be detained in custody until further order of the Magistrate, or of the Supreme Court;
- (3.) If the appeal is by a fugitive against an order of committal, and the Magistrate has reason to believe that the appeal is merely frivolous, he may refuse to grant the same;
- (4.) In case the Magistrate refuses to grant an appeal to a fugitive on the ground that the same is frivolous, the Supreme Court may, if it thinks fit, upon the fugitive's petition in writing, setting forth the grounds of appeal, make an order directing the Magistrate to grant the appeal;
- (5.) The Magistrate shall cause notice of his intention to discharge a fugitive (otherwise than in pursuance of any decision of the Supreme Court), and also of any appeal by a fugitive against his committal, to be served upon the Crown Solicitor, and no fugitive shall be discharged by a Magistrate (otherwise than aforesaid), unless the Attorney-General has had an opportunity of being heard in opposition thereto, and of giving notice of appeal;

(6.) Every appeal under this Ordinance may be heard in vacation, and either in Court or in chambers, and shall be set down for hearing on such early day, and at such hour, as the Chief Justice appoints, notice whereof shall be given in writing by the Registrar to the Superintendent of the gaol, who shall, on the day and hour appointed, bring the fugitive before the Chief Justice: and on the hearing of the appeal the Chief Justice may, if he thinks fit, receive any new evidence, and may either affirm or reverse the decision of the Magistrate, according as he is of opinion that there is, or is not, sufficient *primâ facie* evidence of the criminality of the fugitive, or that the conditions and regulations of Section 5 have, or have not, been complied with, and may order the fugitive to be committed to gaol or to be discharged, as the case may be, or make any other order with respect to the said matter as may be requisite to the due adjudication thereof.

8. The Magistrate before whom a fugitive is brought under this Ordinance shall, at the conclusion of the case, send a report thereon to the Governor.

9. It shall be lawful for the Governor in Council, if in the discretion of the Governor in Council it seems fit, after the expiration of 15 days from the date of the committal of a fugitive by a Magistrate, or, in case of any proceeding by appeal or writ of *habeas corpus*, then subject to the decision of the Supreme Court thereon, and subject also to the provisions of Sections 10 and 11 hereinafter contained, by order directed to the Superintendent of the gaol, and hereinafter called an "Extradition Order," to order the fugitive so committed to be delivered to such person as shall, by warrant under the seal of the Governor of Macao, be authorized to receive him, and such fugitive shall be delivered up accordingly; and the person authorized as aforesaid may hold such fugitive in custody, and convey him to any place within the territory of Macao, and if such fugitive escapes out of any custody to which he is committed, or to which he is delivered as aforesaid, it shall be lawful to retake him in the same manner as any person accused of any felony committed within this Colony may be retaken upon an escape: Provided that in every case where, before the expiration of the said period of 15 days, the order of committal has been affirmed on appeal, or the fugitive has applied for a writ of *habeas corpus*, and has failed on the return thereof to obtain his discharge, it shall be lawful for the Governor in Council, in such discretion and subject as aforesaid, to grant an extradition order without further delay.

10. No extradition order shall be granted by the Governor in Council in any case where, in the opinion of the Governor in Council, the requisition for the extradition of the fugitive has been made for political reasons, or a political offence is involved in the crime charged; but it shall not be open to the fugitive to claim his discharge from custody on such ground before any Judge or Magistrate, and any attempt against the life of the Governor or of any public officer or member of the Government of Macao shall not be deemed a political offence.

11. No extradition order shall be granted by the Governor in Council in respect of any fugitive who is undergoing any sentence of imprisonment pronounced by any of the Courts of this Colony, or who is charged with any crime or offence cognizable by the said Courts, until the expiration or previous determination of such sentence, or of any sentence which may be pronounced upon his trial for such crime or offence, or until his acquittal or the abandonment of such charge.

12. The Governor in Council may at any time issue an order directed to the Superintendent of the gaol for the release of any fugitive in custody under this Ordinance in respect of whom the Governor in Council does not think fit to issue an extradition warrant, and thereupon such fugitive shall be forthwith discharged from such custody.

13. Where any fugitive who has been committed under this Ordinance is not delivered up pursuant thereto, and conveyed out of this Colony within one month after the date of such committal, the Chief Justice may at any time, upon application made to him by or on behalf of the fugitive, and upon its being proved to his satisfaction that reasonable notice of the intention to make such application has been given to the Crown Solicitor, order the fugitive so committed to be discharged out of custody, unless sufficient cause is shown to him why such discharge ought not to be ordered: Provided that in every case where such fugitive has appealed to the Supreme Court, or has applied for a writ of *habeas corpus*, the said period of one month shall be computed from the date of the decision of the Supreme Court upon such proceeding, and in every case within Section 11 the said period shall be computed from the date of the expiration of the fugitive's sentence, or of his acquittal, or of the abandonment of the charge as therein mentioned.

14. The Governor in Council may, from time to time, by order to be published in the "Gazette," declare that any crime or offence specified in such order, and not included in the First Schedule hereto, shall form part thereof, and from and after the date of the publication of such order the several crimes and offences specified therein shall come within the

operation of this Ordinance as if the same had been originally included in the said Schedule.

15. The Governor in Council may at any time, by order to be published in the "Gazette," declare that any crime or offence specified in the First Schedule hereto, or which may hereafter be added to the said Schedule, as hereinbefore provided, shall no longer form part thereof, and from and after the date of publication of such order, such crime or offence shall cease to come within the operation of this Ordinance.

16. All expenses incident to the apprehension, detention, maintenance, and delivery of a fugitive under this Ordinance shall be borne by this Colony.

17. If any action be brought against a Magistrate, gaoler, officer of police, or any other person for anything done in obedience to any warrant or order issued under the provisions of this Ordinance, the proof of such warrant or order shall be a sufficient answer to such action, and the defendant or defendants, on such proof as aforesaid, shall be entitled to a verdict or judgment in his or their favour, and shall also be entitled to his or their full costs of suit.

18. The forms given in the Second Schedule to this Ordinance, or forms to the like effect, with such variations and additions as circumstances require, may be used for the purposes therein indicated, and instruments in those forms shall (as regards the form thereof) be valid and sufficient.

19. In case the Governor in Council shall deem it expedient that this Ordinance, or any part thereof, should be repealed, or the operation thereof suspended for any period, it shall be lawful for the Governor of this Colony, by proclamation in the "Gazette," to declare that this Ordinance, or any part thereof, shall be suspended in its operation for any period, or that the same is repealed, and from the date of the publication of such proclamation in the "Gazette" the said Ordinance, or such part thereof as may be specified in the proclamation, shall be deemed to be suspended or repealed accordingly.

Passed the Legislative Council of Hong Kong, this 14th day of March, 1881.

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#### FIRST SCHEDULE.

##### *List of Crimes and Offences.*

THE following list of crimes and offences is to be construed according to the law existing in the Colony of Hong Kong at the date of the alleged crime or offence, whether by common law or by Imperial statute or local ordinance made before or after the passing of this Ordinance.



Murder, and attempt and conspiracy to murder.  
 Manslaughter.  
 Wounding with intent to do grievous bodily harm.  
 Counterfeiting and altering money and uttering counterfeit or altered money.  
 Forgery, counterfeiting, and altering, and uttering what is forged or counterfeited or altered.  
 Embezzlement and larceny.  
 Unlawfully receiving stolen property.  
 Obtaining money or goods by false pretences.  
 Crimes by bankrupts against bankruptcy law.  
 Fraud by a bailee, banker, agent, factor, trustee, or director, or member, or public officer of any company made criminal by any law for the time being in force.  
 Rape.  
 Abduction, or forcible taking or detention.  
 Child-stealing.  
 Burglary and housebreaking.  
 Arson.  
 Robbery with violence.  
 Threats, by letter or otherwise, with intent to extort.  
 Piracy by law of nations or municipal law.  
 Sinking or destroying a vessel at sea, or attempting or conspiring to do so.  
 Assaults on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.  
 Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.  
 Desertion from the naval, military, or police force.

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 SECOND SCHEDULE.

[Here follow the Forms.]

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 COLOMBIA.
 

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SWISS NOTIFICATION *of the Accession of Colombia to the  
 Universal Postal Union of June 1, 1878.\* Berne, August 12,  
 1881.*

M. LE MINISTRE, *Berne, le 12 Août, 1881.*  
 PAR notre note du 31 Décembre, 1880, nous avons eu l'honneur  
 de communiquer à votre Excellence les conditions auxquelles  
 nous proposons l'admission, à partir du 1<sup>er</sup> Juillet, 1881, des  
 États-Unis de Colombie dans l'Union Postale Universelle, et nous  
 nous sommes réservé de revenir sur la question si des objections  
 étaient formulées par l'un ou par l'autre des pays de l'Union.

Nous croyons devoir informer votre Excellence que, aucune  
 objection n'ayant été élevée, les États-Unis de Colombie sont  
 effectivement entrés dans l'Union Postale Universelle dès le 1<sup>er</sup>

\* See Vol. 14. Page 1007.

Juillet, 1881, aux conditions énoncées dans la note susmentionnée.\*

Nous saisissons d'ailleurs avec empressement cette occasion pour présenter à votre Excellence les assurances renouvelées de notre haute considération.

Au nom du Conseil Fédéral Suisse,

DROZ, *Président de la Confédération.*

SCHIESS, *Chancelier de la Confédération.*

## COREA.

TREATY of *Friendship and Commerce between Great Britain and Corea.* Signed at Hanyang, November 26, 1883.†

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the King of Corea, being sincerely desirous of establishing permanent relations of friendship and commerce between their respective dominions, have resolved to conclude a Treaty for that

\* These conditions were as follows :—

1. L'accession se rapporte seulement à la Convention Postale Universelle du 1<sup>er</sup> Juin, 1878, et au Règlement qui s'y rapporte. Elle n'a pas trait aux autres arrangements de l'Union (lettres avec valeur déclarée, mandats-poste, colis postaux).

2. En ce qui concerne la quote-part des frais du Bureau International, les États-Unis de Colombie seront rangés dans la cinquième classe prévue au § XXVIII du Règlement d'Exécution du 1<sup>er</sup> Juin, 1878.

3. Les Postes Colombiennes percevront les équivalents de taxe ci-après :

Pour 25 centimes .. .. .	5 centavos.
„ 10 „ .. .. .	2 „
„ 5 „ .. .. .	1 „

4. Par exception aux dispositions de l'Article IV, 3<sup>e</sup> alinéa, chiffre 1, de la Convention de Paris, le transit à travers l'Isthme de Panamá (Colon-Panamá) donnera lieu à la bonification des droits suivants :

2 francs 52 cents par kilogramme de lettres et de cartes postales,  
92 centimes par kilogramme d'autres objets.

Toutefois il demeure bien entendu à cet égard :

a. Que les frais de transit dus à la Compagnie du Chemin de Fer de l'Isthme de Panamá ne sont pas à la charge de l'office expéditeur, lorsqu'il s'agira de correspondances à destination de la Colombie elle-même. Le pays d'origine supportera les frais de transport jusqu'à l'arrivée en Colombie ; mais tous transports à destination de la Colombie seront à la charge exclusive de ce dernier pays, dès l'arrivée en Colombie, même pour le transport par chemin de fer à travers l'isthme ;

b. Les frais de transit à travers l'isthme dus pour les correspondances à destination des pays de l'Union autres que la Colombie ne pourront jamais dépasser les taxes de 2-52 francs et de 92 centimes mentionnées ci-dessus.

5. Il demeure réservé au prochain Congrès Postal de Lisbonne de statuer définitivement sur les conditions de l'adhésion des États Unis de Colombie.

† Ratifications exchanged at Hanyang, April 28, 1884.

purpose, and have therefore named as their Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Sir Harry Smith Parkes, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of China ;

His Majesty the King of Corea, Min Yöng-Mok, President of His Majesty's Foreign Office, a Dignitary of the First Rank, Senior Vice-President of the Council of State, Member of His Majesty's Privy Council, and Junior Guardian of the Crown Prince ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :—

ART. I. 1. There shall be perpetual peace and friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, her heirs and successors, and His Majesty the King of Corea, his heirs and successors, and between their respective dominions and subjects, who shall enjoy full security and protection for their persons and property within the dominions of the other.

2. In case of differences arising between one of the High Contracting Parties and a third Power, the other High Contracting Party, if requested to do so, shall exert its good offices to bring about an amicable arrangement.

II. 1. The High Contracting Parties may each appoint a Diplomatic Representative to reside permanently or temporarily at the capital of the other, and may appoint a Consul-General, Consuls, or Vice-Consuls, to reside at any or all of the ports or places of the other which are open to foreign commerce. The Diplomatic Representatives and Consular functionaries of both countries shall freely enjoy the same facilities for communication, personally or in writing, with the authorities of the country where they respectively reside, together with all other privileges and immunities, as are enjoyed by Diplomatic or Consular functionaries in other countries.

2. The Diplomatic Representative and the Consular functionaries of each Power and the members of their official establishments shall have the right to travel freely in any part of the dominions of the other, and the Corean authorities shall furnish passports to such British officers travelling in Corea, and shall provide such escort for their protection as may be necessary.

3. The Consular officers of both countries shall exercise their functions on receipt of due authorization from the Sove-

reign or Government of the country in which they respectively reside, and shall not be permitted to engage in trade.

III. 1.\* Jurisdiction over the persons and property of British subjects in Corea shall be vested exclusively in the duly authorized British judicial authorities, who shall hear and determine all cases brought against British subjects by any British or other foreign subject or citizen without the intervention of the Korean authorities.

2. If the Korean authorities or a Korean subject make any charge or complaint against a British subject in Corea, the case shall be heard and decided by the British judicial authorities.

3. If the British authorities or a British subject make any charge or complaint against a Korean subject in Corea, the case shall be heard and decided by the Korean authorities.

4. A British subject who commits any offence in Corea shall be tried and punished by the British judicial authorities according to the laws of Great Britain.

5. A Korean subject who commits in Corea any offence against a British subject shall be tried and punished by the Korean authorities according to the laws of Corea.

6. Any complaint against a British subject involving a penalty or confiscation by reason of any breach either of this Treaty or of any regulation annexed thereto, or of any regulation that may hereafter be made in virtue of its provisions, shall be brought before the British judicial authorities for decision, and any penalty imposed and all property confiscated in such cases shall belong to the Korean Government.

7. British goods, when seized by the Korean authorities at an open port, shall be put under the seals of the Korean and the British Consular authorities, and shall be detained by the former until the British judicial authorities shall have given their decision. If this decision is in favour of the owner of the goods, they shall be immediately placed at the Consul's disposal. But the owner shall be allowed to receive them at once on depositing their value with the Korean authorities pending the decision of the British judicial authorities.

8. In all cases, whether civil or criminal, tried either in Korean or British Courts in Corea, a properly authorized official of the nationality of the plaintiff or prosecutor shall be allowed to attend the hearing, and shall be treated with the courtesy due to his position. He shall be allowed, whenever he thinks it necessary, to call, examine, and cross-examine witnesses, and to protest against the proceedings or decision.

9. If a Korean subject who is charged with an offence against the laws of his country takes refuge on premises occupied by a British subject, or on board a British merchant-vessel, the British Consular authorities, on receiving an application

\* See Protocol. Page 899.

from the Corean authorities, shall take steps to have such person arrested and handed over to the latter for trial. But, without the consent of the proper British Consular authority, no Corean officer shall enter the premises of any British subject without his consent, or go on board any British ship without the consent of the officer in charge.

10. On the demand of any competent British Consular authority, the Corean authorities shall arrest and deliver to the former any British subject charged with a criminal offence, and any deserter from a British ship of war or merchant-vessel.

IV.\* 1. The ports of Chemulpo (Jenchuan), Wönsan (Gensan) and Pusan (Fusan), or, if the latter port should not be approved, then such other port as may be selected in its neighbourhood, together with the city of Hanyang and of the town of Yanghwa Chin, or such other place in that neighbourhood as may be deemed desirable, shall, from the day on which this Treaty comes into operation, be opened to British commerce.

2. At the above-named place British subjects shall have the right to rent or to purchase land or houses, and to erect dwellings, warehouses, and factories. They shall be allowed the free exercise of their religion. All arrangements for the selection, determination of the limits, and laying out of the sites of the foreign settlements, and for the sale of land at the various ports and places in Corea open to foreign trade, shall be made by the Corean authorities in conjunction with the competent foreign authorities.

3. These sites shall be purchased from the owners and prepared for occupation by the Corean Government, and the expense thus incurred shall be a first charge on the proceeds of the sale of the land. The yearly rental agreed upon by the Corean authorities in conjunction with the foreign authorities shall be paid to the former, who shall retain a fixed amount thereof as a fair equivalent for the land-tax, and the remainder, together with any balance left from the proceeds of land sales, shall belong to a municipal fund to be administered by a Council, the constitution of which shall be determined hereafter by the Corean authorities in conjunction with the competent foreign authorities.

4. British subjects may rent or purchase land or houses beyond the limits of the foreign settlements, and within a distance of 10 Corean *li* from the same. But all land so occupied shall be subject to such conditions as to the observance of Corean local regulations and payment of land-tax as the Corean authorities may see fit to impose.

5. The Corean authorities will set apart, free of cost, at each

\* See Protocol. Page 899.

of the places open to trade, a suitable piece of ground as a foreign cemetery, upon which no rent, land-tax, or other charges shall be payable, and the management of which shall be left to the Municipal Council as above mentioned.

6. British subjects shall be allowed to go where they please without passports within a distance of 100 Corean *li* from any of the ports and places open to trade, or within such limits as may be agreed upon between the competent authorities of both countries. British subjects are also authorized to travel in Corea for pleasure or for purposes of trade, to transport and sell goods of all kinds, except books and other printed matter disapproved of by the Corean Government, and to purchase native produce in all parts of the country under passports which will be issued by their Consuls and countersigned or sealed by the Corean local authorities. These passports, if demanded, must be produced for examination in the districts passed through. If the passport be not irregular, the bearer will be allowed to proceed, and he shall be at liberty to procure such means of transport as he may require. Any British subject travelling beyond the limits above named without a passport, or committing when in the interior any offence, shall be arrested and handed over to the nearest British Consul for punishment. Travelling without a passport beyond the said limits will render the offender liable to a fine not exceeding 100 Mexican dollars, with or without imprisonment for a term not exceeding one month.

7. British subjects in Corea shall be amenable to such municipal, police, and other regulations for the maintenance of peace, order, and good government as may be agreed upon by the competent authorities of the two countries.

V. 1. At each of the ports or places open to foreign trade, British subjects shall be at full liberty to import from any foreign port, or from any Corean open port, to sell to or to buy from any Corean subjects or others, and to export to any foreign or Corean open port, all kinds of merchandize not prohibited by this Treaty, on paying the duties of the Tariff annexed thereto. They may freely transact their business with Corean subjects or others without the intervention of Corean officials or other persons, and they may freely engage in any industrial occupation.

2. The owners or consignees of all goods imported from any foreign port upon which the duty of the aforesaid Tariff shall have been paid shall be entitled, on re-exporting the same to any foreign port at any time within 13 Corean months from the date of importation, to receive a drawback certificate for the amount of such import duty, provided that the original packages containing such goods remain intact. These drawback certificates shall either be redeemed by the Corean

Customs on demand, or they shall be received in payment of duty at any Korean open port.

3. The duty paid on Korean goods, when carried from one Korean open port to another, shall be refunded at the port of shipment on production of a Customs certificate showing that the goods have arrived at the port of destination, or on satisfactory proof being produced of the loss of the goods by shipwreck.

4. All goods imported into Corea by British subjects, and on which the duty of the Tariff annexed to this Treaty shall have been paid, may be conveyed to any Korean open port free of duty, and when transported into the interior shall not be subject to any additional tax, excise or transit duty whatsoever in any part of the country. In like manner, full freedom shall be allowed for the transport to the open ports of all Korean commodities intended for exportation, and such commodities shall not, either at the place of production, or when being conveyed from any part of Corea to any of the open ports, be subject to the payment of any tax, excise or transit duty whatsoever.

5. The Korean Government may charter British merchant-vessels for the conveyance of goods or passengers to unopened ports in Corea, and Korean subjects shall have the same right, subject to the approval of their own authorities.

6. Whenever the Government of Corea shall have reason to apprehend a scarcity of food within the kingdom, His Majesty the King of Corea may, by Decree, temporarily prohibit the export of grain to foreign countries from any or all of the Korean open ports, and such prohibition shall become binding on British subjects in Corea on the expiration of one month from the date on which it shall have been officially communicated by the Korean authorities to the British Consul at the port concerned, but shall not remain longer in force than is absolutely necessary.

7. All British ships shall pay tonnage dues at the rate of 30 cents (Mexican) per register ton. One such payment will entitle a vessel to visit any or all of the open ports in Corea during a period of four months without further charge. All tonnage dues shall be appropriated for the purposes of erecting lighthouses and beacons, and placing buoys on the Korean coast, more especially at the approaches to the open ports, and in deepening or otherwise improving the anchorages. No tonnage dues shall be charged on boats employed at the open ports in landing or shipping cargo.

8. In order to carry into effect and secure the observance of the provisions of this Treaty, it is hereby agreed that the Tariff and Trade Regulations hereto annexed shall come into operation simultaneously with this Treaty. The competent authorities of the two countries may, from time to time, revise

the said Regulations with a view to the insertion therein, by mutual consent, of such modifications or additions as experience shall prove to be expedient.

VI. Any British subject who smuggles, or attempts to smuggle, goods into any Korean port or place not open to foreign trade, shall forfeit twice the value of such goods, and the goods shall be confiscated. The Korean local authorities may seize such goods, and may arrest any British subject concerned in such smuggling or attempt to smuggle. They shall immediately forward any person so arrested to the nearest British Consul for trial by the proper British judicial authority, and may detain such goods until the case shall have been finally adjudicated.

VII. 1. If a British ship be wrecked or stranded on the coast of Korea, the local authorities shall immediately take such steps to protect the ship and her cargo from plunder, and all the persons belonging to her from ill-treatment, and to render such other assistance as may be required. They shall at once inform the nearest British Consul of the occurrence, and shall furnish the shipwrecked persons, if necessary, with the means of conveyance to the nearest open port.

2. All expenses incurred by the Government of Korea for the rescue, clothing, maintenance, and travelling of British subjects, for the recovery of the bodies of the drowned, for the medical treatment of the sick and injured, and for the burial of the dead, shall be repaid by the British Government to that of Korea.

3. The British Government shall not be responsible for the repayment of the expenses incurred in the recovery or preservation of a wrecked vessel, or the property belonging to her. All such expenses shall be a charge upon the property saved, and shall be paid by the parties interested therein upon receiving delivery of the same.

4. No charge shall be made by the Government of Korea for the expenses of the Government officers, local functionaries, or police who shall proceed to the wreck, for the travelling expenses of officers escorting the shipwrecked men, nor for the expenses of official correspondence. Such expenses shall be borne by the Korean Government.

5. Any British merchant-ship compelled by stress of weather or by want of fuel or provisions to enter an unopened port in Korea shall be allowed to execute repairs, and to obtain necessary supplies. All such expenses shall be defrayed by the master of the vessel.

VIII. 1. The ships of war of each country shall be at liberty to visit all the ports of the other. They shall enjoy every facility for procuring supplies of all kinds, or for making repairs, and shall not be subject to trade or harbour regulations,



nor be liable to the payment of duties or port charges of any kind.

2. When British ships of war visit unopened ports in Corea, the officers and men may land, but shall not proceed into the interior unless they are provided with passports.

3. Supplies of all kinds for the use of the British navy may be landed at the open ports of Corea, and stored in the custody of a British officer, without the payment of any duty. But if any such supplies are sold, the purchaser shall pay the proper duty to the Korean authorities.

4. The Korean Government will afford all the facilities in their power to ships belonging to the British Government which may be engaged in making surveys in Korean waters.

IX. 1. The British authorities and British subjects in Corea shall be allowed to employ Korean subjects as teachers, interpreters, servants, or in any other lawful capacity, without any restriction on the part of the Korean authorities; and, in like manner, no restrictions shall be placed upon the employment of British subjects by Korean authorities and subjects in any lawful capacity.

2. Subjects of either nationality who may proceed to the country of the other to study its language, literature, laws, arts, or industries, or for the purpose of scientific research, shall be afforded every reasonable facility for doing so.

X. It is hereby stipulated that the Government, public officers, and subjects of Her Britannic Majesty shall, from the day on which this Treaty comes into operation, participate in all privileges, immunities, and advantages, especially in relation to import or export duties on goods and manufactures, which shall then have been granted or may thereafter be granted by His Majesty the King of Corea to the Government, public officers, or subjects of any other Power.

XI. Ten years from the date on which this Treaty shall come into operation, either of the High Contracting Parties may, on giving one year's previous notice to the other, demand a revision of the Treaty or of the Tariff annexed thereto, with a view to the insertion therein, by mutual consent, of such modifications as experience shall prove to be desirable.

XII. 1. This Treaty is drawn up in the English and Chinese languages, both of which versions have the same meaning, but it is hereby agreed that any difference which may arise as to interpretation shall be determined by reference to the English text.

2. For the present all official communications addressed by the British authorities to those of Corea shall be accompanied by a translation into Chinese.

XIII. The present Treaty shall be ratified by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland,

Empress of India, and by His Majesty the King of Corea, under their hands and seals; the ratifications shall be exchanged at Hanyang (Söul) as soon as possible, or at latest within one year from the date of signature, and the Treaty, which shall be published by both Governments, shall come into operation on the day on which the ratifications are exchanged.

In witness whereof the respective Plenipotentiaries above named have signed the present Treaty, and have thereto affixed their seals.

Done in triplicate at Hanyang, this 26th day of November, in the year 1883, corresponding to the 27th day of the 10th month of the 492nd year of the Corean era, being the 9th year of the Chinese reign Kuang Hsü.

(L.S.) HARRY S. PARKES.

(L.S.) Signature in Chinese of MIN YÖNG-MOK,  
the Corean Plenipotentiary.

REGULATIONS under which British Trade is to be conducted in Corea.

I.—*Entrance and Clearance of Vessels.*

1. Within 48 hours (exclusive of Sundays and holidays) after the arrival of a British ship in a Corean port, the master shall deliver to the Corean Customs authorities the receipt of the British Consul showing that he has deposited the ship's papers at the British Consulate, and he shall then make an entry of his ship by handing in a written paper stating the name of the ship, of the port from which she comes, of her master, the number, and, if required, the names of her passengers, her tonnage, and the number of her crew, which paper shall be certified by the master to be a true statement, and shall be signed by him. He shall, at the same time, deposit a written manifest of his cargo, setting forth the marks and numbers of the packages and their contents as they are described in the bills of lading, with the names of the persons to whom they are consigned. The master shall certify that this description is correct, and shall sign his name to the same. When a vessel has been duly entered, the Customs authorities will issue a permit to open hatches, which shall be exhibited to the Customs officer on board. Breaking bulk without having obtained such permission will render the master liable to a fine not exceeding 100 Mexican dollars.

2. If any error is discovered in the manifest, it may be corrected within 24 hours (exclusive of Sundays and holidays) of its being handed in, without the payment of any fee, but for any alteration or post entry to the manifest made after that time a fee of 5 Mexican dollars shall be paid.

3. Any master who shall neglect to enter his vessel at the Korean Custom-house within the time fixed by this regulation shall pay a penalty not exceeding 50 Mexican dollars for every 24 hours that he shall so neglect to enter his ship.

4. Any British vessel which remains in port for less than 48 hours (exclusive of Sundays and holidays) and does not open her hatches, also any vessel driven into port by stress of weather, or only in want of supplies, shall not be required to enter or to pay tonnage dues so long as such vessel does not engage in trade.

5. When the master of a vessel wishes to clear, he shall hand in to the Customs authorities an export manifest containing similar particulars to those given in the import manifest. The Customs authorities will then issue a clearance certificate and return the Consul's receipt for the ship's papers. These documents must be handed into the Consulate before the ship's papers are returned to the master.

6. Should any ship leave the port without clearing outwards in the manner above prescribed, the master shall be liable to a penalty not exceeding 200 Mexican dollars.

7. British steamers may enter and clear on the same day, and they shall not be required to hand in a manifest except for such goods as are to be landed or transhipped at the port of entry.

## II.—*Landing and Shipping of Cargo and Payment of Duties.*

1. The importer of any goods who desires to land them shall make and sign an application to that effect at the Custom-house, stating his own name, the name of the ship in which the goods have been imported, the marks, numbers, and contents of the packages and their values, and declaring that this statement is correct. The Customs authorities may demand the production of the invoice of each consignment of merchandize. If it is not produced, or if its absence is not satisfactorily accounted for, the owner shall be allowed to land his goods on payment of double the Tariff duty, but the surplus duty so levied shall be refunded on the production of the invoice.

2. All goods so entered may be examined by the Customs officers at the places appointed for the purpose. Such examination shall be made without delay or injury to the merchandize, and the packages shall be at once restored by the Customs authorities to their original condition, in so far as may be practicable.

3. Should the Customs authorities consider the value of any goods paying an *ad valorem* duty as declared by the importer or exporter insufficient, they shall call upon him to pay duty on the value determined by an appraisement to be made by the

Customs appraiser. But should the importer or exporter be dissatisfied with that appraisement, he shall within 24 hours (exclusive of Sundays and holidays) state his reasons for such dissatisfaction to the Commissioner of Customs, and shall appoint an appraiser of his own to make a re-appraisement. He shall then declare the value of the goods as determined by such re-appraisement. The Commissioner of Customs will thereupon, at his option, either assess the duty on the value determined by this re-appraisement, or will purchase the goods from the importer or exporter at the price thus determined, with the addition of 5 per cent. In the latter case the purchase-money shall be paid to the importer or exporter within five days from the date on which he has declared the value determined by his own appraiser.

4. Upon all goods damaged on the voyage of importation a fair reduction of duty shall be allowed, proportionate to their deterioration. If any disputes arise as to the amount of such reduction, they shall be settled in the manner pointed out in the preceding clause.

5. All goods intended to be exported shall be entered at the Corean Custom-house before they are shipped. The application to ship shall be made in writing, and shall state the name of the vessel by which the goods are to be exported, the marks and number of the packages, and the quantity, description, and value of the contents. The exporter shall certify in writing that the application gives a true account of all the goods contained therein, and shall sign his name thereto.

6. No goods shall be landed or shipped at other places than those fixed by the Corean Customs authorities, or between the hours of sunset and sunrise, or on Sundays or holidays, without the special permission of the Customs authorities, who will be entitled to reasonable fees for the extra duty thus performed.

7. Claims by importers or exporters for duties paid in excess, or by the Customs authorities for duties which have not been fully paid, shall be entertained only when made within thirty days from the date of payment.

8. No entry will be required in the case of provisions for the use of British ships, their crews and passengers, nor for the baggage of the latter which may be landed or shipped at any time after examination by the Customs officers.

9. Vessels needing repairs may land their cargo for that purpose without the payment of duty. All goods so landed shall remain in charge of the Corean authorities, and all just charges for storage, labour, and supervision shall be paid by the master. But if any portion of such cargo be sold, the duties of the Tariff shall be paid on the portion so disposed of.

10. Any person desiring to tranship cargo shall obtain a permit from the Customs authorities before doing so.

III.—*Protection of the Revenue.*

1. The Customs authorities shall have the right to place Customs officers on board any British merchant-vessel in their ports. All such Customs officers shall have access to all parts of the ship in which cargo is stowed. They shall be treated with civility, and such reasonable accommodation shall be allotted to them as the ship affords.

2. The hatches and all other places of entrance into that part of the ship where cargo is stowed may be secured by the Corean Customs officers between the hours of sunset and sunrise, and on Sundays and holidays, by affixing seals, locks, or other fastenings; and if any person shall, without due permission, wilfully open any entrance that has been so secured, or break any seal, lock, or other fastening that has been affixed by the Corean Customs officers, not only the person so offending, but the master of the ship also, shall be liable to a penalty not exceeding 100 Mexican dollars.

3. Any British subject who ships, or attempts to ship, or discharges, or attempts to discharge, goods which have not been duly entered at the Custom-house in the manner above provided, or packages containing goods different from those described in the import or export permit application, or prohibited goods, shall forfeit twice the value of such goods, and the goods shall be confiscated.

4. Any person signing a false declaration or certificate with the intent to defraud the revenue of Corea shall be liable to a fine not exceeding 200 Mexican dollars.

5. Any violation of any provision of these Regulations, to which no penalty is specially attached herein, may be punished by a fine not exceeding 100 Mexican dollars.

*Note.*—All documents required by these Regulations, and all other communications addressed to the Corean Customs authorities, may be written in the English language.

(L.S.) HARRY S. PARKES.

(L.S.) Signature in Chinese of MIN YÖNG-MOK,  
*the Corean Plenipotentiary.*

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*Import Tariff.*

(Classified according to Rate of Duty.)

<p>CLASS I.</p> <p><i>Duty-free Goods.</i></p> <p>Agricultural implements. Books, maps, and charts. Bullion, being gold and silver refined.</p>	<p>Coins, gold and silver. Fire engines. Models of inventions. Packing bags, packing matting, tea-lead, and ropes for packing goods. Plants, trees, and shrubs, of all kinds. Samples in reasonable quantities.</p>
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Scientific instruments, as physical, mathematical, meteorological, and surgical instruments and their appliances.  
Travellers' baggage.  
Types, new and old.

## CLASS II.

*Import Goods subject to an ad valorem  
Duty of 5 per cent.*

Alum.  
Anchors and chains.  
Bark for tanning.  
Bamboo, split or not.  
Beans, peas, and pulse, all kinds.  
Bones.  
Bricks and tiles.  
Camphor, crude.  
Coal and coke.  
Cotton, raw.  
Drugs and medicine, all kinds.  
Fish, fresh.  
Flax, hemp, and jute.  
Flints.  
Flour and meal, all kinds.  
Fruit, fresh, all kinds.  
Glue.  
Grain and corn, all kinds.  
Guano and manures, all kinds.  
Hides and skins, raw and undressed.  
Horns and hoofs, all kinds not otherwise provided for.  
Kerosene and petroleum and other mineral oils.  
Lanterns, paper.  
Lime.  
Matches.  
Matting, floor, Chinese and Japanese, coir, &c., common qualities.  
Meat, fresh.  
Metals, all kinds, in pig, block, ingot, slab, bar, rod, plate, sheet, hoop, strip, band, and flat, T and angle iron, old and scrap iron.  
Oil cake.  
Oil, wood (*T'ung yu*).  
Paper (common qualities).  
Pepper, unground.  
Pitch and tar.  
Rattans, split or not.  
Scales and balances.  
Seeds, all kinds.  
Soap, common qualities.  
Soy, Chinese and Japanese.  
Twine and thread, all kinds excepting in silk.  
Umbrellas, paper.  
Vegetables, fresh, dried, and salted.  
Wool, sheep's, raw.  
Yarns, all kinds, in cotton, wool, hemp, &c.

All unenumerated articles, raw or unmanufactured.

## CLASS III.

*Import Goods subject to an ad valorem  
Duty of 7½ per cent.*

Beverages, such as lemonade, ginger-beer, soda and mineral waters.  
Blankets and rugs.  
Buttons, buckles, hooks and eyes, &c.  
Candles.  
Canvas.  
Carpets of jute, hemp, or felt, patent tapestry.  
Charcoal.  
Chemicals, all kinds.  
Cocoons.  
Cement, as Portland and other kinds.  
Cordage and rope, all kinds and sizes.  
Clothing and wearing apparel of all kinds, hats, boots, shoes, &c.  
Cotton manufactures, all kinds.  
Cotton and woollen mixtures, all kinds.  
Cotton and silk mixtures, all kinds.  
Dyes, colours, and paints, paint oils, and materials used for mixing paints.  
Earthenware.  
Fans.  
Feathers.  
Felt.  
Fish, dried and salted.  
Floor rugs, all kinds.  
Foil, tin, copper, and all other kinds, except gold and silver.  
Fruits, dried, salted, or preserved.  
Gamboge.  
Glass, window, plain and coloured, all qualities.  
Grass cloth and all textiles in hemp, jute, &c.  
Hair, all kinds except human.  
Hides and skins, tanned and dressed.  
Isinglass, all kinds.  
Lamps, all kinds.  
Leather, all ordinary kinds, plain.  
Linen, linen and cotton, linen and woollen, linen and silk mixtures, grey, white, or printed.  
Matting, superior quality, Japanese "tatamis," &c.  
Meat, dried and salted.  
Metals, all kinds in pipe and tube, corrugated or galvanized, wire, steel, tin plates, nickel, platina, quicksilver, German silver, tutenagne or white copper, yellow metal, unrefined gold and silver.  
Metal manufactures, all kinds, as nails, screws, tools, machinery, railway plant, and hardware.

Mosquito-netting, not made of silk.  
 Needles and pins.  
 Oils, vegetable, all kinds.  
 Oil and floor-cloth, all kinds.  
 Paper, all kinds, not otherwise provided for.  
 Planks, soft wood.  
 Porcelain, common quality.  
 Rosin.  
 Salt.  
 Sapan wood.  
 Sea products, as seaweed, bêche de mer, &c.  
 Silk, raw, reeled, thrown floss or waste.  
 Silk manufactures not otherwise provided for.  
 Spectacles.  
 Spirits in jars.  
 Stationery and writing materials of all kinds, blank books, &c.  
 Stones and slate, cut and dressed.  
 Sugar (brown and white), all qualities, molasses, and syrups.  
 Sulphur.  
 Table stores, all kinds, and preserved provisions.  
 Tallow.  
 Tea.  
 Umbrellas, cotton.  
 Umbrella frames.  
 Varnish.  
 Vermicelli.  
 Wax, bees' or vegetable.  
 Wax cloth.  
 Woods and timber, soft.  
 Woollen manufactures, all kinds.  
 Woollen and silk mixtures, all kinds.  
 All unenumerated articles partly manufactured.

## CLASS IV.

*Import Goods subject to an ad valorem Duty of 10 per cent.*

Beer, porter, and cider.  
 Camphor, refined.  
 Carmine.  
 Carpets, superior qualities, as Brussels, Kidderminster, and other kinds not enumerated.  
 Cloths and parts thereof.  
 Clothing made wholly of silk.  
 Confectionaries and sweetmeats, all kinds.  
 Explosives used for mining, &c. (imported under special permit).  
 Foil, gold and silver.  
 Furniture of all kinds.  
 Glass, plate, silvered or unsilvered, framed or unframed.  
 Glassware, all kinds.

Hair, human.  
 India-rubber, manufactured or not.  
 Leather, superior kinds, or stamped, figured, or coloured.  
 Leather manufactures, all kinds.  
 Lacquered ware, common.  
 Materials for seals, &c.  
 Musical boxes.  
 Musical instruments, all kinds.  
 Mosquito-netting made of silk.  
 Paper, coloured, fancy, wall, and hanging.  
 Photographic apparatus.  
 Planks, hard wood.  
 Plated ware, all kinds.  
 Pictures, prints, photographs, engravings, all kinds, framed or unframed.  
 Porcelain, superior quality.  
 Saddlery and harness.  
 Silk thread, or floss silk in skoin.  
 Silk manufactures, as gauze, crape, Japanese amber lustrings, satins, satin damasks, figured satins, Japanese white silk ("habutai").  
 Soap, superior qualities.  
 Sugar candy.  
 Telescopes and binocular glasses.  
 Tooth powder.  
 Trunks and portmanteaux.  
 Umbrellas, silk.  
 Vermilion.  
 Watches and parts thereof in common metal, nickel, or silver.  
 Wines in wood or bottle, all kinds.  
 Wood or timber, hard.  
 All unenumerated articles completely manufactured.

## CLASS V.

*Import Goods subject to an ad valorem Duty of 20 per cent.*

Amber.  
 Arms, fire-arms, fowling-pieces, &c., imported under special permit.  
 Artificial flowers.  
 Birds' nests.  
 Carpets, velvet.  
 Carriages.  
 Cochineal.  
 Coral, manufactured or not.  
 Embroideries in gold, silver, or silk.  
 Enamel ware.  
 Fireworks.  
 Furs, superior, as sable, sea-otter, seal, otter, beaver, &c.  
 Ginseng, red, white, crude, and clarified.  
 Hair ornaments, gold and silver.  
 Incense, sticks.  
 Ivory, manufactured or not.  
 Jade ware.  
 Jewellery, real or imitation.

Lacquered ware, superior.  
 Musk.  
 Pearls.  
 Perfumes and scents.  
 Plate, gold and silver.  
 Precious stones.  
 Rhinoceros horns.  
 Scented woods, all kinds.  
 Spices, all kinds.  
 Spirits and liqueurs in wood or bottle,  
 all kinds.  
 Tobacco, all forms and kinds.  
 Tortoise-shell, manufactured or not.  
 Velvet, silk.  
 Watches and parts thereof, in gold and  
 gilt.  
 Works of art.

## CLASS VI.

*Prohibited Goods.*

Adulterated drugs or medicines.

Arms, munitions and implements of war,  
 as ordnance or cannon, shot and shell,  
 fire-arms of all kinds, cartridges, side-  
 arms, spears, or pikes, saltpetre, gun-  
 powder, gun-cotton, dynamite, and  
 other explosive substances.

The Korean authorities will grant  
 special permits for the importation of  
 arms, fire-arms, and ammunition for  
 purposes of sport or self-defence, on  
 satisfactory proof being furnished to  
 them of the *bona fide* character of the  
 application.

Counterfeit coins, all kinds.

Opium, except medicinal opium.

Foreign ships, when sold in Corea, will  
 pay a duty of 25 cents per ton on  
 sailing vessels, and 50 cents per ton on  
 steamers.

(L.S.) HARRY S. PARKES.

(L.S.) Signature in Chinese of MIN YÖNG-MOK,  
*Corean Plenipotentiary.*

*Import Tariff.*

(Arranged alphabetically.)

No.	Article.	<i>Ad valorem</i> rate of duty.
		Per cent.
1	Agricultural implements .. .. .	Free.
2	Alum .. .. .	5
3	Amber .. .. .	20
4	Anchors and chains .. .. .	5
5	Arms, ammunition, fire-arms, fowling-pieces, or side-arms, imported under special permit of the Korean Government for sporting purposes or for self-defence .. .. .	20
6	Artificial flowers .. .. .	20
7	Bamboo, split or not .. .. .	5
8	Bark for tanning .. .. .	5
9	Beans, peas, and pulse, all kinds .. .. .	5
10	Beer, porter, and cider .. .. .	10
11	Beverages, such as lemonade, ginger-beer, soda and mineral waters .. .. .	7½
12	Birds' nests .. .. .	20
13	Blankets and rugs .. .. .	7½
14	Bones .. .. .	5
15	Books, maps, and charts .. .. .	Free
16	Bricks and tiles .. .. .	5
17	Bullion, being gold or silver, refined .. .. .	Free
18	Buttons, buckles, hooks and eyes, &c. .. .. .	7½
19	Camphor, crude .. .. .	5
20	" refined .. .. .	10
21	Candles .. .. .	7½



No.	Article.	Ad valorem rate of duty.
		Per cent.
22	Canvas .. .. .	7½
23	Carmine .. .. .	10
24	Carpets of jute, hemp, or felt, patent tapestry .. .. .	7½
25	" superior quality, as Brussels, Kidderminster, and other kinds not enumerated .. .. .	10
26	" velvet .. .. .	20
27	Carriages .. .. .	20
28	Cement, as Portland and other kinds .. .. .	7½
29	Charcoal .. .. .	7½
30	Chemicals, all kinds .. .. .	7½
31	Clocks and parts thereof .. .. .	10
32	Clothing and wearing apparel, all kinds, hats, boots, and shoes, &c. .. .. .	7½
33	Ditto, made wholly of silk .. .. .	10
34	Coal and coke .. .. .	5
35	Cochineal .. .. .	20
36	Cocoons .. .. .	7½
37	Coins, gold and silver .. .. .	Free
38	Confectionaries and sweetmeats, all kinds .. .. .	10
39	Coral, manufactured or not .. .. .	20
40	Cordage and rope, all kinds and sizes .. .. .	7½
41	Cotton, raw .. .. .	5
42	Cotton manufactures, all kinds .. .. .	7½
43	Cotton and woollen mixtures, all kinds .. .. .	7½
44	Cotton and silk mixtures, all kinds .. .. .	7½
45	Cutlery, all kinds .. .. .	7½
46	Drugs, all kinds .. .. .	5
47	Dyes, colours, and paints, paint oils, and materials used for mixing paints .. .. .	7½
48	Earthenware .. .. .	7½
49	Embroideries in gold, silver, or silk .. .. .	20
50	Enamel ware .. .. .	20
51	Explosives used for mining, &c., and imported under special permit .. .. .	10
52	Fans, all kinds .. .. .	7½
53	Feathers, all kinds .. .. .	7½
54	Felt .. .. .	7½
55	Fire engines .. .. .	Free
56	Fireworks .. .. .	20
57	Fish, fresh .. .. .	5
58	" dried and salted .. .. .	7½
59	Flax, hemp, and jute .. .. .	5
60	Flints .. .. .	5
61	Floor rugs, all kinds .. .. .	7½
62	Flour and meal, all kinds .. .. .	7½
63	Foil, gold and silver .. .. .	10
64	" tin, copper, and all other kinds .. .. .	7½
65	Fruit, fresh, all kinds .. .. .	5
66	" dried, salted, or preserved .. .. .	7½
67	Furniture of all kinds .. .. .	10
68	Furs, superior, as sable, sea-otter, seal, otter, beaver, &c. .. .. .	20
69	Gamboge .. .. .	7½
70	Ginseng, red, white, crude, and clarified .. .. .	20
71	Glass, window, plain and coloured, all qualities .. .. .	7½
72	" plate, silvered or unsilvered, framed or unframed .. .. .	10
73	Glassware, all kinds .. .. .	10
74	Glue .. .. .	5
75	Grain and corn, all kinds .. .. .	5

No.	Article.	<i>Ad valorem</i> rate of duty.
		Per cent.
76	Grass cloth, and all textiles in hemp, jute, &c. . . . .	7½
77	Guano and manures, all kinds . . . . .	5
78	Hair, all kinds, except human . . . . .	7½
79	"    human . . . . .	10
80	Hair ornaments, gold and silver . . . . .	20
81	Hides and skins, raw and undressed . . . . .	5
82	"    "    tanned and dressed . . . . .	7½
83	Horns and hoofs, all kinds, not otherwise provided for . . . . .	5
84	Incense sticks . . . . .	20
85	India-rubber, manufactured or not . . . . .	10
86	Isinglass, all kinds. . . . .	7½
87	Ivory, manufactured or not . . . . .	20
88	Jade ware . . . . .	20
89	Jewellery, real or imitation . . . . .	20
90	Kerosene, or petroleum, and other mineral oils . . . . .	5
91	Lacquered ware, common . . . . .	10
92	"    superior. . . . .	20
93	Lamps, all kinds . . . . .	7½
94	Lanterns, paper . . . . .	5
95	Leather, all ordinary kinds, plain . . . . .	7½
96	"    superior kinds, and stamped, figured, or coloured . . . . .	10
97	"    manufactures, all kinds . . . . .	10
98	Lime . . . . .	5
99	Linen, linen and cotton, linen and woollen mixtures, linen and silk mixtures, all kinds . . . . .	7½
100	Matches . . . . .	5
101	Matting, floor, Chinese, Japanese, coir, &c., common qualities . . . . .	5
102	"    superior qualities, Japanese tatamis, &c. . . . .	7½
103	Meat, fresh. . . . .	5
104	Dried and salted . . . . .	7½
105	Medicines, all kinds not otherwise provided for . . . . .	5
106	Metals, all kinds, in pig, block, ingot, slab, bar, rod, plate, sheet, hoop, strip, band, and flat, T- and angle-iron, old and scrap iron . . . . .	5
107	Metals, all kinds, in pipe or tube, corrugated or galvanized, wire, steel, tin-plates, quicksilver, nickel, platina, German silver, yellow metal, tutenagne, or white copper, unrefined gold and silver . . . . .	7½
108	Metal manufactures, all kinds, as nails, screws, tools, ma- chinery, railway plant, and hardware. . . . .	7½
109	Models of inventions . . . . .	Free
110	Mosquito netting, not made of silk . . . . .	7½
111	"    made of silk . . . . .	10
112	Musical boxes . . . . .	10
113	Musical instruments, all kinds . . . . .	10
114	Musk . . . . .	20
115	Needles and pins . . . . .	7½
116	Oil-cake . . . . .	5
117	Oils, vegetable, all kinds . . . . .	7½
118	Oil, wood (T'ung yu) . . . . .	5
119	Oil- and floor-cloth, all kinds . . . . .	7½
120	Packing bags, packing matting, tea-lead, and ropes for packing goods . . . . .	Free
121	Paper, common qualities . . . . .	5
122	"    all kinds, not otherwise provided for . . . . .	7½
123	"    coloured, fancy, wall, and hanging . . . . .	10
124	Pearls . . . . .	20
125	Pepper, unground . . . . .	5

No.	Article.	<i>Ad valorem</i> rate of duty.
		Per cent.
126	Perfumes and scents .. .. .	20
127	Photographic apparatus .. .. .	10
128	Pictures, prints, photographs, engravings, all kinds, framed or unframed .. .. .	10
129	Pitch and tar .. .. .	5
130	Planks, soft .. .. .	7½
131	"    hard .. .. .	10
132	Plants, trees, and shrubs, all kinds .. .. .	Free
133	Plate, gold and silver .. .. .	20
134	Plated ware, all kinds .. .. .	10
135	Porcelain, common qualities .. .. .	7½
136	"    superior qualities .. .. .	10
137	Precious stones, all kinds, set or unset .. .. .	20
138	Rattans, split or not .. .. .	5
139	Rhinoceros horns .. .. .	20
140	Rosin .. .. .	7½
141	Saddlery and harness .. .. .	10
142	Salt .. .. .	7½
143	Samples in reasonable quantities .. .. .	Free
144	Sapan wood .. .. .	7½
145	Scales and balances .. .. .	5
146	Scented wood, all kinds .. .. .	20
147	Scientific instruments, as physical, mathematical, meteorolo- gical, and surgical, and their appliances .. .. .	Free
148	Seals, materials for .. .. .	10
149	Sea products, as seaweed, bêche-de-mer, &c. .. .. .	7½
150	Seeds, all kinds .. .. .	5
151	Silk, raw, reeled, thrown, floss, or waste .. .. .	7½
152	Silk manufactures, as gauze, crape, Japanese amber lustrings, satins, satin damasks, figured satins, Japanese white silk (" habutai ") .. .. .	10
153	Silk manufactures not otherwise provided for .. .. .	7½
154	Silk thread and floss silk in skein .. .. .	10
155	Soap, common qualities .. .. .	5
156	"    superior qualities .. .. .	10
157	Soy, Chinese and Japanese .. .. .	5
158	Spectacles .. .. .	7½
159	Spices, all kinds .. .. .	20
160	Spirits, in jars .. .. .	7½
161	Spirits and liqueurs, in wood or bottle, all kinds .. .. .	20
162	Stationery and writing materials, all kinds, blank books, &c. .. .. .	7½
163	Stones and slate, cut and dressed .. .. .	7½
164	Sugar, brown and white, all qualities, molasses and syrups .. .. .	7½
165	Sugar candy .. .. .	10
166	Sulphur .. .. .	7½
167	Table stores, all kinds, and preserved provisions .. .. .	7½
168	Tallow .. .. .	7½
169	Tea .. .. .	7½
170	Telescopes and binocular glasses .. .. .	10
171	Tobacco, all kinds and forms .. .. .	20
172	Tortoise-shell, manufactured or not .. .. .	20
173	Tooth-powder .. .. .	10
174	Travellers' baggage .. .. .	Free
175	Trunks and portmanteaux .. .. .	10
176	Twine and thread, all kinds, excepting in silk .. .. .	5
177	Types, new and old .. .. .	Free
178	Umbrellas, paper .. .. .	5
179	"    cotton .. .. .	7½

No.	Article.	Ad valorem rate of duty.
		Per cent.
180	Umbrellas, silk .. . . .	10
181	Umbrella frames .. . . .	7½
182	Varnish .. . . .	7½
183	Vegetables, fresh, dried, and salted .. . . .	5
184	Velvet, silk .. . . .	20
185	Vermicelli .. . . .	7½
186	Vermilion .. . . .	10
187	Watches, and parts thereof, in common metal, nickel, or silver .. . . .	10
188	Watches, in gold or gilt .. . . .	20
189	Wax, bees' or vegetable .. . . .	7½
190	„ cloth .. . . .	7½
191	Wines, in wood or bottle, all kinds .. . . .	10
192	Wood and timber, soft .. . . .	7½
193	„ „ hard .. . . .	10
194	Wool, sheep's, raw .. . . .	5
195	Woollen manufactures, all kinds .. . . .	7½
196	Woollen and silk mixtures, all kinds .. . . .	7½
197	Works of art .. . . .	20
198	Yarns, all kinds, in cotton, wool, hemp, &c. .. . . .	5
	All unenumerated articles raw or unmanufactured .. . . .	5
	„ „ partly manufactured .. . . .	7½
	„ „ completely manufactured .. . . .	10
	Foreign ships, when sold in Corea, will pay a duty of 25 cents per ton on sailing vessels and 50 cents per ton on steamers.	

#### Prohibited Goods.

Adulterated drugs or medicines.

Arms, munitions, and implements of war, as ordnance or cannon, shot and shell, fire-arms of all kinds, cartridges, side-arms, spears or pikes, saltpeare, gunpowder, guncotton, dynamite, and other explosive substances. The Korean authorities will grant special permits for the importation of arms, fire-arms, and ammunition for purposes of sport or self-defence, on satisfactory proof being furnished to them of the *bonâ fide* character of the application.

Counterfeit coins of all kinds.

Opium, except medicinal opium.

#### Export Tariff.

Class I.—Duty-free export goods:—

Bullion, being gold and silver refined; coins, gold and silver, all kinds; plants, trees and shrubs, all kinds; samples, in reasonable quantity; travellers' baggage.

Class II.—All other native goods or productions not enumerated in Class I will pay an *ad valorem* duty of 5 per cent.

The exportation of red ginseng is prohibited.

#### Rules.

1. In the case of imported articles the *ad valorem* duties of this Tariff will be calculated on the actual cost of the goods at

the place of production or fabrication, with the addition of freight, insurance, &c. In the case of export articles the *ad valorem* duties will be calculated on market values in Corea.

2. Duties may be paid in Mexican dollars or Japanese silver yen.

3. The above Tariff of import and export duties shall be converted, as soon as possible, and as far as may be deemed desirable, into specific rates by agreement between the competent authorities of the two countries.

(L.S.) HARRY S. PARKES.

(L.S.) Signature in Chinese of MIN YÖNG-MOK,  
*Corean Plenipotentiary.*

PROTOCOL (*Jurisdiction. City of Hanyang. British Colonies.*)  
November 26, 1883.

THE above-named Plenipotentiaries hereby make and append to this Treaty the following three declarations:—

1. With reference to Article III of this Treaty, it is hereby declared that the right of extra-territorial jurisdiction over British subjects in Corea granted by this Treaty shall be relinquished when, in the judgment of the British Government, the laws and legal procedure of Corea shall have been so far modified and reformed as to remove the objections which now exist to British subjects being placed under Corean jurisdiction, and Corean Judges shall have attained similar legal qualifications and a similar independent position to those of British Judges.

2. With reference to Article IV of this Treaty, it is hereby declared that if the Chinese Government shall hereafter surrender the right of opening commercial establishments in the city of Hanyang, which was granted last year to Chinese subjects, the same right shall not be claimed for British subjects, provided that it be not granted by the Corean Government to the subjects of any other Power.

3. It is hereby declared that the provisions of this Treaty shall apply to all British Colonies, unless any exception shall be notified by Her Majesty's Government to that of Corea within one year from the date on which the ratifications of this Treaty shall be exchanged.

And it is hereby further stipulated that this Protocol shall be laid before the High Contracting Parties simultaneously with this Treaty, and that the ratification of this Treaty shall include the confirmation of the above three declarations, for which, therefore, no separate act of ratification will be required.

In faith of which the above-named Plenipotentiaries have this day signed this Protocol, and have thereto affixed their seals.

Done at Hanyang this 26th day of November, in the year

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1883, corresponding to the 27th day of the 10th month of the 492nd year of the Corean era, being the 9th year of the Chinese reign Kuang Hsiü.

(L.S.) HARRY S. PARKES.

(L.S.) Signature in Chinese of MIN YÖNG-MOK,  
*Corean Plenipotentiary.*

## COSTA RICA.

SWISS NOTIFICATION *of the Accession of Costa Rica to the Universal Postal Union of June 1, 1878. Berne, August 25, 1882.*

EXCELLENCE, *Berne, le 25 Août, 1882.*

EN conformité de l'Article XVIII de la Convention de Paris du 1<sup>er</sup> Juin, 1878,\* concernant l'Union Postale Universelle, nous avons l'honneur d'informer votre Excellence—

1. Que le Gouvernement de la République de Costa Rica a déclaré, par l'organe de Don Maria Peralta, Envoyé Extraordinaire et Ministre Plénipotentiaire de Costa Rica près la République Française, muni à cet effet des pleins pouvoirs nécessaires, adhérer à la Convention susmentionnée et conséquemment aussi au Règlement d'Exécution y relatif.

2. Que nous sommes d'accord avec le Gouvernement de la République de Costa Rica sur les points suivants:—

a. L'Administration des Postes de ce pays percevra, comme équivalents, en conformité de l'Article 4 du Règlement d'Exécution à la Convention de Paris, concernant l'Union Postale Universelle:

Pour 25 centimes	..	..	..	5 centavos.
„ 10 „	::	::	::	2 „
„ 5 „	..	..	..	1 centavo.

b. La date de l'accession est fixée au 1<sup>er</sup> Janvier, 1883.

c. Pour la part contributive aux frais du Bureau International des Postes (Article 28 du Règlement d'Exécution précité), la République de Costa Rica sera rangée dans la 6<sup>e</sup> classe.

Nous saisissons cette occasion pour renouveler à votre Excellence les assurances de notre haute considération.

Au nom du Conseil Fédéral Suisse,

L. RUCHONNET, *Vice-Président.*

RINGIER, *Chancelier de la Confédération.*

## CYPRUS.

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SWISS NOTIFICATION of the Admission of the Island of Cyprus as a Dependency of the Postal Administration of Great Britain. Berne, December 20, 1878.

(Circulaire.)

MONSIEUR,

*Berne, le 20 Décembre, 1878.*

LA double proposition que j'ai eu l'honneur de soumettre à l'avis des Administrations de l'Union par ma lettre circulaire du 8 Août dernier, No. 32/2111, n'a soulevé aucune opposition.

En conséquence, il est admis d'un commun accord :

1. Que le § 4 de l'Article 29 du Règlement de détail et d'ordre pour l'exécution du Traité de Berne\* est modifié comme suit :—

(4.) "Gibraltar, ainsi que Malte et ses dépendances et l'Ile de Chypre, comme relevant de l'Administration des Postes de la Grande Bretagne."

2. Que, sous réserve de la ratification de la Convention signée à Paris le 1<sup>er</sup> Juin, 1878,† le § 6 de l'Article 32 du Règlement de détail et d'ordre pour l'exécution de la dite Convention est modifié de la même manière.

Je vous prie, Monsieur, d'avoir l'obligeance de m'accuser réception de la présente communication et, en même temps, d'agréer l'assurance de ma haute considération.

EUGÈNE BOREL, *Directeur.*

## DENMARK.

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BRITISH ORDER IN COUNCIL, respecting the Tonnage Measurement of Danish Vessels. Osborne, December 30, 1878.‡

*At the Court at Osborne House, Isle of Wight, the 30th day of December, 1878.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862" [cap. 63, § 60], it is enacted that:—

[See Vol. 11. Page 338.]

\* See Vol. 14. Page 85.

† See Vol. 14. Page 1007.

‡ See also Page 903.

And whereas by "The Merchant Shipping Act, 1876,"\* it is enacted that when "Her Majesty has power under 'The Merchant Shipping Act, 1854,'† or any Act passed or hereafter to be passed amending the same, to make an Order in Council, it shall be lawful for Her Majesty from time to time to revoke, alter, or add to any Order so made:"

And whereas by an Order in Council dated the 29th day of February, 1868,‡ Her Majesty, to whom it was made to appear that the said rules for the measurement of the tonnage of merchant-ships had been adopted by the Government of His Majesty the King of Denmark, was pleased to direct that the ships of Denmark, the certificates of Danish nationality and registry of which were dated on and after the 1st October, 1867, should be deemed to be of the tonnage denoted in the said certificates of Danish nationality and registry:

And whereas certain modifications have been recently made in the rules concerning the measurement of tonnage of merchant-ships in force in Denmark, whereby, from and after the 1st day of October, 1878, the allowance for engine-room in certain steam-ships will be estimated in a mode differing from that in force in this country:

And whereas it has been made to appear to Her Majesty that it is desirable to alter the said Order in Council so far as the same applies or relates to the mode of estimating the allowance for engine-room in Danish steam-ships:

Her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct as regards Danish steam-ships, that if the owner or master of any merchant-ship belonging to the said Kingdom of Denmark, and measured after the said 1st day of October, 1878, which is propelled by steam, or any other power requiring engine-room, desires the allowance for engine-room in his ship to be estimated under the rules for engine-room measurement and allowance applicable to British ships, instead of under the Danish rule, the engine-room shall be measured and the allowance calculated according to the British rules.

C. L. PEEL.

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\* 39 & 40 Vict., c. 80.

† 17 & 18 Vict., c. 104.

‡ See Vol. 14. Page 1023.



BRITISH ORDER IN COUNCIL, *respecting the Tonnage Measurement of Danish Vessels.* Osborne, April 20, 1883.

*At the Court at Osborne House, Isle of Wight, the 20th day of April, 1883.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862" [cap. 63, § 60], it is enacted that:—

[See Vol. 11. Page 338.]

And whereas by "The Merchant Shipping Act, 1876,"\* it is enacted that "where Her Majesty has power under "The Merchant Shipping Act, 1854,"† or any Act passed or hereafter to be passed amending the same, to make an Order in Council, it shall be lawful for Her Majesty from time to time to make such Order in Council, and by Order in Council to revoke, alter, or add to, any Order so made:"

And whereas by Order in Council dated the 29th day of February, 1868,‡ Her Majesty, to whom it was made to appear that the rules concerning the measurement of tonnage of merchant-ships now in force under "The Merchant Shipping Act, 1854," had been adopted by the Government of His Majesty the King of Denmark, and were in force in that country, was pleased to direct that the ships in Denmark the certificates of Danish nationality and registry of which were dated on or after the 1st day of October, 1867, should be deemed to be of the tonnage denoted in the said certificates of Danish nationality and registry:

And whereas certain modifications were subsequently made in the said rules concerning the measurement of tonnage of merchant-ships in Denmark, whereby from and after the 1st day of October, 1878, the allowance for engine-room in certain steam-ships would be estimated in a mode differing from that in force in this country; and it was made to appear to Her Majesty that it was desirable to alter the said first recited Order in Council so far as the same applied or related to the mode of estimating the allowance for engine-room in Danish steam-ships:

And whereas Her Majesty, by Order in Council dated the 30th day of December, 1878,§ was pleased to direct as regards Danish steam-ships that if the owner or master of any Danish steam-ship measured after the said 1st day of October, 1878, desires the allowance for engine-room in his ship to be estimated under the

\* 39 & 40 Vict., c. 80.

† See Vol. 14. Page 1023.

‡ 17 & 18 Vict., c. 104.

§ See Page 501.

British instead of under the Danish rules, such engine-room shall be measured, and the allowance calculated according to the British rules :

And whereas it has been made to appear to Her Majesty that it is expedient that certain additions should be made to the provisions of the said last-recited Order in Council in regard to the mode of estimating the net registered tonnage of certain Danish steam-ships :

Now therefore Her Majesty in virtue of the powers vested in her by the said recited Acts, and by and with the advice of her Privy Council, is further pleased to direct as follows, viz., that in the event of the net registered tonnage of merchant-ships belonging to the said Kingdom of Denmark, which are propelled by steam or any other power requiring engine-room estimated under the British rules being denoted in the said certificates of Danish nationality and registry issued on or after the 1st day of September, 1882, such ships shall be deemed to be of the tonnage so denoted in the said certificates.

C. L. PEEL.

*AGREEMENT between Great Britain and Denmark for the Mutual Relief of Distressed Seamen. Signed at London, July 25, 1883.\**

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the King of Denmark, being desirous to make arrangements for the relief of distressed seamen of the two nations in certain cases, the Undersigned, duly authorized to that effect, have agreed as follows :—

If a seaman of one of the Contracting States, after serving on board a ship of the other Contracting State, remains behind in a third State or in its Colonies, or in the Colonies of that State whose flag the ship carries, and the said seaman is in a helpless condition in consequence of shipwreck, or from other causes, then the Government of that State whose flag the ship bears shall be bound to support the said seaman until he enters into ship-service again, or finds other employment, or until he arrives in his native State or its Colonies, or dies.

But this is on condition that the seaman so situated shall avail himself of the first opportunity that offers to prove his necessitous condition, and the causes thereof, to the proper officials of the State whose support is to be solicited, and that the destitution is shown to be the natural consequence of the

\* Signed also in the Danish language.

termination of his service on board the ship: otherwise the aforesaid liability to afford relief lapses.

The said liability is also excluded if the seaman has deserted, or has been turned out of the ship for any criminal act, or has left it on account of disability for service in consequence of illness or wounding resulting from his own fault.

The relief includes maintenance, clothing, medical attendance, medicine, and travelling expenses; in case of death the funeral expenses are also to be paid.

The present Agreement shall come into operation on the 1st November, 1883, and shall continue in force until one of the Contracting Parties shall announce to the other, one year in advance, its intention to terminate it.

In witness whereof the Undersigned, duly authorized for that purpose, have signed the present Agreement, and have affixed thereto the seal of their arms.

Done at London in duplicate, the 25th day of July, in the year of Our Lord 1883.

(L.S.) GRANVILLE.  
(L.S.) FALBE.

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## EGYPT.

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REGULATIONS *for the Navigation of the Suez Maritime Canal; so far as relate to Tonnage Measurement.\* Paris, March 12, 1878.*

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ART. 11 (1). THE net tonnage resulting from the system of measurement laid down by the International Commission of Constantinople and inscribed on the special certificates issued by the competent authorities or on the ship's official papers is the basis for levying the special navigation due of 10 francs and the surtax of 3 francs, already reduced to 2 francs 50 cents, and further reducible at the periods stipulated by the Convention of 21st February, 1876, approved of the 30th March, 1877, by the Sublime Porte.†

In levying the dues, any alteration of net tonnage subsequent to the delivery of the above-mentioned certificate or papers shall be taken into account.

(2.) The Canal authorities may ascertain whether cargo or passengers are carried in any spaces which, as shown by the

\* These Regulations are to come into force on and after the 1st of July, 1878. Previous regulations are hereby annulled.

† See Page 579.

certificate of tonnage, have not been included in the gross measurements, or which were allowed as deductions for the accommodation of the crew after measurement, or which being within the engine, boiler, or bunker space, form no part of the net tonnage shown on the certificate;

And generally may verify whether all the spaces which ought to be included in the tonnage are entered on the certificate and are exactly determined thereon.

(3.) Every vessel not provided with a special certificate or official papers, giving the net tonnage laid down by the Constantinople Commission, shall be measured by the Company's agents in conformity with the Constantinople rules, and shall pay her dues according to such measurement, until she produces a special certificate from the authorities of her own country.

(4.) Vessels of war, vessels constructed or chartered for the transport of troops, and vessels in ballast, are exempted from the surtax; said ships pay the special navigation due of 10 francs per ton on the net tonnage defined by the Constantinople Commission.

(5.) Any ship carrying mails or passengers, or having in her holds coals or other merchandize, in whatever quantity, is not considered as being in ballast.

(8.) Errors in the declaration of tonnage, or in the levying of dues, must be rectified within a month after the ship's passage through the Canal. After this day rectifications will not be admitted; no erroneous application of the tariff can ever be brought forward as a precedent against the Company.

#### *Transitory Provisions.*

A surtax of 4 francs, in addition to the tax of 10 francs, shall be levied per net register ton on steamers whenever the deductions due to engines have been determined under paragraph A of Clause 23 of the British Act of 1854 defining Rule 3.\*

The gross tonnage of ships not measured under Moorsom's system is brought into accordance with that system by the application of the Lower Danube scale of factors, and their net tonnage is determined according to paragraph A of Clause 23 of the above-named British Act; they shall pay over and above the tax of 10 francs a surtax of 4 francs per ton on their net tonnage.

FERD. DE LESSEPS, *President-Director.*

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\* The Constantinople decision has provided no reduction of the surtax of 4 fr. The Company, thinking that ships would provide themselves within the least delay with the Special Tonnage Certificates prescribed by the said decision, has allowed a reduction of 50 c. per ton on ships bearing former official papers.

From and after the 1st January, 1879, every vessel not bearer of a Suez Canal Special Tonnage Certificate shall pay the full surtax of 4 fr.

NOTIFICATION *by the Egyptian Indemnities Commission, respecting the Presentation of Claims arising out of Events in Egypt subsequent to the 10th of June, 1882. Alexandria, February 6, 1883.\**

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*Commission des Indemnités Égyptiennes.*

TOUTES les personnes ayant eu à souffrir des événements-insurrectionnels qui se sont succédés en Égypte depuis le 10 Juin, 1882, sont invités à faire parvenir leurs réclamations, soit directement soit par les soins de leurs Consulats respectifs, à M. le Président de la Commission des Indemnités Égyptiennes à Alexandrie.

Les demandes seront reçues jusqu'au 8 Mai, 1883. Passé ce delai, toute réclamation sera considérée comme nulle et non avenue.

Alexandrie, le 6 Fevrier, 1883.

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## EQUATOR.

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CONVENTION *between Great Britain and Equator, respecting the Claims of a British Subject (Mr. James Mackintosh). Signed at Quito, July 24, 1857.*

(Translation.)

WALTER COPE, Her Britannic Majesty's Chargé d'Affaires, specially instructed by his Government, on the one part, and on the other, Francisco Pablo Ycaza, Minister of Finance of Equator, with express authority from the Executive Power to arrange and conclude the claim of the British subject, James Mackintosh, have agreed, with the object of putting an end to this question, on the following:—

ART. I. The Government of Equator acknowledges as floating debt due by it at 6 per cent. per annum in favour of Mr. James Mackintosh, merchant, of London, 21½ per cent. of the capital stipulated by Senhor Manuel José Hurtado, in the agreement made in London with the said Mr. Mackintosh, which was acknowledged by the Assembly of Plenipotentiaries of the three Republics which composed that of Colombia, in their Resolution of May 6, 1839, and which, after deducting what had been paid, remained at 224,112*l.* 12*s.*, of which 48,184*l.* correspond to Equator.

\* A translation of this Notification was published in the "London Gazette" of March 2, 1883.

II. The Government of Equator also acknowledges as a debt in favour of Mr. Mackintosh proceeding from the interest on the total capital of his debt  $21\frac{1}{2}$  per cent. of that accrued from January 11, 1826, to December 31, 1857, at the rate of 6 per cent. per annum, which amounts to 92,426*l.* 3*s.* 8*d.*, or 462,131 hard dollars.

III. The original capital which it corresponds to Equator to pay, and which, according to the before-mentioned arrangement of the Commission of Plenipotentiaries in their Resolution of May 6, 1839, is 48,184*l.* or 240,920 hard dollars, shall continue to gain interest at 6 per cent. per annum from the 1st January, 1858, until its complete amortization.

IV. The interest due on the capital of 48,184*l.* from January 11, 1826, to December 31, 1857, shall gain interest at the rate of 1 per cent. per annum from January 1, 1858, until the day of its amortization.

V. The Government of Equator binds itself to pay off the principal and interest accrued and prospective of the debt in favour of Mr. Mackintosh, as stipulated in Articles III and IV, with 10 per cent. of the import duties caused in the Custom-houses of the Republic, with the exception of that of Manta. For this purpose, there shall be issued and delivered to the order of Mr. Mackintosh "vales" payable to bearer for sums of 100 and 200 dollars each, to the amount of the respective sums due to him, the vales proceeding from the capital gaining interest at 6 per cent. per annum, and those from the interest 1 per cent. per annum, as stipulated in Articles III and IV. These "vales" shall be admitted in the Custom-houses of the Republic from January 1, 1858, in payment of 10 per cent. of the import duties which may have to be paid in them, for the payment of which 10 per cent. after that day there shall not be admitted any other than the said "vales" issued in favour of Mr. Mackintosh or hard cash, excluding every other mode of payment by bills, orders of the Treasury, or any other sort of documents: as said 10 per cent. is expressly destined to the amortization of the debt in favour of Mr. Mackintosh. The amortization mentioned in this Article shall be made first of the principal represented by each "vale," and afterwards of the interest accrued upon it. For the better understanding of this Article it is declared that by Custom-house duties are understood those which represent payments to the exchequer, and not those which under other denominations, such as colleges, fires, tonnage, anchorage, cleaning the port, and lights, are collected at the Custom-houses.

VI. The hard cash which may be received in the Custom-houses of the Republic in payment of the 10 per cent. of the import duties destined to the amortization of Mr. Mackintosh's credit shall be reserved in its species by the administrators of

the Custom-houses, and at the end of each month they shall deliver the sum collected for this 10 per cent. to the agent of Mr. Mackintosh, receiving from him in exchange the corresponding vales for a like amount for principal and interest accrued in the "vale" or "vales" which are paid off.

VII. At the time of issuing the "vales" agreed upon in Articles III and IV, the rate of exchange for the pound sterling in the dollar currency of the country shall be fixed by the Representative of the British Government in Quito and the Government of Equator, in order to establish the amount due in said money.

VIII. In consequence of what is agreed upon in the foregoing Articles, the Republic of Equator remains completely exonerated from all responsibility, be it of whatsoever nature it may, proceeding from the claim brought forward by James Mackintosh, to which a definitive termination is put by means of this Convention, and the said Mackintosh acknowledges himself to be fully satisfied for the credit which he held against the Republic of Equator, as one of the States of ancient Colombia, his debtor.

IX. The present Convention is to be definitively approved by the Government of Equator, and submitted to the approbation of the Congress, so that it may take effect from January 1, 1858; if it should not be approved within that term, it shall be considered null and void in all its parts, and Mr. Mackintosh shall recover all the rights he lays claim to, which he may make use of as may best suit him.

Quito, July 24, 1857.

WALTER COPE.  
F. P. YCAZA.

ADDITIONAL CONVENTION *between Great Britain and Equator, respecting the Claims of a British Subject (Mr. James Mackintosh). Signed at Quito, March 4, 1858.*

(Translation.)

WALTER COPE, Her Britannic Majesty's Chargé d'Affaires, on the one part, and on the other, Francisco Ycaza, Minister of Finance of the Republic of Equator, having met with the object of agreeing upon the modifications and explanations which have to be made in the Convention which they signed on the 24th of July of last year,\* about payment of the debt which Equator recognizes in favour of the British subject, James Mackintosh, as provided in the Legislative Decree of November 26 of the same year, approving said Convention, have agreed upon the following:—

\* See Page 907.

ART. I. The exchange of money, treated in Article VII of the principal Convention, shall be 5 dollars 25 cents for each pound sterling.

II. The "vales" mentioned in Article V of the said Convention shall be issued by the Directors of the Public Credit according to the annexed pattern, and some of them may be issued of the value of 55 dollars, besides those of 100 and 200 dollars specified in said Convention.

III. Mr. James Mackintosh shall present to the Fiscal Commissioner of Equator in London the bonds which were delivered to him by the Government of Colombia in 1821, in order that the Equatorian Commissioner, after taking note of their amount, may put upon each one of them a record of their being cancelled on the part of Equator. If on examining said bonds it should result that Mr. Mackintosh does not possess the entire amount proportional to that which Equator has recognized for her  $21\frac{1}{2}$  per cent., Mr. Mackintosh shall return to the Republic the excess which may result in the value of the "vales" about to be delivered to him.

In faith of which they sign two of one tenour in Quito, the 4th of March, 1858.

WALTER COPE.  
F. P. YCAZA.

SWISS NOTIFICATION of the Accession of Equator to the Universal Postal Union of June 1, 1878. Berne, February 13, 1880.

EXCELLENCE, Berne, le 13 Février, 1880.

EN conformité de l'Article XVIII de la Convention de Paris du 1<sup>er</sup> Juin, 1878,\* concernant l'Union Postale Universelle, le Conseil Fédéral Suisse a l'honneur d'informer son Excellence M. le Ministre des Affaires Étrangères de :

1. Que la République de l'Équateur a déclaré, par voie diplomatique, adhérer à cette Convention, et conséquemment aussi au Règlement d'Exécution y relatif.

2. Que le Gouvernement Suisse, conformément à l'Article XVIII précité, s'est entendu avec le Consul-Général de la République de l'Équateur à Paris, muni à cet effet de pleins pouvoirs, sur les points suivants :—

a. La République de l'Équateur percevra, comme équivalents, en conformité de l'Article 4 du Règlement d'Exécution à la Convention de Paris, concernant l'Union Postale Universelle :

Pour 25 centimes	..	..	..	5 centavos.
„ 10	„	..	..	2 „
„ 5	„	..	..	1 centavo.

\* See Vol. 14. Page 1014.



b. Quant à la part contributive aux frais du Bureau International des Postes (Article 28 du Règlement d'Exécution précité), la République de l'Équateur sera dans la 6<sup>m</sup>e classe.

Le Conseil Fédéral saisit cette occasion pour renouveler à son Excellence les assurances de sa haute considération.

Au nom du Conseil Fédéral Suisse.

WELTI, *Président de la Confédération.*

SCHIESS, *Chancelier de la Confédération.*

## FRANCE.

LOI de la République Française, sur la Naturalisation et le Séjour des Étrangers en France. Paris, le 3 Decembre, 1849.

L'ASSEMBLÉE Nationale Législative a adopté la Loi dont la teneur suit :—

ART. 1.\*

2.\*

3. Tant que la naturalisation n'aura pas été prononcée, l'autorisation accordée à l'étranger d'établir son domicile en France pourra toujours être révoquée ou modifiée par décision du Gouvernement, qui devra prendre l'avis du Conseil d'État.

4. Les dispositions de la Loi du 14 Octobre, 1814, concernant les habitants des Départements réunis à la France, ne pourront plus être appliquées à l'avenir.

5.†

6. L'étranger qui aura fait, avant la promulgation de la présente Loi, la déclaration prescrite par l'Article 3 de la Constitution de l'an VIII, pourra, après une résidence de 10 années, obtenir la naturalisation suivant la forme indiquée par l'Article 1.

7. Le Ministre de l'Intérieur pourra, par mesure de police, enjoindre à tout étranger voyageant ou résidant en France de sortir immédiatement du territoire Français, et le faire conduire à la frontière.

Il aura le même droit à l'égard de l'étranger qui aura obtenu l'autorisation d'établir son domicile en France; mais après un délai de deux mois, le mesure cessera d'avoir effet, si l'autorisation n'a pas été révoquée suivant la forme indiquée dans l'Article 3.

Dans les Départements frontières, le Préfet aura le même droit à l'égard de l'étranger non-résidant, à la charge d'en référer immédiatement au Ministre de l'Intérieur.

8. Tout étranger qui se serait soustrait à l'exécution des

\* Modified by Law of June 29, 1867. See Page 912.

† Abrogated by Law of June 29, 1867. See Page 913.

mesures éconocées dans l'Article précédent ou dans l'Article 272 du Code Pénal, ou qui, après être sorti de France par suite de ces mesures, y serait rentré sans la permission du Gouvernement, sera traduit devant les tribunaux et condamné à un emprisonnement d'un mois à six mois.

Après l'expiration de sa peine il sera conduit à la frontière.

9. Les peines prononcées par la présente Loi pourront être réduites conformément aux dispositions de l'Article 463 du Code Pénal.

Délibéré en séance publique, à Paris, les 13 et 21 Novembre et 3 Décembre, 1849.

DUPIN, *Président.*

ARNAUD (de l'Ariège), CHAPOT, LACAZE, PEUPIN,  
HEECKEREN, BÉRARD, *Secrétaires.*

La présente Loi sera promulguée et scellée du sceau de l'État.

LOUIS-NAPOLÉON BONAPARTE,

*Président de la République.*

E. ROUHER, *Garde des Sceaux, Ministre de la Justice.*

*LOI de l'Empereur des Français, relative à la Naturalisation.  
Paris, le 29 Juin, 1867.\**

NAPOLÉON, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, salut.

Avons sanctionné et sanctionnons, promulgué et promulguons, ce qui suit :—

LOI

*Extrait du Procès-Verbal du Corps Législatif.*

Le Corps Législatif a adopté le projet de Loi dont la teneur suit :—

ART. 1. Les Articles 1 et 2 de la Loi du 3 Décembre, 1849,† sont remplacés par les dispositions suivantes :

(1.) L'étranger qui, après l'âge de 21 ans accomplis, a, conformément à l'Article 13 du Code Napoléon, obtenu l'autorisation d'établir son domicile en France, et y a résidé pendant trois années, peut être admis à jouir de tous les droits de citoyen Français.

Les trois années courront à partir du jour où la demande d'autorisation aura été enregistrée au Ministère de la Justice.

Est assimilé à la résidence en France le séjour en pays étranger pour l'exercice d'une fonction conférée par le Gouvernement Français.

Il est statué sur la demande en naturalisation, après enquête sur la moralité de l'étranger, par un décret de l'Empereur, rendu

\* In force January 1, 1885.

† See Page 911.

sur le rapport du Ministre de la Justice, le Conseil d'État entendu.

(2.) Le délai de trois ans, fixé par l'Article précédent, pourra être réduit à une seule année en faveur des étrangers qui auront rendu à la France des services importants, qui auront introduit en France soit une industrie, soit des inventions utiles, qui y auront apporté des talents distingués, qui y auront formé de grands établissements ou créé de grandes exploitations agricoles.

2. L'Article 5 de la Loi du 3 Décembre, 1849, est abrogé.

Délibéré en séance publique, à Paris, le 23 Mai, 1867.

SCHNEIDER, *Président.*

Baron LAFOND DE SAINT-MÜR, MÈGE, Marquis DE CONEGLIANO,  
DE GUILLOUTET, ALFRED DARIMON, *Secrétaires.*

*Extrait du Procès-Verbal du Sénat.*

Le Sénat ne s'oppose pas à la promulgation de la Loi relative à la naturalisation.

Délibéré et voté en séance, au Palais du Sénat, le 18 Juin, 1867.

TROPLONG, *Président.*

CHAIX D'EST-ANGE, MELLINET, TOURANGIN, *Secrétaires.*

Vu et scellé du sceau du Sénat :

CHAIX D'EST-ANGE, *Sénateur Secrétaire.*

Mandons et ordonnons que les présentes, revêtues du sceau de l'État et insérées au Bulletin des Lois, soient adressées aux cours, aux tribunaux et aux autorités administratives, pour qu'ils les inscrivent sur leurs registres, les observent et les fassent observer, et notre Ministre Secrétaire d'État au Département de la Justice et des Cultes est chargé d'en surveiller la publication.

Fait au Palais des Tuileries, le 29 Juin, 1867.

NAPOLÉON.

Par l'Empereur :

E. ROUHER, *Ministre d'État.*

Vu et scellé du grand sceau :

J. BAROCHE, *Garde des Sceaux, Ministre Secrétaire d'État  
au Département de la Justice et des Cultes.*

CIRCULAR *addressed by the French Minister of War to the Prefects of Departments, with reference to the Exemption from Military Service of British Subjects born in France.\* Versailles, December 26, 1877.*

M. LE PRÉFET, *Versailles, le 26 Décembre, 1877.*

LA Circulaire du 13 Décembre, 1876, recommande aux maires de ne pas inscrire sur les tableaux de recensement des classes les jeunes gens nés en France d'un père Anglais, quel que soit le lieu de la naissance de ce dernier, lorsqu'ils produisent un certificat émanant du Gouvernement Anglais, dont le modèle a été donné par une Circulaire de M. le Ministre de la Justice, en date du 7 Janvier, 1876.

Un certain nombre de sujets Anglais ont, néanmoins, malgré leurs réclamations et malgré la production du dit certificat, été appelés à concourir au tirage, lors de la formation de la classe dernière, et n'ont pu obtenir leur radiation qu'en vertu d'ordres Ministériels provoqués par l'Ambassadeur d'Angleterre à Paris.

Afin de prévenir le retour de semblables difficultés, je vous prie de rappeler aux maires de toutes les communes de votre Département que les déclarations des jeunes gens nés en France, qui excipent de leur qualité de sujets Anglais pour ne pas satisfaire à la loi sur le recrutement, doivent être accueillies, du moment qu'elles sont appuyées de certificats conformes à l'un des deux modèles ci-joints.

La signature du Secrétaire d'État au Département de l'Intérieur, apposée sur les certificats, sera légalisée par le Secrétaire d'État ou le Sous-Secrétaire d'État de Sa Majesté Britannique au Département des Affaires Étrangères.

La signature du Secrétaire ou du Sous-Secrétaire d'État des Affaires Étrangères sera elle-même légalisée par le Consul, le Vice-Consul, ou tout autre Agent du Gouvernement Britannique chargé de délivrer le certificat à la partie intéressée.

Ce même Agent certifiera la conformité de la traduction Française dont seront accompagnés les certificats.

Aucune autre légalisation ou certification ne pourra être exigée.

Recevez, &c.,

BOREL, *Ministre de la Guerre.*

*MM. les Préfets des Départements.*

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\* See Forms. Page 916.

ARRANGEMENT *between Great Britain and France, respecting the Independence of the New Hebrides Group. January—February, 1878.\**

No. 1.—*Foreign Office to Colonial Office.*

SIR, *Foreign Office, February 1, 1878.*

I AM directed by the Earl of Derby to transmit to you herewith, to be laid before Her Majesty's Secretary of State for the Colonies, a copy of a communication received from the French Ambassador at this Court, calling attention to certain articles which have recently appeared in the Australian newspapers, advocating the annexation of the islands of the New Hebrides to the British Crown, and stating that, although the French Government do not attach any great importance to this movement in favour of annexation, still, as they themselves have no intentions with regard to this group, they would be glad to receive an assurance to this effect from Her Majesty's Government.

I am now to state that Lord Derby proposes, with the concurrence of Her Majesty's Secretary of State for the Colonies, to inform the French Ambassador, in reply to his Excellency's communication, that Her Majesty's Government have no intention of proposing any measures to Parliament with a view of changing the condition of independence which the New Hebrides Islands now enjoy.

I am, &c.,

*W. R. Malcolm, Esq.*

T. V. LISTER.

(*Inclosure.*)

M. LE COMTE, *Ambassade de France, le 18 Janvier, 1878.*

IL s'est établi entre l'île de Nouvelle Calédonie et le groupe des Nouvelles Hébrides des rapports d'ordre commercial qui se sont rapidement développés en raison de leur voisinage et qui présentent pour la prospérité de notre établissement colonial une importance considérable.

Mon Gouvernement, qui attache beaucoup de prix à ce que ces relations continuent sur le même pied, se préoccupe dans une certaine mesure d'un mouvement d'opinion qui se serait produit en Australie dans ce dernier temps. Les journaux de ce pays auraient dénoué l'intention qu'ils attribuent à la France de réunir les Nouvelles Hébrides à ses possessions et demanderaient qu'afin de prévenir cette éventualité l'archipel dont il s'agit fût placé sous la souveraineté de la Couronne d'Angleterre.

\* Laid before Parliament by the Colonial Office in 1884, with "Correspondence respecting New Guinea and other Islands, and the Convention at Sydney of the Representatives of the Australasian Colonies."

Sans attacher à ce mouvement de l'opinion une très-grande importance, mon Gouvernement tient toutefois à déclarer que pour ce qui le concerne il n'a pas le projet de porter atteinte à l'indépendance des Nouvelles Hébrides, et il serait heureux de savoir que de son côté le Gouvernement de Sa Majesté est également disposé à la respecter.

Veillez, &c.,

S.E. le Comte de Derby.

D'HARCOURT.

No. 2.—*Colonial Office to Foreign Office.*

SIR,

*Downing Street, February 20, 1878.*

IN reply to your letter of the 1st instant, I am directed by the Secretary of State for the Colonies to acquaint you that he concurs in the terms of the reply which the Earl of Derby proposes to give to the inquiry of the French Ambassador at this Court with reference to the intentions of Her Majesty's Government in respect of the New Hebrides group.

I am, &c.,

T. V. Lister, Esq.

W. R. MALCOLM.

FORMS of Statements to be furnished by British Subjects born in France who claim British Nationality, and of Certificates delivered to them accordingly.\* November 4, 1878.

(1.) *Statement to be made by a British Subject whose Father was born in France, or in any other Country out of the British Dominions.*

I, \_\_\_\_\_, of \_\_\_\_\_, do solemnly and sincerely declare as follows:—

1. I am the son of \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_ The certificate annexed hereto and marked A is the certificate of the marriage of the said \_\_\_\_\_ and \_\_\_\_\_, and the certificate annexed hereto and marked B is the certificate of my birth.

2. The said \_\_\_\_\_ was the son of \_\_\_\_\_ and \_\_\_\_\_ The certificate annexed hereto and marked C is the certificate of the marriage of the said \_\_\_\_\_ and \_\_\_\_\_, and the certificate annexed hereto and marked D is the certificate of the birth of the said \_\_\_\_\_.

\* See French Circular. Page 914.

3. The said \_\_\_\_\_ was a natural-born British subject by reason of having been born in Her Majesty's dominions. The certificate annexed hereto and marked E is the certificate of the birth of the said \_\_\_\_\_

4. Neither I nor any of my parents or grandparents have done or suffered anything whereby I have become deprived of my nationality as a natural-born British subject.

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(2.) *Statement to be made by a British Subject whose Father was born in the British Dominions.*

I, \_\_\_\_\_, of \_\_\_\_\_, do solemnly and sincerely declare as follows:—

1. I am the son of \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_, and the certificate annexed hereto and marked A is the certificate of the marriage of the said \_\_\_\_\_ and \_\_\_\_\_, and the certificate annexed hereto and marked B is the certificate of my birth.

2. The said \_\_\_\_\_ was a natural-born British subject by reason of having been born within Her Britannic Majesty's dominions. The certificate annexed hereto and marked C is the certificate of the birth of the said \_\_\_\_\_.

3. Neither I nor my father have done or suffered anything whereby I have become deprived of my nationality as a natural-born British subject.

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(3.) *Form of Certificate for a British Subject whose Father was born in France or in any other Country out of the British Dominions.*

I hereby certify that L. \_\_\_\_\_ has satisfied me—

1. That his nationality by origin is that of a natural-born British subject, by virtue of M., \_\_\_\_\_ his paternal grandfather, having been a natural-born British subject.

2. That the said L. \_\_\_\_\_ still preserves such nationality.

A.B., one of Her Majesty's Principal Secretaries of State.

Home Office, Whitehall,  
the \_\_\_\_\_ day of

18 .

I certify the above to be the signature of A.B.,

Her Majesty's Principal Secretary of State for the Home Department.

C.D., *Her Majesty's Principal Secretary of State for Foreign Affairs.*  
or E.F., *Under-Secretary of State for Foreign Affairs.*

Foreign Office, the  
day of 18 .

Vu pour la légalisation de la signature ci-dessus de C.D.,  
Principal Secrétaire d'État de Sa  
Majesté Britannique au Département des Affaires Étrangères  
(ou de E.F., Sous-Secrétaire d'État au  
Département des Affaires Étrangères).

Fait à , le 18 .

*Le Consul*  
*Le Vice-Consul de la Grande Bretagne.*  
*L'Agent Consulaire.*

G.H.

(Traduction.)

Je certifie par les présentes que L.  
m'a prouvé :—

1. Que sa nationalité d'origine est celle de sujet Britannique,  
son grand père paternel M. étant  
né sujet Britannique.

2. Que le dit L. conserve  
encore cette nationalité.

A.B., *l'un des Principaux Secrétaires d'Etat  
de Sa Majesté Britannique.*

Ministère de l'Intérieur,  
Whitehall, le , 18 .

Pour traduction conforme à l'original.

*Le Consul*  
*Le Vice-Consul de la Grande Bretagne.*  
*L'Agent Consulaire.*

G.H.

Fait à , le 18 .

(4.) *Form of Certificate for a British Subject whose Father was  
born in the British Dominions.*

I hereby certify that L. has satisfied me—

1. That his nationality by origin is that of a natural-born  
British subject, by virtue of M., his  
father, having been a natural-born British subject.



2. That the said L.  
such nationality.

still preserves

A.B., *one of Her Majesty's Principal Secretaries of State.*

Home Office, Whitehall,  
the                      day of                      , 18 .

I certify the above to be the signature of A.B.,  
Her Majesty's Principal Secretary of State for the Home Department.

C.D., *Her Majesty's Principal Secretary of State for Foreign Affairs.*  
or E.F., *Under-Secretary of State for Foreign Affairs.*

Foreign Office, the  
day of                      , 18 .

Vu pour la légalisation de la signature ci-dessus de C.D.,  
Principal Secrétaire d'État de Sa  
Majesté Britannique au Département des Affaires Étrangères  
(ou de E.F.                      Sous-Secrétaire d'État au  
Département des Affaires Étrangères).

Fait à                      , le                      18 .

*Le Consul*

*Le Vice-Consul                      de la Grande Bretagne.*

*L'Agent Consulaire*

G.H.

(Traduction.)

Je certifie par les présentes que L.                      m'a  
prouvé:—

- M., 1. Que sa nationalité d'origine est celle de sujet Britannique,  
son père, étant né sujet Britannique.  
2. Que le dit L.                      conserve  
encore cette nationalité.

A.B., *l'un des Principaux Secrétaires d'État de Sa Majesté Britannique.*

Ministère de l'Intérieur,  
Whitehall, le                      18 ,

Pour traduction conforme à l'original.

*Le Consul*

*Le Vice-Consul                      de la Grande Bretagne.*

*L'Agent Consulaire*

G.H.

Fait à                      , le                      18 .

BRITISH CIRCULAR, *notifying the Accession of the "Compagnie Française du Télégraphe de Paris à New York" to the Telegraphic Convention of July 22, 1875. London, February 28, 1880.*

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CIRCULAR.

*Foreign Office, February 28, 1880.*

I TRANSMIT to you herewith a copy of a note from the French Ambassador at this Court,\* notifying, on behalf of his Government, the desire of the "Compagnie Française du Télégraphe de Paris à New York"† to be admitted to the Telegraph Union.

I have to request that you will notify this adhesion to the Government to which you are accredited, in conformity with Article XVIII of the Telegraph Convention of St. Petersburg.‡ The Postmaster-General, to whom the above note has been referred, has stated that he sees no objection to the admission of the Company in question to the Union.

I am, &c.,  
SALISBURY.

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CONVENTION *between Great Britain and France for the Exchange of Postal Money Orders between British India and France.*§ Signed at London, March 8, 1883.¶

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the President of the French Republic, being desirous that facilities should exist for the transmission of sums of money between British India and France by means of postal money orders, have determined upon securing this result by a Convention, and have named as their Plenipotentiaries for this purpose, namely:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Granville George, Earl Granville, Her Majesty's Principal Secretary of State for Foreign Affairs, &c., &c.; and

The President of the French Republic, M. Charles Tissot, Ambassador of France at the Court of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &c.;

Who, after having communicated to each other their respec-

\* February 11, 1880.

† Letter of adhesion dated December 19, 1879.

‡ See Vol. 14. Page 98.

§ Signed also in the French language.

¶ Ratifications exchanged at London, June 12, 1883.

tive full powers, found in good and due form, have agreed upon the following Articles:—

ART. I. Remittances of money may be made by means of post office orders, as well from British India to France and Algeria as from France and Algeria to British India.

No money order shall exceed the sum of 20*l.* sterling, or 500 francs.

The two Administrations nevertheless may afterwards modify this maximum if, by common consent, they recognize the necessity of doing so.

II. There shall be charged for each remittance of money effected in pursuance of the preceding Article a commission which shall be fixed by the Administration of the country of origin, and which shall be chargeable to the remitter of the money.

This commission shall, however, not exceed on an average 1 per cent. of the round sums which shall form the degrees of the scale of charges.

III. The Administration of the country of origin shall account to the Administration of the country of destination for a fixed commission of the half of 1 per cent. ( $\frac{1}{2}$  per cent.) of the total amount of orders drawn by the former on the latter.

IV. The amount of money orders shall be paid in by the depositors and paid to the payees in gold or in any other legal money of the same current value.

Nevertheless, in case there should be in circulation in one of the two countries a paper currency which is legal tender, but which is inferior in value to gold, the Administration of such country shall have power to receive and employ such currency in its relations with the public, subject to the difference in the rate of exchange.

V. Each of the two Administrations shall determine for itself the basis of conversion of its own money into English sterling money.

VI. The money orders issued by the Indian or French Post Offices, in conformity with the present Convention, and the receipts given upon such money orders, shall not, under any pretext, or on any ground whatever, be subjected to any kind of duty or tax in addition to the tax laid down in Article II hereof.

Nevertheless, a second commission not exceeding 1 per cent. may be levied upon the person to whom the order is payable for duplicates of lost orders, for renewal of expired orders, or for any other special service rendered at the request of the person to whom the order is payable.

VII. The two Administrations shall prepare, at such times as they may fix by common consent, accounts of the sums which they have respectively to reimburse to each other, and these

accounts, after they have been checked and accepted, shall be paid by the Administration which shall be found indebted to the other, within such period as the two offices may agree upon.

In case of the non-payment of the balance of an account within the time agreed upon, the amount of such balance shall bear interest from the day of the expiration of that period to the day on which the sum due shall be remitted. This interest shall be at the rate of 5 per cent. per annum, and shall be carried to the debit of the office in arrear in the following account.

VIII. The sums received by each of the Administrations for money orders of which payment shall not have been claimed by those entitled to it within the time fixed by the laws and regulations of the issuing country shall ultimately accrue to the office of that country.

IX. The two Administrations shall name, each in so far as concerns itself, the post offices authorized to issue and pay money orders which may be issued in virtue of the present Convention. They shall regulate by common consent the form and the manner of transmission of the aforesaid money orders, the form of the account prescribed in Article VII, and all other matters of detail and regulation necessary for the execution of the stipulations of the present Convention.

It is understood that the aforesaid arrangements may be modified by the two Administrations whenever by common consent they may consider it necessary.

X. Each of the two Administrations shall be able, in extraordinary circumstances of a kind that would justify the measure, to suspend temporarily the international money order service, on condition of giving immediate notice thereof by telegraph, if necessary, to the other Administration.

XI. The present Convention shall be ratified as soon as possible. It shall come into operation from a day to be agreed upon by the two Administrations, and it shall remain binding from year to year until one of the two Contracting Parties shall have announced to the other, a year in advance, its intention to terminate it.

During such final year the Convention shall continue to be executed fully and entirely, without prejudice to the settlement and payment of the accounts after the expiration of the said term.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto their seals.

Done in duplicate at London, the 8th day of March, 1883.

(L.S.) GRANVILLE.  
(L.S.) CH. TISSOT.

AGREEMENT *between Great Britain and France, to regulate the Postal Relations between France and the Australasian Colonies. Signed at Paris, April 26, 1883; and at London, April 30, 1883.\**

AGREEMENT regulating the exchange of Correspondence between France and the French Colonies of the one part, and the British Colonies of Australia, New Zealand, and Tasmania, of the other part, as well as the cost of conveyance of Mails sent from the above-mentioned British Colonies to England or to other British Colonies and *vice versa*, by means of French Packets.

THE Postmaster-General of the United Kingdom of Great Britain and Ireland, of the one part, and the Minister of the Posts and Telegraphs of France, of the other part, having regard to the Postal Convention concluded the 24th of September, 1856,† between France and England, and the Universal Postal Union Convention signed at Paris the 1st day of June, 1878,‡ have agreed as follows:—

ART. I. There shall be paid to the French Administration for the conveyance by sea of correspondence forwarded by French packets, either from the United Kingdom of Great Britain and Ireland and its Possessions, for Australia, New Zealand, and Tasmania, or from Australia, New Zealand, and Tasmania for France, the French Colonies, the United Kingdom of Great Britain and Ireland, and the British Possessions, the sum of 25 francs for each kilogramme of letters and post-cards, and of 1 franc for each kilogramme of other articles.

Reciprocally, there shall be paid to the British Post Office for the conveyance by sea of correspondence forwarded by British packets, either from France and the French Colonies for Australia, New Zealand, and Tasmania, or from French Colonies by way of Australia for France and other French Colonies, and *vice versa*, the sum of 25 francs for each kilogramme of letters and post cards, and 1 franc for each kilogramme of other articles.

II. The French Postal Administration and the Postal Administration of each of the British Colonies of Australia, New Zealand, and Tasmania shall be at liberty to hand over to each other reciprocally, either *à découvert* or in closed mails, correspondence for those countries in regard to which they can reciprocally make use of each other as intermediaries.

In such case the despatching office will have to pay, in

\* Signed also in the French language.

† See Vol. 10. Page 108.

‡ See Vol. 14. Page 1007.

addition to the sea-transit rates specified in Article I above, the cost of the further conveyance, which shall be determined by the intermediary office as far as possible in accordance with the rules of the Universal Postal Union.

The Postal Union rules shall also be applicable to the settlement of the cost of the French land-transit of the mails sent from England to Australia, New Zealand, and Tasmania, and *vice versa*, by means of French packets.

As to mails from or for the same British Colonies carried by the service known as the Indian Mail Service, their conveyance through France will continue to be governed by the special conditions now in force.

III. There may be exchanged between France and the French Colonies of the one part, and the British Colonies of Australia, New Zealand, and Tasmania of the other part :

Ordinary letters prepaid to destination or unpaid, according to the wish of the senders ;

Commercial papers, trade patterns without value, and printed papers of all kinds, prepaid to destination. Such articles shall not be forwarded unless prepaid at least in part.

The postage payable on the correspondence in question shall be levied in accordance with the Table (A) annexed to the present Agreement.

On correspondence prepaid in accordance with this tariff, no postage can be levied from the addressees.

Unpaid letters shall be charged on delivery with double the postage at the prepaid rate.

Insufficiently prepaid correspondence of all kinds shall be charged with double the deficient postage.

IV. Correspondence of every kind shall be transmissible as registered, on payment by the sender of a fixed registration fee, which each Administration shall fix for itself, in addition to the postage payable on an ordinary article of correspondence of the same nature and the same weight.

No special condition as to the shape or method of closing is prescribed for registered articles.

Registered articles must be clearly marked by the despatching office with a special stamp or mark.

The corresponding Administrations shall notify to each other the registration fee which they adopt, and shall furnish specimens of the impression of the special stamp applicable in their service to registered articles.

V. Prepayment of postage on all descriptions of correspondence can only be effected by means of postage stamps valid in the country of origin.

Each Administration shall bear the whole cost of the intermediary conveyance of the correspondence which it shall hand over to another Administration, and shall keep entirely the

postage which it collects on despatch, for prepaid correspondence, and on arrival, for unpaid and insufficiently prepaid correspondence.

VI. The present Agreement shall come into force on the 1st of May, 1883, and shall abrogate from that date all earlier stipulations which are contrary to it, especially the Additional Articles signed at London on the 3rd, and at Paris on the 6th of January, 1862.\*

It shall remain binding until one of the parties interested shall have announced to the other, six months in advance, its intention to terminate it.

Nevertheless, the adhesion of one of the Colonial Governments of Australia, New Zealand, or Tasmania to the Convention of the Universal Postal Union shall entail, as a matter of course, the abrogation of the regulations of the said Agreement as regards the mails to or from that Colony, from the time of its entry into the Union.

Done in duplicate, and signed, at Paris the 26th of April, 1883; and at London the 30th of April, 1883.

(L.S.) HENRY FAWCETT, *Postmaster-General of the United Kingdom.*

(L.S.) AD. COCHERY, *Ministre des Postes et des Télégraphes de France.*

## (A.)

RATES OF POSTAGE for the prepayment of correspondence sent from France and the French Colonies to Australia, New Zealand, and Tasmania, and *vice versa*.

Nature of the Correspondence.	Rates of Prepayment.		Special conditions to be fulfilled.
	In France and in the French Colonies.	In Australia, New Zealand, and Tasmania.	
Ordinary letters ..	60 cent. per 15 grammes or fraction of 15 grammes.	6d. per $\frac{1}{4}$ ounce or fraction of $\frac{1}{4}$ ounce.	Maximum weight— 2 kilos.
Commercial papers, not inclosing any letter or manuscript note of a personal character.	60 cent. up to 300 grammes. Above 300 grammes 10 cent. per 50 grammes or fraction of 50 grammes.	6d. up to 12 ounces; above 12 ounces 1d. per ounce or fraction of an ounce.	

\* See Vol. 12. Page 479.

Nature of the Correspondence.	Rates of Prepayment.		Special conditions to be fulfilled.
	In France and in the French Colonies.	In Australia, New Zealand, and Tasmania.	
Patterns of merchandize, without commercial value.	10 cent. per 50 grammes or fraction of 50 grammes.	1d. per ounce or fraction of an ounce.	Maximum weight— 350 grammes. Maximum dimensions— 30 centimetres in length. 20       "       breadth. 10       "       depth.
Newspapers and printed papers of all kinds.	10 cent. per 50 grammes or fraction of 50 grammes.	1d. per 4 ounces or fraction of 4 ounces.	Maximum weight— 2 kilos.

*Note.*—Commercial papers, patterns, newspapers, and other printed papers must be placed in movable wrappers, in open envelopes, in bags, boxes, or cases easily opened, so as to render it possible to verify the contents. Such articles must not be closed with wax, with gum, or in any other way.

Correspondence of this kind must not have on it, either outside or inside, other *manuscript* writing than the names and addresses of the sender and the addressee, the date of despatch, numbers, and prices, and a simple dedication by the author. Passages in a printed text may be underlined.

—————

ORDINANCE of the Government of the Straits Settlements, for making temporary provision for securing the Status of French Mail Steamers at the Ports of that Colony.\*

[No. 8.]

[October 2, 1883.]

WHEREAS it is expedient to make further temporary provision for securing the status of the steam-vessels of the Compagnie des Messageries Maritimes employed by the French Post Office in carrying mails to and from the Colony under the terms of a Convention entered into between Her Majesty the Queen and His Majesty the Emperor of the French, at Paris, on the 24th September, 1856, and ratified at Paris on the 19th November, 1856; †

It is hereby enacted by the Governor of the Straits Settlements, with the advice and consent of the Legislative Council thereof, as follows :—

1. The steam-packets of the Compagnie des Messageries Maritimes, employed by the French Post Office in carrying mails to and from this Colony, shall, when in the ports of this Colony, be considered and treated as vessels-of-war, and shall be entitled to all the rights, privileges, and immunities of

\* Similar Ordinances were issued on the 23rd of July, 1881, and the 25th of April, 1882.

† See Vol. 10. Page 108.



vessels-of-war, and shall not, for any cause, be diverted from their special duties, or be liable to seizure or detention by order of any Court or Judge.

2. Nothing contained in this Ordinance, and no rights or privileges hereby granted, shall affect the rights of Her Majesty the Queen, her heirs and successors.

3. This Ordinance shall continue in force until the 31st day of December, A.D. 1884, inclusive.

Passed this 2nd day of October, 1883.

A. P. TALBOT, *Clerk of Councils.*

## GERMANY.

GERMAN NOTIFICATION, *for extending to Great Britain and other countries the benefit of the Tariff Reductions granted to Italy and Spain.* Berlin, October 25, 1883.

1. THE reductions in Tariff enumerated in Tariff (A) of the Treaty of Commerce and Navigation between Germany and Italy of May 4, 1883, and in Tariff (A) of the Treaty of Commerce and Navigation between Germany and Spain of July 12, 1883, and in especial the reduction of:—

[Here follows a list of Articles and a list of Countries, including Great Britain, to which the reductions apply.]

2. With respect to the following articles:—

[Here follows a list.]

Proper authenticated certificates with certified translations, or other forms of attest (such as ship's papers, bills, original bills of lading, mercantile correspondence, &c.), must be produced to show that such articles really come from the countries which, according to § 1, have the advantage of this reduction in Tariff. These proofs are not necessary when the goods in question come in as the personal property of people travelling through.

In cases where no doubt exists that the goods in question have come from one of the countries which enjoy the advantages enumerated in § 1, a special proof as to the country from which the goods come may be dispensed with, with the consent of the Superintendent of the Customs Office.

3. These Regulations come into force on the 2nd of November of this year, in the place of the Notifications of June 30, 1883, and August 9, 1883.

Berlin, October 25, 1883.

For the Chancellor,  
V. BURCHARD.

## GREAT BRITAIN.

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BRITISH ORDER IN COUNCIL, *approving Rules for Appeals from Vice-Admiralty Courts, &c. Windsor, December 11, 1865.*

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*At the Court at Windsor, the 11th day of December, 1865.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY,

Lord President. Duke of Somerset. Mr. Secretary Cardwell.

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WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Judicial Committee of the Privy Council, dated the 5th December instant, humbly setting forth, that by an Act passed in the session of Parliament held in the 6th and 7th years of Her Majesty's reign, intituled "An Act to make further Regulations for facilitating the hearing Appeals and other matters by the Judicial Committee of the Privy Council," cap. 38, 1843, it was, amongst other things, enacted, that it should be lawful for the said Judicial Committee from time to time to make such Rules, Orders, and Regulations respecting the practice and mode of proceeding in all Appeals from Ecclesiastical and Admiralty and Vice-Admiralty Courts, and the conduct and duties of the officers and practitioners therein, as to them should seem fit, and from time to time to repeal or alter such Rules, Orders, and Regulations; provided always, that no such Rules, Orders, or Regulations should be of any force or effect until the same should have been approved by Her Majesty in Council: And that the Lords of the said Judicial Committee have agreed humbly to report to Her Majesty their opinion that it is expedient that the following Rules should be established respecting the practice and mode of proceeding in all such Appeals as aforesaid, and therewith humbly submitting the same for the approval of Her Majesty in Council.

Her Majesty, having taken the said Report into consideration, was pleased, by and with the advice of her Privy Council, to approve thereof, and of the Rules set forth therein, in the words following, videlicet:—

### *RULES for Appeals in Ecclesiastical and Maritime Causes.\**

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\* These Rules were published in a pamphlet issued in 1883 by Her Majesty's Stationery Office.

ACT of Parliament, to extend and amend "*The Vice-Admiralty Courts Act, 1863.*"\*

[30 & 31 Vict., cap. 45.] — [July 15, 1867.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as "*The Vice-Admiralty Courts Act Amendment Act, 1867.*"

2. This Act shall be read as one Act with "*The Vice-Admiralty Courts Act, 1863.*"

3. In the interpretation and for the purposes of this Act (if not inconsistent with the context or subject matter) the following terms shall have the respective meanings hereinafter assigned to them; that is to say:

"Judge" shall mean the person lawfully appointed by the Admiralty to be Judge of any Vice-Admiralty Court, or, in default of such appointment, the Chief Justice or Principal Judicial Officer, or the person for the time being lawfully authorized to act as the Chief Justice or Principal Judicial Officer in the British Possession in which such Court is established;

"Judicial powers" shall mean all powers and authorities which may be lawfully exercised by, and all duties by law imposed upon, any such Judge in the trial, hearing, or progress of any cause;

"Ministerial powers" shall mean all powers and authorities which may be lawfully exercised by, and all duties by law imposed upon, any such Judge, not included under the term "judicial powers;"

"Sit" or "sitting" shall mean sit or sitting for the exercise of judicial powers, whether in Court or in Chambers.

4. On the Governor of any British Possession, who is also Vice-Admiral thereof, vacating the Office of Governor of such Possession, the Office of Vice-Admiral of the same Possession shall thereupon be deemed to be also vacant within the meaning of Section 3 of "*The Vice-Admiralty Courts Act, 1863.*"

5. The Judge of any Vice-Admiralty Court may from time to time, with the approval in writing of the Governor of the British Possession in which the Court is established, appoint one or more Deputy Judge or Judges to assist or represent him in the execution of his judicial powers.

6. It shall be lawful for any such Deputy Judge to exercise all the judicial powers of the Judge; and all acts done by such Deputy Judge shall be as valid and effectual, to all intents and

\* 26 Vict., c. 24. See Vol. 12. Page 1007.

purposes, as if they had been done by the Judge; and all orders or decrees made by such Deputy Judge shall be subject to the same right of appeal in all respects as if they had been made by the Judge.

7. Any Deputy Judge may sit at the principal seat of Government or elsewhere in the Possession at the same time that the Judge or any other Deputy Judge is sitting, and either at the same or at any other place in such Possession, and whether the Judge is or is not at that time within the Possession.

8. The Judge may, if he thinks fit, require any Deputy Judge or Judges to sit with him in the same Court, and in such case the decision of the majority, or, if they are equally divided in opinion, the decision of the Judge, shall be the decision of the Court; and such decision shall be subject to the same right of appeal in all respects as if it had been made by the Judge alone.

9. The Judge may direct at what place and time any such Deputy Judge shall sit, and what causes shall be heard before him, and generally make such arrangements as to him shall seem proper as to the division and despatch of the business of the Court.

10. The Judge may, if he thinks fit, with the approval in writing of the Governor, at any time revoke the appointment of any such Deputy Judge or Judges, but the appointment shall not be determined by the occurrence of a vacancy in the office of the Judge.

11. The Judge may, if he thinks fit, from time to time delegate all or any of his ministerial powers to any such Deputy Judge or Judges.

12. The Judge may from time to time, if he thinks fit, appoint any competent persons to act respectively as Deputy Registrars and Deputy Marshals of the Court, and may if he thinks fit, at any time revoke any such appointment, but the appointment shall not be determined by the occurrence of a vacancy in the office of the Judge.

13. Notwithstanding anything contained in this Act, it shall be lawful for the Admiralty, if they think fit, at any time to revoke the appointment of any Deputy Judge, Deputy Registrar, or Deputy Marshal, appointed under this Act.

14. Any Deputy Judge, Deputy Registrar, or Deputy Marshal, appointed under this Act, shall be entitled to the same fees in respect of any duty performed by him as would be lawfully payable to the Judge, Registrar, or Marshal respectively for the performance of the same duty.

15. All persons entitled to practise as advocates, barristers-at-law, proctors, attorneys-at-law, or solicitors in the Superior Courts of a British Possession, shall be entitled to practise in the same respective capacities in the Vice-Admiralty Court or Courts of such Possession, and shall have therein all the

rights and privileges respectively belonging to advocates, barristers-at-law, proctors, attorneys-at-law, and solicitors, and shall in like manner be subject to the authority of the person for the time being lawfully exercising the office of Judge of such Court.

16. It shall be lawful for Her Majesty to empower the Admiralty, by Commission under the Great Seal, to establish one or more Vice-Admiralty Courts in any British Possession, notwithstanding that such Possession may have previously acquired independent legislative powers; and the jurisdiction and authority of all the existing Vice-Admiralty Courts are hereby declared to be confirmed, to all intents and purposes, notwithstanding that the Possession in which any such Court has been established may at the time of its establishment have been in possession of legislative powers.

17. "The Vice-Admiralty Courts Act, 1863," shall, together with this Act, apply to any Vice-Admiralty Court now established or hereafter to be established in the Straits Settlements.

18. The limitation of the time allowed for appeals contained in Section 23 of "The Vice-Admiralty Courts Act, 1863," shall be held to apply to all decrees or orders pronounced in any Vice-Admiralty Court now established or hereafter to be established in any of Her Majesty's Possessions in India.

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*ACT of Parliament, to consolidate the Customs Laws; so far as relates to Copyright in Books.*

[39 & 40 Vict., cap. 36.]

[July 24, 1876.]

42. THE goods enumerated and described in the following table of prohibitions and restrictions inwards are hereby prohibited to be imported or brought into the United Kingdom, save as thereby excepted, and if any goods so enumerated and described shall be imported or brought into the United Kingdom contrary to the prohibitions or restrictions contained therein, such goods shall be forfeited, and may be destroyed or otherwise disposed of as the Commissioners of Customs may direct.

*A Table of Prohibitions and Restrictions inwards.*

*Goods prohibited to be imported.*

Books wherein the copyright shall be first subsisting, first composed, or written or printed, in the United Kingdom, and printed or reprinted in any other country, as to which the proprietor of such copyright or his agent shall have given to the Commissioners of Customs a notice in writing, duly declared, that such copyright subsists, such notice also stating when such copyright will expire.

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44. The Commissioners of Customs shall cause to be made, and to be publicly exposed at the Custom-houses in the several ports in the United Kingdom, lists of books wherein the copyright shall be subsisting, and as to which the proprietor of such copyright, or his agent, shall have given notice in writing to the said Commissioners that such copyright exists, stating in such notice when such copyright expires, accompanied by a declaration made and subscribed before a Collector of Customs or a Justice of the Peace, that the contents of such notice are true.

45. If any person shall have cause to complain of the insertion of any book in such lists, it shall be lawful for any Judge at Chambers, on the application of the person so complaining, to issue a summons, calling upon the person upon whose notice such book shall have been so inserted to appear before any such Judge, at a time to be appointed in such summons, to show cause why such book shall not be expunged from such lists, and any such Judge shall at the time so appointed proceed to hear and determine upon the matter of such summons, and make his order thereon in writing; and upon service of such order, or a certified copy thereof, upon the Commissioners of Customs or their Secretary for the time being, the said Commissioners shall expunge such book from the list, or retain the same therein, according to the tenor of such order; and in case such book shall be expunged from such lists, the importation thereof shall not be deemed to be prohibited. If at the time appointed in any such summons the person so summoned shall not appear before such Judge, then upon proof by affidavit that such summons, or a true copy thereof, has been personally served upon the person so summoned, or sent to him by post to or left at his last known place of abode or business, any such Judge may proceed *ex parte* to hear and determine the matter; but if either party be dissatisfied with such order, he may apply to a Superior Court to review such decision and to make such further order thereon as the Court may see fit. Provided always, that nothing herein contained shall affect any proceedings at law or in equity which any party aggrieved by reason of the insertion of any book pursuant to any such notice, or the removal of any book from such list pursuant to any such order, or by reason of any false declaration under this Act, might or would otherwise have against any party giving such notice, or obtaining such order, or making such false declaration.

152. Any books wherein the copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, shall be and are hereby absolutely prohibited to be imported into the British Possessions abroad. Provided always, that no such books shall be prohibited to be imported as aforesaid unless the proprietor

of such copyright, or his agent, shall have given notice in writing to the Commissioners of Customs that such copyright subsists, and in such notice shall have stated when the copyright will expire; and the said Commissioners shall cause to be made and transmitted to the several ports in the British Possessions abroad, from time to time to be publicly exposed there, lists of books respecting which such notice shall have been duly given, and all books imported contrary thereto shall be forfeited; but nothing herein contained shall be taken to prevent Her Majesty from exercising the powers vested in her by the 10 and 11 Vict., c. 95, intituled "An Act to amend the law relating to the protection in the Colonies of works entitled to copyright in the United Kingdom,"\* to suspend in certain cases such prohibition.

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BRITISH ORDER IN COUNCIL, *approving new Regulations for the Prevention of Collisions at Sea. Osborne, August 14, 1879.*†

*At the Court at Osborne House, Isle of Wight, the 14th day of August, 1879.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862,"‡ it was enacted, that on and after the 1st day of June, 1863, or such later day as might be fixed for the purpose by Order in Council, the Regulations contained in the Table marked C in the Schedule to the said Act should come into operation and be of the same force as if they were enacted in the body of the said Act; but that Her Majesty might from time to time, on the joint recommendation of the Admiralty and the Board of Trade, by Order in Council, annul or modify any of the said Regulations, or make new Regulations in addition thereto or in substitution therefor; and that any alterations in, or additions to, such Regulations made in manner aforesaid, should be of the same force as the Regulations in the said Schedule:

And whereas by the same Act it was further provided, that whenever it should be made to appear to Her Majesty that the Government of any foreign country was willing that the Regula-

\* See Vol. 8. Page 253.

† For list of countries to which this Order applies, see Pages 940, 948, and 950. By Order in Council of August 11, 1884, the Regulations contained in the Schedule to that Order were substituted for those contained in the first Schedule to the Order in Council of August 14, 1879.

‡ 25 & 26 Vict., c. 63. See Vol. 11. Page 328.

tions for preventing collisions contained in Table C in the Schedule to the said Act or such other Regulations for preventing collisions as are for the time being in force under the said Act, should apply to the ships of such country when beyond the limits of British jurisdiction, Her Majesty might, by Order in Council, direct that such Regulations should apply to the ships of the said foreign country, whether within British jurisdiction or not; and it was further provided by the said Act, that whenever an Order in Council had been issued applying any Regulation made by, or in pursuance of, the said Act to the ships of any foreign country, such ships should, in all cases arising in any British Court, be deemed to be subject to such Regulation, and should, for the purpose of such Regulation, be treated as if they were British ships:

And whereas, by an Order in Council made in pursuance of the said recited Act, and dated the 9th day of January, 1863,\* Her Majesty was pleased to direct:—

First, that the Regulations contained in the Schedule to the said Act should be modified by the substitution for such Regulations of certain Regulations appended to the said Order:

Secondly, that the said Regulations appended to the said Order should, on and after the 1st day of June, 1863, apply to French ships, whether within British jurisdiction or not;

And whereas, by several Orders in Council subsequently made, Her Majesty was pleased to direct that the Regulations appended to the said Order of the 9th of January, 1863, should apply to ships of the countries specified in the said Orders, whether within British jurisdiction or not:

And whereas, by Order in Council, dated the 30th day of July, 1868,† Her Majesty, on the joint recommendation of the Admiralty and the Board of Trade, was pleased to make certain additions to the Regulations appended to the said first-recited Order in Council, for the purpose of explaining Articles 11 and 13 of the said Regulations, and of removing doubt and misapprehension concerning the effect of the said two Articles:

And whereas the Admiralty and the Board of Trade have jointly recommended to Her Majesty that the Regulations contained in the Order in Council dated the 9th day of January, 1863, and the additions to the said Regulations contained in the said Order in Council of the 30th day of July, 1868, shall be annulled from the 1st day of September, 1880, and that there shall be substituted for the said Regulations and additions respectively the new Regulations hereinafter set forth:

And whereas it has been made to appear to Her Majesty that the Governments of the several foreign countries mentioned in the second Schedule hereto are respectively willing that the Regulations contained in the first Schedule hereto shall

\* See Vol. 11. Page 219.

† See Vol. 12. Page 1113.



apply to ships of the said countries respectively, whether within British jurisdiction or not:

Now, therefore, Her Majesty, by virtue of the powers vested in her by the said recited Act, and by and with the advice her Privy Council, is pleased to direct:—

First, that on and after the 1st day of September, 1880, the Regulations appended to the said Order in Council of the 9th day of January, 1863, and the additions to the said Regulations contained in the said Order in Council of the 30th day of July, 1868, shall be annulled, and that there shall be substituted for the said Regulations and additions respectively the new Regulations contained in the first Schedule hereto:

Second, that the said Regulations contained in the said first Schedule hereto shall, from and after the 1st day of September, 1880, apply to ships of the countries mentioned in the said second Schedule hereto, whether within British jurisdiction or not.

C. L. PEEL.

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## FIRST SCHEDULE.

### REGULATIONS FOR PREVENTING COLLISIONS AT SEA.

#### *Preliminary.*

ART. 1. In the following rules every steam-ship which is under sail and not under steam is to be considered a sailing-ship; and every steam-ship which is under steam, whether under sail or not, is to be considered a ship under steam.

#### *Rules concerning Lights.*

2. The lights mentioned in the following Articles, numbered 3, 4, 5, 6, 7, 8, 9, 10, and 11, and no others, shall be carried in all weathers from sunset to sunrise.

3. A sea-going steam-ship when under way shall carry:—

(a.) On or in front of the foremast, at a height above the hull of not less than 20 feet, and if the breadth of the ship exceeds 20 feet, then at a height above the hull not less than such breadth, a bright white light, so constructed as to show an uniform and unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the ship, viz., from right ahead to two points abaft the beam on either side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles.

(b.) On the starboard side, a green light, so constructed as to show an uniform and unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the

light from right ahead to two points abaft the beam on the star-board side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles.

(c.) On the port side, a red light, so constructed as to show an uniform and unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles.

(d.) The said green and red side lights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bow.

4. A steam-ship when towing another ship shall, in addition to her side lights, carry two bright white lights in a vertical line one over the other, not less than 3 feet apart, so as to distinguish her from other steam-ships. Each of these lights shall be of the same construction and character, and shall be carried in the same position, as the white light which other steam-ships are required to carry.

5. A ship, whether a steam-ship or a sailing-ship, when employed either in laying or in picking up a telegraph cable, or which from any accident is not under command, shall at night carry in the same position as the white light which steam-ships are required to carry, and, if a steam-ship, in place of that light, three red lights in globular lanterns, each not less than 10 inches in diameter, in a vertical line one over the other, not less than 3 feet apart, and shall by day carry in a vertical line, one over the other, not less than 3 feet apart, in front of but not lower than her foremast head, three black balls or shapes, each 2 feet in diameter.

These shapes and lights are to be taken by approaching ships as signals that the ship using them is not under command, and cannot therefore get out of the way.

The above ships, when not making any way through the water, shall not carry the side lights, but when making way shall carry them.

6. A sailing-ship under way or being towed shall carry the same lights as are provided by Article 3 for a steam-ship under way, with the exception of the white light, which she shall never carry.

7. Whenever, as in the case of small vessels during bad weather, the green and red side lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for use, and shall on the approach of or to other vessels be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most

visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side.

To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the light they respectively contain, and shall be provided with proper screens.

8. A ship, whether a steam-ship or a sailing-ship, when at anchor, shall carry, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light, in a globular lantern of not less than 8 inches in diameter, and so constructed as to show a clear uniform and unbroken light visible all round the horizon at a distance of at least one mile.

9. A pilot-vessel, when engaged on her station on pilotage duty, shall not carry the lights required for other vessels, but shall carry a white light at the mast-head, visible all round the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed 15 minutes.

A pilot-vessel, when not engaged on her station on pilotage duty, shall carry lights similar to those of other ships.

10.\* (a.) Open fishing-boats and other open boats when under way shall not be obliged to carry the side lights required for other vessels; but every such boat shall in lieu thereof have ready at hand a lantern with a green glass on the one side and a red glass on the other side; and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

(b.) A fishing-vessel and an open boat when at anchor shall exhibit a bright white light.

(c.) A fishing-vessel, when employed in drift-net fishing, shall carry on one of her masts two red lights in a vertical line one over the other, not less than 3 feet apart.

(d.) A trawler at work shall carry on one of her masts two lights in a vertical line one over the other, not less than 3 feet apart, the upper light red and the lower green, and shall also either carry the side lights required for other vessels, or, if the side lights cannot be carried, have ready at hand the coloured lights as provided in Article 7, or a lantern with a red and a green glass as described in paragraph (a) of this Article.

(e.) Fishing-vessels and open boats shall not be prevented from using a flare-up in addition, if they desire to do so.

(f.) The lights mentioned in this Article are substituted for those mentioned in Articles 12, 13, and 14 of the Convention between France and England scheduled to "The British Sea Fisheries Act, 1868."†

\* Suspended, and Art. 9 of Regulations appended to Order of January 9, 1863, substituted therefor by Order in Council of March 24, 1880.

† See Convention of November 11, 1867. Vol. 12. Page 1125.

(g.) All lights required by this Article, except side lights, shall be in globular lanterns, so constructed as to show all round the horizon.

11. A ship which is being overtaken by another shall show from her stern to such last-mentioned ship a white light or a flare-up light.

*Sound Signals for Fog, &c.*

12. A steam-ship shall be provided with a steam-whistle or other efficient steam sound signal, so placed that the sound may not be intercepted by any obstructions, and with an efficient fog-horn, to be sounded by a bellows or other mechanical means, and also with an efficient bell. A sailing-ship shall be provided with a similar fog-horn and bell.

In fog, mist, or falling snow, whether by day or night, the signals described in this Article shall be used as follows, that is to say:—

(a.) A steam-ship under way shall make with her steam-whistle or other steam sound signal, at intervals of not more than two minutes, a prolonged blast.

(b.) A sailing-ship under way shall make with her fog-horn, at intervals of not more than two minutes, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.

(c.) A steam-ship and a sailing-ship when not under way shall, at intervals of not more than two minutes, ring the bell.

*Speed of Ships to be moderate in Fog, &c.*

13. Every ship, whether a sailing-ship or steam-ship, shall in a fog, mist, or falling snow, go at a moderate speed.

*Steering and Sailing Rules.*

14. When two sailing-ships are approaching one another so as to involve risk of collision, one of them shall keep out of the way of the other as follows, viz.:—

(a.) A ship which is running free shall keep out of the way of a ship which is close-hauled.

(b.) A ship which is close-hauled on the port tack shall keep out of the way of a ship which is close-hauled on the starboard tack.

(c.) When both are running free with the wind on different sides, the ship which has the wind on the port side shall keep out of the way of the other.

(d.) When both are running free with the wind on the same

side, the ship which is to windward shall keep out of the way of the ship which is to leeward.

(e.) A ship which has the wind aft shall keep out of the way of the other ship.

15. If two ships under steam are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

This Article only applies to cases where ships are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two ships which must, if both keep on their respective courses, pass clear of each other.

The only cases to which it does apply are, when each of the two ships is end on, or nearly end on, to the other; in other words, to cases in which, by day, each ship sees the masts of the other in a line, or nearly in a line, with her own; and by night, to cases in which each ship is in such a position as to see both the side lights of the other.

It does not apply by day to cases in which a ship sees another ahead crossing her own course; or by night, to cases where the red light of one ship is opposed to the red light of the other, or where the green light of one ship is opposed to the green light of the other, or where a red light without a green light or a green light without a red light is seen ahead, or where both green and red lights are seen anywhere but ahead.

16. If two ships under steam are crossing, so as to involve risk of collision, the ship which has the other on her own starboard side shall keep out of the way of the other.

17. If two ships, one of which is a sailing-ship and the other a steam-ship, are proceeding in such directions as to involve risk of collision, the steam-ship shall keep out of the way of the sailing-ship.

18. Every steam-ship when approaching another ship, so as to involve risk of collision, shall slacken her speed, or stop and reverse, if necessary.

19. In taking any course authorized or required by these Regulations, a steam-ship under way may indicate that course to any other ship which she has in sight by the following signals on her steam-whistle, viz. :—

One short blast to mean, "I am directing my course to starboard."

Two short blasts to mean, "I am directing my course to port."

Three short blasts to mean, "I am going full speed astern."

The use of these signals is optional; but if they are used, the course of the ship must be in accordance with the signal made.

20. Notwithstanding anything contained in any preceding

Article, every ship, whether a sailing-ship or a steam-ship, overtaking any other, shall keep out of the way of the overtaken ship.

21. In narrow channels every steam-ship shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such ship.

22. Where by the above rules one of two ships is to keep out of the way, the other shall keep her course.

23. In obeying and construing these rules, due regard shall be had to all dangers of navigation, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

*No Ship, under any circumstances, to neglect proper Precautions.*

24. Nothing in these Rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

*Reservation of Rules for Harbours and Inland Navigation.*

25. Nothing in these Rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbour, river, or inland navigation.

*Special Lights for Squadrons and Convoys.*

26. Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal lights for two or more ships-of-war, or for ships sailing under convoy.

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## SECOND SCHEDULE.

Austria-Hungary.	Italy.
Belgium.	Netherlands.
Chile.	Norway.
Denmark.	Portugal.
France.	Russia.
Germany.	Spain.
Great Britain.	Sweden.
Greece.	United States.

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BRITISH REGULATIONS and Instructions issued in pursuance  
of the Naturalization Acts of 1870.\* London, June 24, 1880.

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*Naturalization Act, 1870.*

SUPPLEMENTAL REGULATIONS as to Fee to be taken for the Grant of a Certificate, whether of Naturalization or Readmission to British Nationality, and for Registering the same, together with the Oath of Allegiance.

WITH the consent of the Lords Commissioners of Her Majesty's Treasury, I prescribe that a fee of 5*l.* shall be taken for the grant of a certificate, whether of naturalization or of readmission to British nationality, and for registering the same, together with the oath of allegiance, and such fee shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Lords Commissioners of Her Majesty's Treasury shall from time to time direct, and be carried to the Consolidated Fund.

This Regulation shall apply exclusively to certificates granted in the United Kingdom for which application was made after the 24th June, 1880, and shall be in lieu of so much of the Regulation of 1st February, 1872, as prescribes a fee in respect of the same matters.

W. V. HARCOURT.

Home Office, June 24, 1880.

(A) & (AA).

*Naturalization Acts, 1870.*

INSTRUCTIONS to Aliens applying for Certificates of Naturalization.

1. Any alien desirous to obtain a Certificate of Naturaliza-

\* See Vol. 13. Pages 1149, 1219.

tion must present to one of Her Majesty's Principal Secretaries of State a memorial praying for the grant of such Certificate.

2. The memorial must state—

- (1.) Of what foreign State the applicant is a subject.
- (2.) His name, address, age, profession, trade, or other occupation.
- (3.) Whether he is married and has any children, under age, residing with him, and if so, to state their names and ages.
- (4.) That during the period of eight years immediately preceding the application, the applicant has for five years resided within the United Kingdom, namely :—

From	to	at*	Years.	Months.
From	to	at		
From	to	at		
			5	—
	or			

That during the period of eight years immediately preceding the application, the applicant has been in the service of the Crown (the post in which he has served being specified), viz. :—

From	to	as	Years.	Months.
From	to	as		
From	to	as		
From	to	as		
			5	—

- (5.) That he intends to reside in the United Kingdom or to serve under the Crown.

3. The applicant must verify the statements in his memorial by a general declaration made before a Magistrate or other person authorized to receive such declaration, in pursuance of the Act passed in the fifth and sixth years of His late Majesty King William IV, chapter 62.†

4. The statements in the memorial with respect to the several periods of residence in the United Kingdom making up the full statutory term must be verified specifically as to both place and time, by a like declaration of some person who, being a natural-born British subject, and not the agent or solicitor of the memorialist, is able to testify to the fact of such residence from personal knowledge, and not from information only. Should there be no one such person who has personal knowledge of the memorialist having resided the full statutory term, and should, in consequence, the declaration of two or more persons become necessary for the purpose, the declaration may

\* The exact address, and, if in town, the name of street and number of house to be given.

† See Vol. 11. Page 740.



be made either by each separately, or by the declarants jointly, each with respect to the period as to which he has personal knowledge; and each such declarant must in his declaration state as to himself the place of his residence, the fact that he is a natural-born British subject and not the agent or solicitor of the memorialist, and that he makes the declaration not from information merely, but from personal knowledge, and he must specify the circumstances under which such knowledge was acquired.

5. In addition, the statements in the memorial must be further verified generally, and the respectability and loyalty of the applicant vouched for by a declaration made in like manner by four householders who are natural-born British subjects, and neither of them the agent or solicitor of the memorialist. The declaration may be made by such declarants jointly or by each separately; but each of the declarants must in his declaration state as to himself the fact that he is a householder and a natural-born British subject, and not the agent or solicitor of the memorialist, the place of his residence, and the period during which he has personally known the applicant.

6. No declaration will be received which is not duly stamped.

7. The statements in the memorial and the declarations will be made the subject of independent inquiry directed by the Secretary of State.

8. The fee payable upon the grant of a Certificate is 5*l.*, which will include payment for the registration both of the Certificate and of the oath of allegiance.

9. After obtaining the grant of a Certificate, the grantee must take and subscribe the oath of allegiance, a blank form whereof will be annexed to the Certificate.

10. The oath of allegiance may be taken and subscribed—

In England or Ireland—

In the presence of any Justice of the Peace, or any Commissioner authorized to administer oaths in Chancery.

In Scotland—

In the presence of any Sheriff, Sheriff-Substitute, or Justice of the Peace.

11. The fee for the administration of the oath is 2*s.* 6*d.*, payable as follows:—

In England or Ireland, if the oath is administered by a Justice of the Peace, to the clerk of such Justice, otherwise to the officer administering the oath; in Scotland, if the oath is administered by a Sheriff or Sheriff-Substitute, to the Sheriff-Clerk or any of his

deputes; if by a Justice of the Peace, to the Clerk of the Peace or his deputies.

12. After taking and subscribing the oath of allegiance the grantee of the Certificate shall cause the oath to be registered at the Home Office.

13. After registration, the Certificate and oath of allegiance will be re-delivered to the grantee of the Certificate.

Home Office, June 1880.

N.B.—Care must be taken that the memorial is made an exhibit to the declarations which accompany it so as to connect together the memorial and declarations.

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(B.)

*Naturalization Acts, 1870.*

INSTRUCTIONS to Persons who have been already naturalized and are desirous of applying for Certificates of Naturalization under the Naturalization Acts, 1870.

1. Any person who has been naturalized previously to the passing of "The Naturalization Act, 1870," and is desirous to obtain a Certificate of Naturalization under "The Naturalization Acts, 1870," must present to one of Her Majesty's Principal Secretaries of State a memorial praying for the grant of such Certificate.

2. The memorial must state—

- (1.) Of what foreign State the applicant was originally a subject.
- (2.) His name, address, age, profession, trade, or other occupation.
- (3.) The date of his former naturalization.
- (4.) Whether he is married, and has any children, under age, residing with him, and if so, to state their names and ages.
- (5.) That during the period of eight years immediately preceding the application, the applicant has for five years resided within the United Kingdom, namely:—

From	to	at*	Years.	Months.
From	to	at		
From	to	at		
			_____	_____
	or			5

That during the period of eight years immediately preced-

\* The exact address, and, if in town, the name of street and number of house to be given.

ing the application, the applicant has been in the service of the Crown (the post in which he has served being specified), viz:—

			Years. Months.
From	to	as	
From	to	as	
From	to	as	
			<hr style="width: 50%; margin: 0 auto;"/> <hr style="width: 50%; margin: 0 auto;"/>
			5

(6.) That he intends to reside in the United Kingdom or to serve under the Crown.

[Here follow the same directions as are given under Instructions A, §§ 3 to 13. Pages 942 to 944.]

(C.)

*Naturalization Acts, 1870.*

**INSTRUCTIONS to Persons with respect to whose Nationality a doubt exists, and who are desirous of applying for Special Certificates of Naturalization under the Naturalization Acts, 1870.**

1. Any person, with respect to whose nationality a doubt exists, and who is desirous to obtain a special Certificate of Naturalization, may present to one of Her Majesty's Principal Secretaries of State a memorial praying for the grant of such Certificate.

2. The memorial must state—

- (1.) The name, address, age, profession, trade, or other occupation of the applicant.
- (2.) That the applicant is a person with respect to whose nationality doubt exists, and that he desires a special Certificate for the purpose of quieting doubts as to his right to be a British subject.
- (3.) Whether the applicant is married and has any children, under age, residing with him, and if so, to state their names and ages.
- (4.) That during the period of eight years immediately preceding the application, the applicant has for five years resided within the United Kingdom, namely:—

			Years. Months.
From	to	at*	
From	to	at	
From	to	at	
or			<hr style="width: 50%; margin: 0 auto;"/> <hr style="width: 50%; margin: 0 auto;"/>
			5

\* The exact address, and, if in town, the name of street and number of house to be given.

That during the period of eight years immediately preceding the application, the applicant has been in the service of the Crown (the post in which he has served being specified), viz. :—

			Years. Months.
From	to	as	
From	to	as	
From	to	as	
			5

(5.) That he intends to reside in the United Kingdom or to serve under the Crown.

[Here follow the same directions as are given under Instructions A, §§ 3 to 13. Pages 942 to 944.]

(D.)

*Naturalization Acts, 1870.*

**INSTRUCTIONS to Applicants in the United Kingdom for Certificates of Re-admission to British Nationality.**

*(These Instructions apply only to Certificates granted in the United Kingdom.)*

1. Any person desirous to obtain a Certificate of re-admission to British nationality must present to one of Her Majesty's Principal Secretaries of State a memorial praying for the grant of such Certificate.

2. The memorial must state—

- (1.) The name, address, age, profession, trade, or other occupation of the applicant.
- (2.) Whether the applicant is married and has any children, under age, residing with him, and if so, to state their names and ages.
- (3.) That the applicant was a natural-born British subject by reason of having been born in British territory, or by reason of his or her father or grandfather, by the father's side, having been a British subject.
- (4.) That the applicant became the subject or citizen of a foreign State. The name of the foreign State must be specified, and the mode in which the applicant became an alien. If the applicant became an alien by naturalization, the date of such naturalization must be mentioned; or if the applicant be a widow who became an alien by marriage with her late husband, the date and place of such marriage, the name of her husband, and the foreign State of which he was a subject, must be mentioned.

- (5.) That during the period of eight years immediately preceding the application, the applicant has for five years resided within the United Kingdom, namely :—

			Years.	Months.
From	to	at*		
From	to	at		
From	to	at		
	or		5	

That during the period of eight years immediately preceding the application, the applicant has been in the service of the Crown (the post in which he has served being specified), viz. :—

			Years.	Months.
From	to	as		
From	to	as		
From	to	as		
			5	

- (6.) That he intends to reside in the United Kingdom or to serve under the Crown.

[Here follow the same directions as are given under Instructions A, §§ 3 to 7. Pages 942 and 943.]

8. The Secretary of State, if he thinks fit to grant a Certificate to the applicant, will cause him to be furnished with a blank form of the Certificate and Oath of Allegiance.

9. The applicant will then take and subscribe the oath of allegiance.

[Here follow the same directions as are given under Instructions A, §§ 10 and 11. Page 943.]

12. The applicant will forward to the Home Office the blank Certificate and the oath of allegiance which has been subscribed, together with a fee of 5*l.*

13. The Certificate will then be signed by the Secretary of State, and the Certificate and oath of allegiance will be duly registered without further payment, and re-delivered to the applicant.

Home Office, June 24, 1880.

\* The exact address, and, if in town, the name of street and number of house to be given.

BRITISH ORDER IN COUNCIL, *applying to Khelat, Muscat, Zanzibar, Cochin, Travancore, Kutch, and Kattyawar, the Regulations of August 14, 1879, for the Prevention of Collisions at Sea. Balmoral, September 6, 1880.*

*At the Court at Balmoral, the 6th day of September, 1880.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

Now, therefore, Her Majesty, by virtue of the power vested in her by the said recited Act,\* and by and with the advice and consent of her Privy Council, is pleased to direct:

That from and after the 1st day of September, 1880, the said new Regulations for preventing collisions at sea, a copy whereof is hereunto appended, contained in the first Schedule of the said recited Order in Council of the 14th day of August, 1879, shall, with the exception of Article 10 thereof, apply to ships belonging to the following countries; that is to say:—*Khelat, Muscat, Zanzibar, Cochin, Travancore, Kutch, and Kattyawar*, whether within British jurisdiction or not.

C. L. PEEL.

*REGULATIONS for preventing Collisions at Sea referred to in the foregoing Orders.*

[See Page 935.]

BRITISH ORDER IN COUNCIL, *respecting Light Dues payable by Vessels engaged in the Home Trade. Balmoral, September 6, 1880.*

*At the Court at Balmoral, the 6th day of September, 1880.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Merchant Shipping Act, 1854,"† it is enacted that Her Majesty may, by and with the advice of her Privy Council, from time to time reduce all or any of the dues for the time being payable in respect of existing or future lighthouses, buoys, or beacons under the management of the General Lighthouse Authorities; and may also, by and with the like advice, from time to time increase or vary such dues:

\* 25 & 26 Vict., c. 63. See Vol. 11. Page 328.

† 17 & 18 Vict. c. 104, § 397. See Vol. 9. Page 848.

And whereas by Order in Council dated the 24th day of October, 1870, Her Majesty was pleased to approve certain revised and amended New Consolidated Tables of Light Duties (Oversea Section) levied by the said General Lighthouse Authorities respectively in the form thereunto annexed, together with the several reductions, variations, abatements, regulations, and exemptions therein contained :

And whereas by Order in Council dated the 16th day of May, 1871, Her Majesty was pleased to approve certain New Consolidated Tables of Light Duties (Coast Section) levied as aforesaid in the form thereunto annexed, together with the several reductions, variations, abatements, regulations, and exemptions therein contained :

And whereas by Order in Council dated the 9th day of August, 1872, Her Majesty was pleased to direct that on and after the 1st day of October, 1872, the duties for all general passing lights under the management of the said General Lighthouse Authorities should be payable by coasting vessels once only for the whole voyage out and home, subject however to the abatement or discount thereafter mentioned :

And whereas by various Orders in Council since made in pursuance of the said Act, in respect of certain new lights, certain tolls have been directed to be paid for oversea vessels and for coasting vessels respectively, subject to a certain abatement or discount, and the regulations and exemptions mentioned in the said New Consolidated Tables of Light Duties, and the said Order in Council of the 9th day of August, 1872 :

And whereas by Order in Council dated the 21st day of February, 1874, Her Majesty was pleased to direct that on and after the 1st day of April, 1874, all coasting vessels and all vessels trading between ports in the United Kingdom and ports in Europe (excepting ports in the Mediterranean) should (instead of making one payment of dues for the voyage out and home) be liable in respect of every light passed or from which benefit might be derived, either on the voyage out or on the voyage home, to one moiety of the dues as provided in the said New Consolidated Tables of Light Duties for each general passing light and for each local light under the management of the said General Lighthouse Authorities, subject however to the abatement or discount thereafter mentioned :

And whereas by Order in Council dated the 17th day of May, 1876, Her Majesty was pleased to direct that on and after the 1st day of July, 1876, the abatement or discount to be allowed upon the amount of light duties should be 55 per centum and no more :

And whereas it has been made to appear to Her Majesty that it is expedient that the said duties should be varied in the manner hereinafter stated in so far as relates to Home Trade

ships, that is to say, to ships trading or going between the United Kingdom, the Islands of Guernsey, Jersey, Sark, Alderney and Man, and the Continent of Europe between the River Elbe and Brest inclusive, and that such ships should be treated in the matter of light duties in the same manner as coasting vessels :

And whereas it has also been made to appear to Her Majesty that it is expedient that the said abatement or discount of 55 per centum on the amount of all the tolls hereinbefore referred to should be varied in manner hereinafter mentioned :

Now, therefore, Her Majesty, by virtue of the powers vested in her by the said recited Act, by and with the advice of her Privy Council, is pleased to direct—

1. That on and after the 1st day of October, 1880, vessels trading or going as aforesaid between the United Kingdom, the islands aforesaid, and the Continent of Europe between the River Elbe and Brest inclusive shall, as respects such lights as would be chargeable on coasting vessels passing them, be liable to light duties at the same rates (subject to the same abatements) as coasting vessels, and to no other.

2. That on and after the 1st day of October, 1880, the abatement or discount to be allowed upon the amount of tolls specified in the said New Consolidated Tables of Light Duties mentioned in the said Orders in Council of the 24th day of October, 1870, and the 16th day of May, 1871, and upon the amount of tolls specified in the said other Orders in Council hereinbefore referred to, and in this Order in Council, shall, in the case of every oversea vessel and of every coasting vessel, be 60 per centum, and no more.

C. L. PEEL.

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BRITISH ORDER IN COUNCIL, *applying to Brazil, Equator, Hawaii, Japan, and Turkey the Regulations of August 14, 1879, for the Prevention of Collisions at Sea.* Windsor. November 27, 1880.

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*At the Court at Windsor, the 27th day of November, 1880.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

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Now, therefore, Her Majesty, by virtue of the powers vested in her by the said recited Act,\* and by and with the advice of her Privy Council, is pleased to direct—

That from and after the 1st day of September, 1880, the said new Regulations for preventing collisions at sea, a copy whereof is hereunto appended, contained in the first Schedule of

\* 25 & 26 Vict., c. 63. See Vol. 11. Page 328.



the said recited Order in Council of 14th day of August, 1879, shall, subject to the provisions of the said recited Order in Council of the 24th day of March, 1880,\* apply to ships belonging to the following countries, that is to say:—

Brazil,  
Ecuador,  
Hawaii,  
Japan, and  
Turkey,

whether within British jurisdiction or not:

Provided, however, as regards (1) Japanese and (2) Turkish ships, the Article numbered 12 of the said Regulations shall be modified as follows, viz.:—

(1.) It shall not be necessary for the fog-horn, by the said Article required to be provided and used on board steam and sailing ships as a sound signal for fog, &c., to be sounded by a bellows or other mechanical means when the same is carried on board ships belonging to Japan;

And (2) it shall not be necessary for the bell, required by Article numbered 12 of the said Regulations to be provided and used on board steam and sailing ships as a sound signal for fog, &c., to be placed and kept on board Turkish ships, but that, in lieu thereof and in substitution therefor, there may be placed and kept on board such Turkish ships an efficient drum which shall be sounded under the same circumstances and at the same intervals as by the said Article a bell is required to be rung.

C. L. PEEL.

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REGULATIONS for preventing Collisions at Sea referred to in the foregoing Orders.

[See Page 935.]

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BRITISH CIRCULAR, notifying the Accession of the West India and Panamá Telegraph Company to the International Telegraph Convention of July 22, 1875. London, March 29, 1883.

CIRCULAR.

*Foreign Office, March 29, 1883.*

ARTICLE XVIII of the International Telegraph Convention† requires that adhesions to that Convention should be notified to the Signatory Powers by the country in which the last Conference was held, and this duty therefore devolves at present on Great Britain.

I have, consequently, to request you to inform the Government to which you are accredited that the West India and

\* See Note. Page 937.

† See Vol. 14. Page 98.

Panamá Telegraph Company have made application to Her Majesty's Government to be allowed to adhere to the International Telegraph Convention.

Regulation 81, paragraph 2,\* of the Service Regulations attached to the Convention states that private Telegraph Companies may be admitted to the advantages stipulated in the Convention and Service Regulations on their acceding to all their obligatory clauses, and on the notification of the fact by the State which granted them the concession or authority to work their line.

The West India and Panamá Telegraph Company have signified their adhesion to the obligatory clauses of the Convention, and Her Majesty's Government accede to their desire to join the Union.

I am, &c.,

GRANVILLE.

*ACT of Parliament to carry into effect an International Convention [between Great Britain, Belgium, Denmark, France, Germany, and the Netherlands of May 6, 1882] concerning the Fisheries in the North Sea, and to amend the Laws relating to British Sea Fisheries.*

[46 & 47 Vict., cap. 22.]

[August 2, 1883.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

*Preliminary.*

1. This Act may be cited as "The Sea Fisheries Act, 1883."

*Confirmation of Convention.*

2. The Convention set out in the first Schedule to this Act (referred to in this Act as the Convention) is hereby confirmed, and the Articles thereof shall be of the same force as if they were enacted in the body of this Act.

*Fishery Regulations.*

3. It shall be lawful for Her Majesty from time to time, by Order in Council, to make, alter, and revoke regulations for carrying into execution this Act, and the intent and object thereof, and for the maintenance of good order among sea-fishing boats, and the persons belonging thereto, and to impose fines not exceeding 10*l.* for breach of such regulations.

4. If within the exclusive fishery limits of the British Islands any person, or if outside those limits any person belonging to a British sea-fishing boat,

\* See Page 51.

- (a.) Acts in contravention of Articles 13 to 22 (both inclusive) of the first Schedule to this Act, or any of them; or,
- (b.) Causes injury to any person in any one or more of the following ways, namely, by assaulting any one belonging to another sea-fishing boat, or by causing damage to another sea-fishing boat, or to any property on board thereof, or belonging thereto; or,
- (c.) Fishes for oysters, or has on board his boat any oyster dredge, within any seas and during any time within and during which oyster fishing is prohibited by law, or by any Convention, Treaty, or Arrangement to which this Act may be hereafter applied;

such person shall be liable, on summary conviction, to a fine not exceeding 50*l.*, or, in the discretion of the Court, to imprisonment for a term not exceeding three months, with or without hard labour.

5. If within the exclusive fishery limits of the British Islands, any person, or if outside those limits any person belonging to a British sea-fishing boat,

- (a.) Uses any instrument for the purpose of damaging or destroying, by cutting or otherwise, any fishing implement belonging to another sea-fishing boat, except in the cases provided for by Articles 20 and 21 of the first Schedule to this Act; or
- (b.) Takes on board or has on board such boat any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise;

such person shall be liable on summary conviction to a fine not exceeding 50*l.*, or in the discretion of the Court to imprisonment for a term not exceeding three months, with or without hard labour, and the instrument shall be liable to be forfeited.

6. The regulations respecting lights for the time being in force under the Acts relating to merchant shipping shall, so far as they relate to sea-fishing boats, be deemed to be provisions of this Act, and may be enforced accordingly, and a sea-fishery officer shall for that purpose, in addition to his powers under this Act, have the same powers as are given to any officer by the said Acts relating to merchant shipping.

#### *Exclusive Fishery Limits.*

7. (1.) A foreign sea-fishing boat shall not enter within the exclusive fishery limits of the British Islands, except for purposes recognized by international law, or by any Convention, Treaty, or Arrangement for the time being in force between Her Majesty and any foreign State, or for any lawful purpose.

(2.) If a foreign sea-fishing boat enters the exclusive fishery limits of the British Islands,

- (a.) The boat shall return outside of the said limits so soon as the purpose for which it entered has been answered;
- (b.) No person on board the boat shall fish or attempt to fish while the boat remains within the said limits;
- (c.) Such regulations as Her Majesty may from time to time prescribe by Order in Council shall be duly observed.

(3.) In the event of any contravention of this section on the part of any foreign sea-fishing boat, or of any person belonging thereto, the master or person for the time being in charge of such boat shall be liable on summary conviction to a fine not exceeding in the case of the first offence, 10*l.*, and in the case of a second or any subsequent offence, 20*l.*

#### *Registry of British Sea-fishing Boats.*

8. (1.) Sections 22, 23, 24, and 26 of "The Sea Fisheries Act, 1868"\* (which relate to the registry of British sea-fishing boats), shall have effect as if Articles 5 to 12 (both inclusive) of the first Schedule to this Act were therein referred to in addition to the Articles of the first Schedule to that Act in the said sections mentioned, and as if offences under this Act were offences in the said sections mentioned; provided that nothing in the said sections shall be deemed to authorize any foreign sea-fishery officer to do anything which he is not, under the first Schedule to this Act, authorized to do.

(2.) Section 176 of "The Customs Consolidation Act, 1876,"† shall not apply to any British sea-fishing boat entered or registered in pursuance of the said sections of "The Sea Fisheries Act, 1868."

#### *Miscellaneous.*

9. (1.) There shall not be manufactured or sold or exposed for sale at any place with the British Islands, any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise.

(2.) In the event of any contravention of this section a person guilty thereof shall be liable, on summary conviction, to a fine not exceeding 50*l.*, or, in the discretion of the Court, to imprisonment for a term not exceeding three months with or without hard labour, and the instrument shall be liable to be forfeited.

10. The boats and things specified in Article 25 of the first Schedule to this Act shall be deemed to be "wreck" within the

\* 31 & 32 Vict., c. 45. See Vol. 13. Pages 427 to 429.

† 39 & 40 Vict., c. 36.

meaning of any Acts relating to merchant shipping, so however that the provisions of the said Article shall be duly observed.

*Enforcement of Act.*

11. (1.) The provisions of this Act and of any Order in Council under this Act or under the sections of "The Sea Fisheries Act, 1868," amended by this Act, shall be enforced by sea-fishery officers, either British or foreign.

(2.) The following persons shall be British sea-fishery officers: that is to say, every officer of or appointed by the Board of Trade, every commissioned officer of any of Her Majesty's ships on full pay, every officer authorized in that behalf by the Admiralty, every British Consular Officer, every Collector and principal officer of Customs in any place in the British Islands, and every officer of Customs in the British Islands authorized in that behalf by the Commissioners of Customs, every divisional officer of the coastguard, and every principal officer of a coastguard station.

(3.) The following persons shall be foreign sea-fishery officers, that is to say: the commander of any vessel belonging to the Government of any foreign State bound by the Convention, and any officer appointed by a foreign State for the purpose of enforcing the Convention, or otherwise recognized by Her Majesty as a sea-fishery officer of a foreign State.

12. For the purpose of enforcing the provisions of this Act and of any Order in Council under this Act or under "The Sea Fisheries Act, 1868," as amended by this Act, a British sea-fishery officer may, with respect to any sea-fishing boat within the exclusive limits of the British Islands and with respect to any British sea-fishing boat outside of those limits, exercise the following powers:—

(1.) He may go on board it;

(2.) He may require the owner, master, and crew, or any of them, to produce any certificates of registry, licences, official logbooks, official papers, articles of agreement, muster rolls, and other documents relating to the boat or to the crew, or to any member thereof, or to any person on board the boat, which are in their respective possession or control on board the boat, and may take copies thereof or of any part thereof;

(3.) He may muster the crew of the boat;

(4.) He may require the master to appear and give any explanation concerning his boat and her crew, and any person on board his boat, and the said certificates of registry, licences, official logbooks, official papers, articles of agreement, muster rolls, and other documents, or any of them;

(5.) He may examine all sails, lights, small boats, anchors, grapnels, and fishing implements belonging to the boat;

(6.) He may seize any instrument serving only or intended to

damage or destroy fishing implements, by cutting or otherwise, which is found on board the boat or in the possession of any person belonging to the boat;

(7.) He may make any examination or inquiry which he deems necessary to ascertain whether any contravention of the provisions of this Act, or of any such Order of Council as aforesaid, has been committed, or to fix the amount of compensation due for any damage done to another sea-fishing boat, or to any person or property on board thereof or belonging thereto, and may administer an oath for such purpose; and

(8.) In the case of any person who appears to him to have committed any such contravention he may, without summons, warrant, or other process, both take the offender and the boat to which he belongs and the crew thereof to the nearest or most convenient port, and bring him or them before a competent Court, and detain him, it, and them in the port until the alleged contravention has been adjudicated upon.

13. For the purpose of carrying into effect the Convention, and of exercising and performing the powers and duties thereby vested in and imposed on cruizers and commanders of cruizers, a foreign sea-fishery officer may, with respect to any British sea-fishing boat, and any sea-fishery officer, whether British or foreign, may, with respect to any foreign sea-fishing boat to which this Act for the time being applies, exercise any of the powers conferred by this Act on British sea-fishery officers.

Provided that—

- (a.) Nothing in this section shall authorize a sea-fishery officer to do anything not authorized by the Convention; and
- (b.) The port to which any sea-fishing boat or any person belonging thereto is taken shall, except where the nationality of such boat is not evidenced by official papers, be a port of the State to which such boat belongs.

14. (1.) A sea-fishery officer shall be entitled to the same protection in respect of any action or suit brought against him for any act done or omitted to be done in the execution of his duty under this Act, as is given to any officer of Customs by "The Customs Consolidation Act, 1876," or any Act amending the same, and (with reference to the seizure or detention of any ship) by any Act relating to the registry of British ships.

(2.) If any person obstructs any sea-fishery officer in acting under the powers conferred by this Act, or refuses or neglects to comply with any requisition or direction lawfully made or given by, or to answer any question lawfully asked by, any sea-fishery officer in pursuance of this Act, such person shall be liable, on summary conviction, to a fine not exceeding 50*l.*,

or to be imprisoned for a term not exceeding three months, with or without hard labour.

*Legal Proceedings.*

15. (1.) Where, on the conviction of any person under this Act for an offence, it appears to the Court that any injury to person or property has been caused by the offence, the Court may by such conviction adjudge the person convicted to pay in addition to any fine a reasonable sum as compensation for such injury, and such sum may be recovered as a fine under this Act, and when recovered shall be paid to the person injured.

(2.) Any compensation specified in a document signed in accordance with Article 33 of the first Schedule to this Act or fixed by a sea-fishery officer in accordance with any submission to arbitration, may be recovered as a simple contract debt, and in England may also be recovered as a civil debt before a Court of summary jurisdiction.

(3.) In a proceeding against any person for the recovery of such last-mentioned compensation, the formal document referred to in the said Article, or an award of a sea-fishery officer in pursuance of a submission to arbitration signed by the person liable to pay such compensation, shall be sufficient evidence that such person is liable to pay the compensation specified in such document or award.

16. (1.) Offences under this Act may (save as otherwise provided) be prosecuted, and fines under this Act may be recovered in a summary manner; that is to say,—

- (a.) In England before a Justice or Justices, in manner provided by the Summary Jurisdiction (English) Acts;\*
- (b.) In Scotland in manner provided by the Summary Jurisdiction (Scotland) Acts, 1864,† and 1881;‡
- (c.) In Ireland within the police district of Dublin metropolis in manner provided by the Acts regulating the powers and duties of the Justices of the Peace of such district, or of the police of such district, and elsewhere in Ireland in manner provided by "The Petty Sessions (Ireland) Act, 1851,"§ and the Acts amending the same;
- (d.) In the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark respectively, before any Court, Governor, Deputy Governor, Deemster, Jurat, or other Magistrate, in the manner in which the like offences and fines are by law prosecuted and recovered, or as near thereto as circumstances admit.

(2.) If any person feels aggrieved by any conviction under this Act by a Court of summary jurisdiction, or by any deter-

\* 42 & 43 Vict., c. 49.

† 27 & 28 Vict., c. 53.

‡ 44 & 45 Vict., c. 33.

§ 14 & 15 Vict., c. 93.

mination or adjudication of such Court with respect to any compensation under this Act, he may, where imprisonment is awarded without the option of a fine, or the sum adjudged to be paid exceeds 5*l.*, appeal therefrom as follows:—

- (a.) In England the appeal shall be to Quarter Sessions in manner provided by the Summary Jurisdiction (English) Acts;
- (b.) In Ireland the appeal shall be to the Court of Quarter Sessions in manner directed by "The Petty Sessions (Ireland) Act, 1851," and the Acts amending the same;
- (c.) In Scotland, the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark, the appeal shall be to the Court and in the manner in which appeals from the like convictions and determinations and adjudications are made.

17. (1.) Any document drawn up in pursuance of the first Schedule to this Act shall be admissible in any proceeding, civil or criminal, as evidence of the facts or matters therein stated.

(2.) If evidence contained in any such document was taken on oath in the presence of the person charged in such evidence, and such person had an opportunity of cross-examining the person giving such evidence and of making his reply to such evidence, the sea-fishery officer drawing up such document may certify the said facts, or any of them.

(3.) Any document or certificate in this section mentioned purporting to be signed by a sea-fishery officer shall be admissible in evidence without proof of such signature, and if purporting to be signed by any other person shall, if certified by a sea-fishery officer to have been so signed, be deemed until the contrary is proved to have been signed by such other person.

(4.) If any person forges the signature of a sea-fishery officer to any such document as above mentioned, or makes use of any such document knowing the signature thereto to be forged, such person shall be liable on summary conviction to imprisonment for a term not exceeding three months with or without hard labour, and on conviction on indictment to be imprisoned with or without hard labour for a term not exceeding two years, and the cost of the prosecution of any such person on indictment may be paid as in cases of felony.

18. For the purpose of giving jurisdiction to Courts under this Act, a sea-fishing boat shall be deemed to be a ship within the meaning of any Act relating to offences committed on board a ship, and every Court shall have the same jurisdiction over a foreign sea-fishing boat within the exclusive fishery limits of the British Islands, and persons belonging thereto, as such Court would have if such boat were a British sea-fishing boat.



19. Service of any summons or other matter in any legal proceeding under this Act shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any sea-fishing boat to which he may belong, with the person being or appearing to be in command or charge of such boat.

20. (1.) Where any offence against this Act has been committed by some person belonging to a sea-fishing boat, the master or person for the time being in charge of such boat shall in every case be liable to be deemed guilty of such offence; provided that if he proves that he issued proper orders for the observance, and used due diligence to enforce the observance, of this Act, and that the offence in question was actually committed by some other person without his connivance, and that the actual offender has been convicted, or that he has taken all practicable means in his power to prosecute such offender (if alive) to conviction, he shall not be liable to any further punishment than payment of compensation for any injury caused by the offence.

(2.) Any fine or compensation adjudged under this Act may be recovered in the ordinary way, or, if the Court think fit so to order, by distress or pouncing and sale of the sea-fishing boat to which the offender belongs, and her tackle, apparel, and furniture and any property on board thereof or belonging thereto, or any part thereof; provided that, where the boat is a foreign sea-fishing boat, the Court may order that in lieu of any such distress the boat may be detained in some port in the British Islands for a period not exceeding three months from the date of the conviction, and the boat may be detained accordingly, and in such case shall not be distrained.

21. (1.) The Court adjudging any fine or forfeiture under this Act may, if it think fit, direct the whole or any part thereof to be applied in or towards payment of the expenses of the proceedings; and, subject to such direction, all fines and the proceeds of all forfeitures recovered under this Act shall, notwithstanding anything in any Act relating to municipal corporations or otherwise, be paid into the Exchequer in such manner as the Commissioners of the Treasury may direct.

(2.) Forfeitures may be destroyed, sold, and disposed of as the Court adjudging the forfeiture may direct.

22. (1.) Nothing in this Act shall prevent any person being liable under any other Act or otherwise to any indictment, proceeding, punishment, or penalty, other than is provided for any offence by this Act, so that no person be punished twice for the same offence.

(2.) Nothing in this Act, or in any Order in Council made thereunder, nor any proceedings under such Act or Order with

respect to any matter, shall alter the liability of any person in any action or suit with reference to the same matter, so that no person shall be required to pay compensation twice in respect of the same injury.

*Application of Act.*

23. If at any time after the commencement of this Act any Convention, Treaty, or Arrangement respecting sea fisheries is made between Her Majesty and any foreign State, it shall be lawful for Her Majesty by Order in Council to direct that all or any of the provisions of this Act shall, and the same shall accordingly (subject to the exceptions, restrictions, and conditions, if any, in the Order mentioned) apply to the said Convention, Treaty, or Arrangement, and have effect in like manner as if the said Convention, Treaty, or Arrangement were set forth in the first Schedule to this Act, and were part of that Schedule and were the Convention referred to in this Act.

24. If the provisions of this Act are applied by Order in Council to any Convention, Treaty, or Arrangement made in substitution for the Convention set forth in the first Schedule to "The Sea Fisheries Act, 1868,"\* or for the Convention and Articles set forth in the Schedule to the Act of the 6th and 7th years of the reign of Her present Majesty, cap. 79, intituled "An Act to carry into effect the Convention between Her Majesty and the King of the French, concerning the fisheries in the seas between the British Islands and France,"† that last-mentioned Act shall, after the date fixed by the said Order for the application of this Act, be repealed, but such last-mentioned Act shall, until the said date or any earlier date at which the Convention set forth in the first Schedule to "The Sea Fisheries Act, 1868," comes into operation, continue in force so far as regards French sea-fishing boats and persons belonging thereto within the seas to which the said Convention and Articles set forth in the Schedule thereto apply, so far as those seas are outside the exclusive fishery limits of the British Islands, and are not within the North Sea as defined in the first Schedule to this Act.

25. This Act, so far as it applies to foreign sea-fishing boats outside of the exclusive fishery limits of the British Islands, and persons belonging thereto, and to foreign sea-fishery officers, shall apply only within the North Sea as defined by Article 4 of the first Schedule to this Act, or within the seas specified in any Convention, Treaty, or Arrangement to which this Act may be applied by Order in Council made in pursuance of this Act,

\* See Convention between Great Britain and France of November 11, 1867. Vol. 12. Page 1125.

† See Regulations of May 24, 1843, and Declaration of June 23, 1843. Vol. 6. Pages 415, 447.

and to the boats and officers of a foreign State bound by the Convention in the first Schedule to this Act or by any Convention, Treaty, or Arrangement to which this Act may be applied; but save as aforesaid this Act shall apply to the whole of the British Islands as defined by this Act, and to the seas surrounding the same, whether within or without the exclusive fishery limits of the British Islands, and the Royal Courts of Guernsey and Jersey shall register this Act in their respective Courts.

*Supplemental.*

26. Orders in Council made in pursuance of this Act shall be published in the "London Gazette," or otherwise published in such manner as the Board of Trade may direct for such sufficient time before they come into force as to prevent inconvenience.

27. The reference in Section 18 of "The Sea Fisheries Act, 1868," to Section 200 of "The Customs Consolidation Act, 1853," shall be construed to refer to Section 170 of "The Customs Consolidation Act, 1876."

28. In this Act—

The expression "sea-fishing" shall not include fishing for salmon as defined by any Act relating to salmon, but, save as aforesaid, means the fishing for every description both of fish, and shell fish, found in the seas to which this Act applies; and the expression "sea-fisherman" and other expressions relating to sea-fishing shall be construed accordingly:

The expression "sea-fishing boat" includes every vessel of whatever size, and in whatever way propelled, which is used by any person in sea-fishing, or in carrying on the business of a sea-fisherman:

The expression "fishing implement" means any net, line, float, barrel, buoy, or other instrument, engine, or implement used or intended to be used for the purpose of sea-fishing:

The expression "British Islands" includes the United Kingdom of Great Britain and Ireland, the Isle of Man, the Islands of Guernsey, Jersey, Alderney, and Sark, and their dependencies:

The expression "exclusive fishery limits of the British Islands" means that portion of the seas surrounding the British Islands within which Her Majesty's subjects have, by international law, the exclusive right of fishing, and where such portion is defined by the terms of any Convention, Treaty, or Arrangement for the time being in force between Her Majesty and any foreign State,

includes, as regards the sea-fishing boats and officers and subjects of that State, the portion so defined :

The expression "the Admiralty" means the Lord High Admiral for the time being of the United Kingdom of Great Britain and Ireland, or any two or more of the Commissioners for executing the office of Lord High Admiral of the United Kingdom :

The expression "Consular officer" includes Consul-General, Consul, and Vice-Consul, and any person for the time being discharging the duties of Consul-General, Consul, or Vice-Consul :

The expression "person" includes a body of persons corporate or unincorporate :

The expression "Court" includes any tribunal or Magistrate exercising jurisdiction under this Act.

29. This Act shall come into force on such day as may be fixed by a notice in that behalf published in the "London Gazette," which day is in this Act referred to as the commencement of this Act.\*

30. (1.) After the commencement of this Act the Acts specified in the first part of the second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule :

(2.) After the commencement of this Act, the Acts specified the second part of the second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule :

Provided that, until the date hereinafter mentioned at which such repeal takes full effect, the repeal of the enactments specified in the said second part shall, except within the North Sea as defined by the first Schedule to this Act, be subject to the following limitations :

- (a.) The repeal shall not extend to Section 12 of "The Sea Fisheries Act, 1868" (which section relates to oyster fishing), nor to the recovery of any penalty for a violation of that section,
- (b.) The repeal shall extend only to officers and boats within the exclusive fishery limits of the British Islands and to British sea-fishing boats when outside the exclusive fishery limits of the British Islands;
- (c.) The repeal shall not affect the power of French sea-fishery officers and French Courts over British sea-fishing boats when outside the exclusive fishery limits of the British Islands, or the power of British and French sea-fishery officers and British Courts over French sea-fishing

\* It was notified in the "London Gazette" of March 28, 1884, that the day fixed for the Act to come into force was the 15th of May, 1884.

- boats brought within the exclusive fishery limits of the British Islands for offences committed outside those limits;
- (d.) The repeal shall not alter the power of receiving as evidence any depositions, minutes, and other documents which by the said Acts are made receivable as evidence;
- (e.) If the Convention set forth in the first Schedule to "The Sea Fisheries Act, 1868," comes into operation, then, upon notice thereof being given in the "London Gazette," the said enactments shall, subject to the provisions of this section, be in force for the purposes of such Convention.

If this Act is applied by Order in Council to French sea-fishery officers and French sea-fishing boats within the seas to which the Convention set forth in the first Schedule to "The Sea Fisheries Act, 1868," applies, the said repeal of the enactments specified in the second part of the second Schedule to this Act shall take full effect as from the date at which such application of this Act takes effect.

(3.) The repeal of any enactment by this Act shall not affect anything duly done or suffered, or any liability, penalty, forfeiture, or punishment incurred under any enactment hereby repealed, and any legal proceeding or remedy in respect of such liability, penalty, forfeiture, or punishment may be carried on as if this Act had not passed.

31. So much of this Act as has effect outside of the exclusive fishery limits of the British Islands shall, if the Convention ceases to be binding on Her Majesty, cease to apply to the boats and officers of any foreign State bound by the Convention, and if the Convention ceases to be binding on any foreign State shall cease to apply to the boats and officers of such State, but subject as aforesaid this Act shall continue in force notwithstanding the determination of the Convention.

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## SCHEDULES.

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### FIRST SCHEDULE.

INTERNATIONAL CONVENTION for the purpose of regulating the Police of the Fisheries in the North Sea outside Territorial Waters.

[See Page 794.]

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### SECOND SCHEDULE.

#### ENACTMENTS REPEALED.

A description or citation of an Act in this Schedule is inclusive of the word section, or other part first and last-mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion described in the description or citation.

PART I.—*Enactments wholly repealed.*

Session and chapter.	Title.	Extent of repeal.
6 & 7 Vict., c. 79.*	An Act to carry into effect a Convention between Her Majesty and the King of the French concerning the fisheries in the seas between the British Islands and France.	So much of the Schedule thereto as prohibits any French fishing-boat from approaching nearer to any part of the coast of the United Kingdom than the limit of three miles, and so much of the rest of the Act as relates to the portion of the Schedule hereby repealed.
31 & 32 Vict., c. 45.†	"The Sea Fisheries Act, 1868."	Section 25. Section 58, from "in manner directed by law" to "the appeal shall be made," and from "for the county or place" to "costs to be paid by either party." Section 71 and the second Schedule.
40 & 41 Vict., c. 42.‡	"The Fisheries (Oyster, Crab, and Lobster) Act, 1877."	Section 15.

PART II.—*Enactments repealed provisionally.*

Session and chapter.	Title.	Extent of repeal.
31 & 32 Vict., c. 45.†	"The Sea Fisheries Act, 1868."	Sections 3 and 4. Section 5, from "the term Consular officer" to "construed to mean Consular officer." Sections 6 to 16. Sections 20 and 21. Section 59. Section 61. Section 63, from the beginning of the section to "the satisfaction of the Court." The first Schedule, except Articles 4 to 8, Article 31, and the Declaration and Lists of Ports annexed to the Convention.
38 Vic., c. 15	"An Act to amend 'The Sea Fisheries Act, 1868.'"	Section 3.

\* See Vol. 6. Page 453.

† See Vol. 13. Page 423.

‡ See Vol. 14. Page 757.

BRITISH ORDER IN COUNCIL, *establishing Rules and Tables of Fees for Vice-Admiralty Courts. Osborne, August 23, 1883.*

*At the Court at Osborne House, Isle of Wight, the 23rd day of August, 1883.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 22nd day of August, 1883, in the words following, viz. :—

“WHEREAS by an Act passed in the 22nd year of your Majesty's reign, entitled ‘Vice-Admiralty Courts Act, 1863,’\* it was amongst other things provided that ‘Her Majesty may, by Order in Council, from time to time establish Rules touching the practice to be observed in the Vice-Admiralty Courts, as also Tables of Fees to be taken by the officers and practitioners thereof for all acts to be done therein, and may repeal and alter all existing and all future Rules and Tables of Fees, and establish new Rules and Tables of Fees in addition thereto or in lieu thereof:’

“And whereas it appears to us to be expedient that in lieu of the Rules and Tables of Fees now existing in the Vice-Admiralty Courts, the Rules and Tables of Fees annexed heretof should on and from the 1st day of January, 1884, be established and be in force in all the Vice-Admiralty Courts:

“Now, therefore, it is most humbly submitted that your Majesty will be graciously pleased by your Order in Council to direct that all the existing Rules and Tables of Fees in the Vice-Admiralty Courts be repealed, and that, in lieu thereof, the Rules and Tables of Fees annexed hereto shall from the 1st day January, 1884, be the Rules and Tables of Fees for all the Vice-Admiralty Courts:”

Her Majesty having taken the said memorial into consideration, was pleased, by and with the advice of her Privy Council, to approve of what is therein proposed. And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

C. L. PEEL.

\* 26 Vict., c. 24. See Vol. 12. Page 1007.

† These Rules were published in a pamphlet issued in 1883 by Her Majesty's Stationery Office.

## GREAT BRITAIN (COLONIES).

SWISS NOTIFICATION of the Accession of the Bahamas to the  
*Universal Postal Union of June 1, 1878. Berne, May 11,*  
1880.

*Berne, le 11 Mai, 1880.*

EN conformité de l'Article XVIII de la Convention de Paris du 1<sup>er</sup> Juin, 1878,\* concernant l'Union Postale Universelle, le Conseil Fédéral Suisse a l'honneur d'informer son Excellence M. le Ministre des Affaires Étrangères d :

1. Que le Haut Gouvernement de Sa Majesté Britannique a déclaré, par voie diplomatique, adhérer à cette Convention, et conséquemment aussi au Règlement d'Exécution y relatif, pour la Colonie des Iles de Bahama (Indes Occidentales);

2. Que l'Administration des Postes des Iles de Bahama percevra, comme équivalents, en conformité de l'Article IV du Règlement d'Exécution à la Convention de Paris, concernant l'Union Postale Universelle—

Pour 25 centimes .. .. .	5 pence sterling.
„ 10 „ .. .. .	2 „ „
„ 5 „ .. .. .	1 penny „

3. Que la date de la dite accession est fixée au 1<sup>er</sup> Juillet, 1880;

4. Quant à la part contributive aux frais du Bureau International des Postes (Art. XXVIII du Règlement d'Exécution précité), les Iles de Bahama seront comprises dans l'ensemble des Colonies Britanniques et rangées dans la 1<sup>ère</sup> classe, conformément à l'Article XXVIII du Règlement pour l'Exécution de la Convention de Paris.

Le Conseil Fédéral saisit cette occasion pour renouveler à son Excellence M. le Ministre les assurances de sa haute considération.

Au nom du Conseil Fédéral Suisse :

*WELTI, Président de la Confédération.*

*SCHIESS, Chancelier de la Confédération.*

\* See Vol. 14. Page 1014.



SWISS NOTIFICATION of the Accession of Barbadoes and St. Vincent to the Universal Postal Union of June 1, 1878. Berne, June 30, 1881.

M. LE MINISTRE, Berne, le 30 Juin, 1881.

EN conformité de l'Article XVIII de la Convention de Paris du 1<sup>er</sup> Juin, 1878,\* concernant l'Union Postale Universelle, nous avons l'honneur d'informer votre Excellence :

1. Que le Gouvernement de Sa Majesté Britannique a déclaré, par voie diplomatique, adhérer à cette Convention, et conséquemment aussi au Règlement d'Exécution y relatif, pour les Colonies des Iles de la Barbade et de St. Vincent ;

2. Que les Administrations des Postes de ces îles percevront comme équivalents, en conformité de l'Article IV du Règlement d'Exécution à la Convention de Paris, concernant l'Union Postale Universelle—

Pour 25 centimes .. .. .	2½ pence sterling.
„ 10 „ .. .. .	1 penny „
„ 5 „ .. .. .	½ „ „

3. Que la date de la dite accession est fixée au 1<sup>er</sup> Septembre, 1881.

4. Quant à la part contributive aux frais du Bureau International des Postes, les Iles de la Barbade et de St. Vincent seront comprises dans l'ensemble des Colonies Britanniques et rangées dans la 1<sup>re</sup> classe, conformément à l'Article XXVIII du Règlement pour l'Exécution de la Convention de Paris.

Nous saisissons cette occasion pour vous renouveler, M. le Ministre, les assurances de notre haute considération.

Au nom du Conseil Fédéral Suisse :

BAVIER, *Vice-Président.*

SCHIESS, *Chancelier de la Confédération.*

ACT of the Government of Canada, to amend and consolidate the several Acts relating to the North-West Territories.

[43 Vict., cap. 25.]

[Assented to May 7, 1880.]

WHEREAS it is expedient to amend and to consolidate as amended the several Acts relating to the North-West Territories of Canada : therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows :—

1. The Territories formerly known as “Rupert's Land” and

\* See Vol. 14. Page 1014.

the North-West Territory (with the exception of such portion thereof as forms the Province of Manitoba and the District of Keewatin), shall continue to be styled and known as the North-West Territories, and the word "Territories" in this Act means the said Territories.

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ACT of the Government of Canada, to make better provision respecting the Navigation of Canadian Waters. (*Collisions*.)

[43 Vict., cap. 29.]

[Assented to May 7, 1880.]

WHEREAS the regulations for preventing collisions between vessels navigating Canadian waters, embodied in the Act of the Parliament of Canada hereinafter mentioned, were founded upon those then in force for the like purpose in the United Kingdom:

And whereas in the exercise of the power given by the Act of the Parliament of the United Kingdom known as "The Merchant Shipping Act Amendment Act, 1862,"\* Her Majesty, acting on the joint recommendation of the Admiralty and the Board of Trade, has, by an Order in Council bearing date the 14th day of August, 1879,† annulled the regulations aforesaid, and has substituted for them others of the tenor and effect of those embodied in this Act (except only as to rafts and the harbour of Sorel), and has directed that they shall come into force on the 1st day of September, 1880:

And whereas the Governments of the several foreign countries mentioned in the Schedule to this Act‡ have already, under the provisions made in the said Act, agreed that the said regulations shall apply to the ships of such countries, respectively, when beyond the limits of British jurisdiction, and it is highly expedient and desirable that they should be extended to and prevail throughout all the waters of the Dominion of Canada:

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act shall come into force on the 1st day of September next after its passing, and on and after the said day the Act of the Parliament of Canada passed in the 31st year of Her Majesty's reign, and intituled "An Act respecting the Navigation of Canadian waters," § and the enactments extending it to the Provinces of Manitoba, British Columbia, and Prince Edward Island, respectively, shall be repealed, except only as regards offences committed against or liabilities incurred under

\* 25 & 26 Vict., c. 63. See Vol. 11. Page 328.

† For list of Countries, see Page 940.

‡ See Page 933.

§ 31 Vict., c. 58.

the said Act before the said day, with respect to which, and all proceedings relating to which, the said Act shall remain in force; but the repeal of the said Act shall not revive any Act or provision of law thereby repealed.

#### REGULATIONS FOR PREVENTING COLLISIONS.\*

2. And with respect to lights, fog-signals, steering and sailing, and rafts, the following rules shall, on and after the day last aforesaid, apply to all the rivers, lakes, and other navigable waters within the Dominion of Canada, or within the jurisdiction of the Parliament thereof; that is to say:—

[For Articles 1 to 26, see Pages 935 to 940.]

##### *Rafts and Harbour of Sorel.*

(27.) Rafts, while drifting or at anchor on any of the waters of Canada, shall have a bright fire kept burning on them from sunset to sunrise. Whenever any raft is going in the same direction as another which is ahead, the one shall not be so navigated as to come within 20 yards of the other, and every vessel meeting or overtaking a raft shall keep out of the way thereof.

(a.) Rafts shall be so navigated and anchored as not to cause any unnecessary impediment or obstruction to vessels navigating the same waters.

(28.) Unless it is otherwise ordained by the Harbour Commissioners of Montreal, ships and vessels entering or leaving the Harbour of Sorel shall take the port side, anything in the preceding Articles to the contrary notwithstanding.

(29.) The rules of navigation contained in Articles 27 and 28 shall be subject to the provisions contained in Articles 23 and 24.

##### *Interpretation, Penalties, &c.*

3. In this Act the word "vessel" includes every description of vessel used in navigation; the word "ship" includes every description of vessel not propelled by oars; the expression "steam-ship" or "steam-boat" includes every vessel propelled wholly or in part by steam or by any machinery or power other than sails or oars; and the expression "ordinary practice of seamen," as applied to any case, means and includes the ordinary practice of skilful and careful persons engaged in navigating the waters of the Dominion of Canada in like cases; and the word "owner" includes the lessee or charterer of any vessel having the control of the navigation thereof.

\* New Regulations for preventing Collisions at Sea were annexed to the Order in Council of August 11, 1884.

4. No rule or bye-law of the Harbour Commissioners of Montreal, or the Trinity House of Quebec, or Quebec Harbour Commissioners, or other local rule or bye-law inconsistent with this Act, shall be of any force or effect; but so far as it is not inconsistent with this Act, any such rule or bye-law made by the said Harbour Commissioners of Montreal or Trinity House of Quebec, or Quebec Harbour Commissioners, or other competent local authority, shall be of full force and effect within the locality to which it applies.

5. All owners, masters, and persons in charge of any ship, vessel, or raft, shall obey the rules prescribed by this Act, and shall not carry and exhibit any other lights nor use any other fog-signals than such as are required by the said rules; and in case of wilful default, such master or person in charge, or such owner, if it appears that he was in fault, shall, for each occasion on which any of the said rules is infringed, incur a penalty not exceeding 200 dollars nor less than 20 dollars.

6. If in any case of collision it appears to the Court before which the case is tried, that such collision was occasioned by the non-observance of any of the rules prescribed by this Act, the vessel or raft by which such rules have been infringed shall be deemed to be in fault; unless it can be shown to the satisfaction of the Court that the circumstances of the case rendered a departure from the said rules necessary.

7. In case any damage to person or property arises from the non-observance by any vessel or raft of any of the rules prescribed by this Act, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of such raft, or of the deck of such vessel at the time, unless the contrary be proved, or it be shown to the satisfaction of the Court that the circumstances of the case rendered a departure from the said rules necessary; and the owner of the vessel or raft, in all civil proceedings, and the master or person in charge as aforesaid, or the owner,—if it appears that he was in fault,—in all proceedings, civil or criminal, shall be subject to the legal consequences of such default.

8. Provided always, that in any cause or proceeding for damages arising out of a collision between two vessels, or a vessel and a raft, if both vessels or both the vessel and the raft are found to have been in fault, the rules heretofore in force in the Court of Admiralty in England, and now in "Her Majesty's High Court of Justice," under "The Supreme Court of Judicature Act, 1873," so far as they are at variance with the rules in force in the Courts of Common Law, shall prevail, and the damages shall be borne equally by the two vessels, or the vessel and the raft, one-half by each.

9. Unless herein otherwise provided, all penalties incurred under this Act may be recovered in the name of Her Majesty,

by any Inspector of Steam-boats, or by any party aggrieved by any act, neglect, or wilful omission by which the penalty is incurred, before any two Justices of the Peace, on the evidence of one credible witness; and in default of payment of such penalty, such Justices may commit the offender to gaol for any period not exceeding three months; and, except as hereinafter provided, all penalties recovered under this Act shall be paid over to the Receiver-General, and shall be by him placed at the credit of and shall form part of "The Steam-boat Inspection Fund;" except always, that all penalties incurred for any offence against this Act shall, if such offence be committed within the jurisdiction of the Quebec Harbour Commissioners, or of the Harbour Commissioners of Montreal, be sued for, recovered, enforced, and applied in like manner as penalties imposed for the contravention of the bye-laws of the Harbour Commissioners within whose jurisdiction the offence is committed.

10. Every Inspector of Steam-boats shall, whenever he visits and inspects any steam-boat, examine whether such steam-boat is properly furnished with lights and with means of making fog-signals in pursuance of the rules prescribed by this Act, and shall for that purpose have all the powers vested in him by the Act passed in the 31st year of Her Majesty's reign [cap. 65], and intituled "An Act respecting the Inspection of Steam-boats, and for the greater Safety of Passengers by them," and the Acts amending it, for obtaining information as to the observance of the requirements of the said Acts, and shall refuse to grant any certificate with respect to any steam-boat which he finds to be not so provided, and shall report such steam-boat as unsafe to the Governor in Council, who shall, on such report, have all the powers mentioned in Section 30 of the said Act; and any Order in Council made on such report shall have the effect and be enforced in the manner provided by the said section.

11. Whenever foreign ships are within Canadian waters, the rules for preventing collision prescribed by this Act, and all provisions of this Act relating to such rules, or otherwise relating to collisions, shall apply to such foreign ships; and in any case arising in any Court of Justice in Canada concerning matters happening within Canadian waters, foreign ships shall, so far as regards such rules and provisions, be treated as if they were British or Canadian ships.

*Duty of Masters: Liability of Owners as to Collisions.*

12. In every case of collision between two ships, it shall be the duty of the person in charge of each ship, if and so far as he can do so without danger to his own ship and crew, to render to the other ship, her master, crew, or passengers (if

any) such assistance as may be practicable, and as may be necessary in order to save them from any danger caused by such collision; and also to give to the master or other person in charge of the other ship the name of his own ship and of her port of registry, or of the port or place to which she belongs, and also the names of the ports and places from which and to which she is bound; in case he fails to do so, and no reasonable excuse for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect, or default:

Every master or person in charge of a British or Canadian ship, who fails without reasonable cause to render such assistance, or to give such information as aforesaid, shall be deemed guilty of a misdemeanour; and if he is a certificated officer under Canadian authority, an inquiry into his conduct may be held, and his certificate may be cancelled or suspended.

13. The owners of any ship, whether British, Canadian, or foreign, shall not, in cases where all or any of the following events occur without their actual fault or privity, that is to say:—

(1.) Where any loss of life or personal injury is caused to any person being carried in such ship,—

(2.) Where any damage or loss is caused to any goods, merchandize, or other things whatsoever on board any such ship,—

(3.) Where any loss of life or personal injury is by reason of the improper navigation of such ship as aforesaid caused to any person in any other ship or boat,—

(4.) Where any loss or damage is by reason of the improper navigation of such ship as aforesaid caused to any other ship or boat, or to any goods, merchandize, or other things whatsoever on board any other ship or boat,—

be answerable in damages in respect of loss of life or personal injury, either alone or together with loss or damage to ships, boats, goods, merchandize, or other things, nor in respect of loss or damage to ships, goods, merchandize, or other things, whether there be in addition loss of life or personal injury or not, to an aggregate amount exceeding 38 dollars and 92 cents for each ton of the ship's tonnage,—such tonnage to be the registered tonnage in the case of sailing ships; and in the case of steam-ships the gross tonnage without deduction on account of engine-room;

(a.) In the case of any British or Canadian ship, such tonnage shall be the registered or gross tonnage, according to the British or Canadian law, and in the case of a foreign ship which has been or can be measured according to British or Canadian law, the tonnage as ascertained by such measurement shall, for the

purposes of this section, be deemed to be the tonnage of such ship ;

(b.) In the case of any foreign ship which has not been and cannot be measured according to British or Canadian law, the Deputy of the Minister of Marine and Fisheries shall, on receiving from or by direction of the Court hearing the case, such evidence concerning the dimensions of the ship as it may be found practicable to furnish, give a certificate under his hand, stating what would, in his opinion, have been the tonnage of such ship if she had been duly measured according to Canadian law, and the tonnage so stated in such certificate shall, for the purposes of this section, be deemed to be the tonnage of such ship.

14. Insurances effected against any or all of the events enumerated in the section last preceding, and occurring without such actual fault or privity as therein mentioned, shall not be invalid by reason of the nature of the risk.

*ACT of the Government of Canada, respecting Naturalization and Aliens.*

[44 Vict., cap. 13.]

— [Assented to March 21, 1881.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

*Interpretation Clause.*

1. In this Act, if not inconsistent with the context or subject-matter thereof—

“Disability” means the status of being an infant, lunatic, idiot, or married woman ;

“Officer in the Diplomatic Service of Her Majesty” means any Ambassador, Minister, or Chargé d’Affaires, or Secretary of Legation, or any person appointed by such Ambassador, Minister, Chargé d’Affaires, or Secretary of Legation to execute any duties imposed by “The Naturalization Act, 1870”\* (Imperial), on an officer in the Diplomatic Service of Her Majesty ;

“Officer in the Consular Service of Her Majesty” means and includes Consul-General, Consul, Vice-Consul, and Consular Agent, and any person for the time being discharging the duties of Consul-General, Consul, Vice-Consul, or Consular Agent ;

“Oath” includes affirmation in the case of a person allowed by law to affirm in judicial cases ;

\* 33 Vict., c. 14. See Vol. 13. Page 1149.

“County” includes a union of counties and a judicial district or other judicial division ;

“Alien” includes a statutory alien ;

“Subject” includes a citizen when the foreign country referred to is a Republic.

2. This Act shall not come into force until on, from and after a day to be appointed in that behalf by proclamation of the Governor published in the “Canada Gazette.”\*

3. This Act may be cited for all purposes as “The Naturalization Act, Canada, 1881.”

*Status of Aliens in Canada.*

4. Real and personal property of every description may be taken, acquired, held, and disposed of by an alien in the same manner and in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from, or in succession to an alien, in the same manner in all respects as through, from, or in succession to a natural-born British subject: Provided—

(1.) That this section shall not qualify an alien for any office, or for any municipal, parliamentary, or other franchise ;

(2.) That this section shall not entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him ;

(3.) That this section shall not affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the coming into force of this Act, or in pursuance of any devolution by law on the death of any person dying before the passing of this Act ;

(4.) That this section shall not qualify an alien to be the owner of a British ship.

5. Where Her Majesty has entered into a Convention with any foreign State to the effect that the subjects of that State who have been naturalized as British subjects may divest themselves of their status as British subjects, and where Her Majesty, by Order in Council, passed under the third section of “The Naturalization Act, 1870” (Imperial), has declared that such Convention has been entered into by Her Majesty, then, from and after the date of such Order in Council, any person being originally a subject of the State referred to in such Order, who has been naturalized as a British subject within Canada, may, within such limit of time as may be provided in the Convention, make a declaration of alienage, and from and after the date of his so making such declaration such person

\* The Act came into force, July 4, 1883, under Proclamation of June 20, 1883.



shall, within Canada, be regarded as an alien, and as a subject of the State to which he originally belonged as aforesaid.

6. A declaration of alienage may be made as follows:—If the declarant be in the United Kingdom, in the presence of any Justice of the Peace; if elsewhere in Her Majesty's dominions, in the presence of any Judge of any Court of civil or criminal jurisdiction, or of any Justice of the Peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose: if out of Her Majesty's dominions, in the presence of any officer in the Diplomatic or Consular Service of Her Majesty.

7. Any person who by reason of his having been born within the dominions of Her Majesty is a natural-born subject, but who also at the time of his birth became, under the law of any foreign State, a subject of such State, and is still such subject, may, if of full age, and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration of alienage such person shall within Canada cease to be a British subject. Any person who is born out of Her Majesty's dominions of a father being a British subject may, if of full age, and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration shall within Canada cease to be a British subject.

8. From and after the coming into force of this Act, an alien shall not be entitled to be tried by a jury *de medietate lingue*, but shall be triable in the same manner as if he were a natural-born subject.

#### *Expatriation.*

9. Any British subject who has at any time before, or may at any time after, the coming into force of this Act, when in any foreign State and not under any disability, voluntarily become naturalized in such State, shall from and after the time of his so having become naturalized in such foreign State, be deemed within Canada to have ceased to be a British subject, and be regarded as an alien: Provided—

(1.) That where any British subject has before the coming into force of this Act voluntarily become naturalized in a foreign State and yet is desirous of remaining a British subject within Canada, he may, at any time within two years after the coming into force of this Act, make a declaration that he is desirous of remaining a British subject, and upon such declaration (hereinafter referred to as a declaration of British nationality) being made, and upon his taking the oath of allegiance, the declarant shall be deemed to be and to have been continually a British subject within Canada, with this qualification,

that he shall not, when within the limits of the foreign State in which he has been naturalized, be deemed within Canada to be a British subject, unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a Treaty to that effect.

(2.) A declaration of British nationality may be made, and the oath of allegiance be taken as follows:—If the declarant be in the United Kingdom, in the presence of a Justice of the Peace; if elsewhere in Her Majesty's dominions, in the presence of any Judge of any Court of civil or criminal jurisdiction, or of any Justice of the Peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose; if out of Her Majesty's dominions, in the presence of any officer in the Diplomatic or Consular Service of Her Majesty.

*Naturalization and Resumption of British Nationality.*

10. An alien who, within such limited time before taking the oaths or affirmations of residence and allegiance and procuring the same to be filed of record as hereinafter prescribed, as may be allowed by order or regulation of the Governor in Council, has resided in Canada for a term of not less than three years, or has been in the service of the Government of Canada or of the Government of any of the Provinces of Canada, or of two or more of such Governments, for a term of not less than three years, and intends, when naturalized, either to reside in Canada, or to serve under the Government of Canada or the Government of one of the Provinces of Canada, or two or more of such Governments, may take and subscribe the oaths of residence and allegiance or of service and allegiance in Form (A) in the Schedule hereto, or to the like effect, and apply for a certificate in the Form (B) in the said Schedule.

11. Every such oath shall be taken and subscribed by such alien, and may be administered to him by any of the following persons, viz.:—A Judge of a Court of Record in Canada, a Commissioner authorized to administer oaths in any Court of Record in Canada, a Commissioner authorized by the Governor-General to take oaths under this Act, a Justice of the Peace of the county or district where the alien resides, a Notary Public, a Stipendiary Magistrate, a Police Magistrate.

12. The alien shall adduce in support of his application such evidence of his residence or service, and intention to reside or serve, as the person before whom he takes the oaths aforesaid may require; and such person, on being satisfied with such evidence, and that the alien is of good character, shall grant to such alien a certificate in the Form (B) in the Schedule hereto or to the like effect.

13. Such certificate shall be presented—

In Ontario, to the Court of General Sessions of the Peace of the county within the jurisdiction of which the alien resides, or to the Court of Assize or Nisi Prius during its sitting in such county;

In Quebec, to the Circuit Court in and for the circuit within the jurisdiction of which the alien resides;

In Nova Scotia, to the Supreme Court or to the Circuit Court during its sittings in the county within the jurisdiction of which the alien resides, or to the County Court of such county;

In New Brunswick, to the Supreme Court or the Court of Assize or Nisi Prius during its sitting in the county within the jurisdiction of which the alien resides, or to the County Court of such county;

In British Columbia, to the Supreme Court during its sittings in the electoral district within the jurisdiction of which the alien resides, or to the Court of Assize or Nisi Prius during its sittings in such electoral district, or to the County Court of such electoral district;

In Manitoba, to the Court of Queen's Bench during its sittings in the county within the jurisdiction of which the alien resides, or to the Court of Assize or Nisi Prius during its sittings in such county, or to the County Court of such county;

In Prince Edward Island, to the Supreme Court during its sittings in the county within which the alien resides, or to the Court of Assize or Nisi Prius during its sittings in such county, or to the County Court of such county;

In open Court, on the first day of some general sitting of such Court; and thereupon such Court shall cause the same to be openly read in Court; and, if during such sitting the facts mentioned in such certificate are not controverted, or any other valid objection made to the naturalization of such alien, such Court, on the last day of such sitting, shall direct that such certificate be filed of record in the Court.

14. In the North-West Territories and in the District of Keewatin, such certificate shall be presented to such authorities or persons as may be provided by order or regulation of the Governor-General in Council, and thereupon such authority or person shall take such proceedings with respect to such certificate, and shall cause the same to be filed of record in such way as may be provided by such order or regulation.

15. The alien shall, after the filing of such certificate, be entitled, under the seal of the Court if such certificate has been presented to a Court, to a certificate of naturalization in the Form (C) in the Schedule hereto annexed or to the like effect; and if the certificate has been presented to an authority or person, as provided by order or regulation of the Governor-General in Council, the alien shall be entitled to receive from such autho-

rity or person a certificate of naturalization authenticated as may be provided by such order or regulation.

16. The certificate granted to an alien who applies for naturalization on account of service under the Government, as provided by Section 10 hereof, shall be filed of record in the office of Her Majesty's Secretary of State for Canada, and thereupon the Governor-General in Council may authorize the issue of a certificate of naturalization to such alien in the Form (D) in the Schedule hereto or to the like effect.

17. An alien to whom a certificate of naturalization is granted shall within Canada be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject within Canada; with this qualification, that he shall not, when within the limits of the foreign State of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a Treaty or Convention to that effect.

18. A special certificate of naturalization may in manner aforesaid be granted to any person with respect to whose nationality as a British subject a doubt exists, and such certificate may specify that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be deemed a British subject; and the grant of such special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject. Such special certificate may be in the Form (E) in the Schedule hereto annexed or to the like effect.

19. An alien who has been naturalized previously to the coming into force of this Act may apply for a certificate of naturalization under this Act, and such certificate may be granted to such naturalized alien upon the same terms and subject to the same conditions upon which such certificate might have been granted if such alien had not been previously naturalized.

20. A natural-born British subject who has become an alien in pursuance of this Act or of any Act or law in that behalf, and is in this Act referred to as a "statutory alien," may, upon the same terms and subject to the same conditions as are required in the case of an alien applying for a certificate of naturalization, apply to the proper Court or authority or person in that behalf for a certificate hereinafter referred to as a "certificate of readmission to British nationality," readmitting him to the status of a British subject within Canada. Such certificate may be in the Form (E) in the Schedule hereto annexed or to the like effect.

21. A copy of the certificate of naturalization may be regis-

tered in the Land Registry Office of any county or district or registration division within Canada, and a copy of such registry certified by the registrar or other proper person in that behalf shall be sufficient evidence of the naturalization of the person mentioned therein, in all Courts and places whatsoever.

22. The Clerk of the Court by which the certificate of naturalization is issued shall, for all services and filings in connection with such certificate, be entitled to receive from such person the sum of 25 cents, and no more; and no further or other fee shall be payable for or in respect of such certificate. The Registrar shall, for recording a certificate of naturalization, be entitled to receive from the person producing the same for registry, the sum of 50 cents, and a further sum of 25 cents for every search and certified copy of the same, and no more.

23. A statutory alien to whom a certificate of readmission to British nationality within Canada has been granted shall, from the date of the certificate of readmission, but not in respect of any previous transaction, resume his position as a British subject within Canada; with this qualification, that within the limits of the foreign State of which he became a subject he shall not be deemed to be a British subject within Canada unless he has ceased to be a subject of that foreign State according to the laws thereof, or in pursuance of a Treaty or Convention to that effect.

24. Where any foreign State has, before or after the coming in force of this Act, entered into a Convention with Her Majesty to the effect that the subjects of that State who have been naturalized as British subjects may divest themselves of their status as subjects of such foreign State, and where such Convention or the laws of such foreign State require a residence in Canada of more than three years or a service under the Government of Canada or of any of the provinces of Canada, or of two or more of such provinces, of more than three years, as a condition precedent to such subjects divesting themselves of their status as such foreign subjects—an alien, being a subject of such foreign State, who desires to divest himself of his status as such subject, may, if at the time of taking the oath of residence or service he has resided or served the length of time required by such Convention or by the laws of the foreign State, instead of taking the oath showing three years' residence or service, take an oath showing residence or service for the length of time required by such Convention or by the laws of the foreign State; and the certificate to be granted to the alien under Section 12 hereof shall state the period of residence or service sworn to. The certificate of naturalization shall likewise state the period of residence or service sworn to, and the statement in such certificate of naturalization shall be sufficient

evidence of such residence or service in all Courts and places whatsoever.

25. An alien who, either before or after the coming into force of this Act, has, whether under this Act or otherwise, become entitled to the privileges of British birth in Canada, and who is a subject of a foreign State with which a Convention to the effect above mentioned has been entered into by Her Majesty, and who desires to divest himself of his status as such subject, and who has resided or served the length of time required by such Convention or by the laws of the foreign State, may take the oath of residence or service showing residence or service for the length of time required by such Convention or by the laws of the foreign State, and apply for a certificate (or a second certificate, as the case may be) of naturalization under this Act.

*National Status of Married Women and Infant Children.*

26. A married woman shall, within Canada, be deemed to be a subject of the State of which her husband is for the time being a subject.

27. A widow being a natural-born British subject, who has become an alien by or in consequence of her marriage, shall be deemed to be a statutory alien, and may, as such, at any time during widowhood, obtain a certificate of readmission to British nationality, within Canada, in manner provided by this Act.

28. Where the father being a British subject, or the mother being a British subject and a widow, becomes an alien in pursuance of this Act, every child of such father or mother who during infancy has become resident in the country where the father or mother is naturalized, and has, according to the laws of such country, become naturalized therein, shall, within Canada, be deemed to be a subject of the State of which the father or mother has become a subject, and not a British subject.

29. Where the father, or the mother being a widow, has obtained a certificate of readmission to British nationality within Canada, every child of such father or mother who during infancy has become resident within Canada with such father or mother shall be deemed to have resumed the position of a British subject within Canada, to all intents.

30. Where the father, or the mother being a widow, has obtained a certificate of naturalization within Canada, every child of such father or mother who during infancy has become resident with such father or mother within Canada shall, within Canada, be deemed to be a naturalized British subject.

31. Nothing in this Act contained shall deprive any married woman of any estate or interest in real or personal property to

which she may have become entitled previously to the coming into force of this Act, or affect such estate or interest to her prejudice.

32. The Governor-General in Council may by regulation provide for the following matters:—

(1.) The form and registration of declarations of British nationality ;

(2.) The form and registration of certificates of naturalization in Canada ;

(3.) The form and registration of certificates of readmission to the British nationality within Canada ;

(4.) The form and registration of declarations of alienage ;

(5.) The transmission to Canada for the purpose of registration or safe keeping, or of being produced as evidence, of any declarations or certificates made in pursuance of this Act, out of Canada, or of any copies of such declarations or certificates ; also of copies of entries contained in any register kept out of Canada in pursuance of or for the purpose of carrying into effect the provisions of this Act ;

(6.) With the consent of the Treasury Board, the imposition and application of fees in respect of any registration authorized to be made by this Act, and in respect of the making any declaration or the grant of any certificate authorized to be made or granted by this Act ;

(7.) The persons by whom the oaths may be administered under this Act ;

(8.) Whether or not such oaths are to be subscribed as well as taken, and the form in which such taking and subscription are to be attested ;

(9.) The registration of such oaths ;

(10.) The persons by whom certified copies of such oaths may be given ;

(11.) The transmission to Canada for the purpose of registration or safe keeping, or of being produced as evidence, of any oaths taken in pursuance of this Act out of Canada, or of any copies of such oaths ; also of copies of entries of such oaths contained in any register kept out of Canada in pursuance of this Act ;

(12.) The proof in any legal proceeding of such oaths ;

(13.) With the consent of the Treasury Board, the imposition and application of fees in respect of the administration or registration of any such oath.

The Governor-General in Council, by a further regulation, may repeal, alter, or add to any regulation previously made by him in pursuance of this section. Any regulation made by the Governor-General in Council in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if it had been enacted in this Act.

33. Any declaration authorized to be made under this Act may be proved in any legal proceeding by the production of the original declaration, or of any copy thereof certified to be a true copy by the Clerk or Acting Clerk of the Queen's Privy Council for Canada, or by any person authorized by regulations of the Governor-General in Council to give certified copies of such declaration, and the production of such declaration or copy shall be evidence of the person therein named as declarant having made the same at the date in the said declaration mentioned.

34. A certificate of naturalization or of readmission to British nationality may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by the Clerk or Acting Clerk of the Queen's Privy Council for Canada, or by any person authorized by regulations of the Governor-General in Council to give certified copies of such certificate; and the statement of the period of residence or service in a certificate of naturalization shall be sufficient evidence of such residence or service in all Courts and places whatsoever.

35. Entries in any register authorized to be made in pursuance of this Act may be proved by such copies and certified in such manner as may be directed by regulation of the Governor in Council, by the Clerk or Acting Clerk of the Queen's Privy Council for Canada, or by the Secretary of State; and the copies of such entries shall be evidence of any matters by this Act or by any regulation of the Governor in Council authorized to be inserted in the register.

36. Any Act passed during the present session touching documentary evidence shall apply to any regulation made by the Governor-General in Council, in pursuance of or for the purpose of carrying into effect any of the provisions of this Act.

*Miscellaneous.*

37. Where any British subject has, in pursuance of this Act, become an alien, he shall not thereby be discharged from any liability in respect of any acts done before the date of his so becoming an alien.

38. Each and every person who, being by birth an alien, had, on or before the coming into force of this Act, become entitled to the privileges of British birth, within any part of Canada, by virtue of any general or special Act of Naturalization in force in such part of Canada, shall hereafter be entitled to all the privileges by this Act conferred on persons naturalized under this Act.

39. Nothing in this Act contained shall repeal or in any manner affect the Act of the Legislature of Upper Canada.



passed in the 54th year of the reign of His late Majesty King George the Third, intituled "An Act to declare certain persons therein described Aliens, and to vest their estates in His Majesty," or any proceedings had under the said Act.

40. Nor shall anything in this Act contained repeal or in any manner affect the Act of the Legislature of the late Province of Canada, passed in the session held in the 4th and 5th years of Her Majesty's reign, cap. 7, intituled "An Act to secure to and confer upon certain inhabitants of this Province, the civil and political rights of Natural-born British Subjects,"\* or Sections 1, 2, and 3 of the Act of the said Legislature passed in the 12th year of Her Majesty's reign, cap. 197, intituled "An Act to repeal a certain Act therein mentioned, and to make better provision for the Naturalization of Aliens,"† or impair or affect the naturalization of any person naturalized under the said Acts, or either of them, or any rights acquired by such person or by any other party by virtue of such naturalization, all which shall remain valid and be possessed and enjoyed by such person or party respectively.

41. Every person who, being by birth an alien, did, prior to the 1st day of January, 1868, take the oaths of residence and allegiance required by the Naturalization Laws then in force in that one of the Provinces now forming the Dominion of Canada in which he then resided, shall within Canada be admitted to all

\* See Page 676.

† 12 Vict., c. 197, § 2, May 30, 1849. And be it enacted that all aliens who had their settled place of abode in either of the late Provinces of Lower or Upper Canada, before the 10th day of February, in the year of Our Lord 1841, and who are still resident in this Province, shall be and are hereby admitted to and confirmed in all the privileges of British birth, and shall be deemed, adjudged, and taken to be and to have been natural-born subjects of Her Majesty to all intents and purposes whatsoever, as if they and every of them had been born in this Province, and that the children or more remote descendants of every such person who may be dead shall be and are hereby admitted to the same privileges which such parents or ancestors, if living, could claim under this Act. Provided always, nevertheless, that none of such persons (except females) who have not taken the oath or affirmation of allegiance before some of Her Majesty's Justices of the Peace, or other person duly authorized by law to administer the same, shall be entitled to the benefit of this Act, unless they shall take such oath or affirmation before such Justice or other person as aforesaid.

§ 3. And be it enacted, that all aliens who had their settled place of abode in this Province on the 10th day of February, in the year of Our Lord 1848, not being of either of the descriptions of persons before mentioned who shall have resided, or shall continue to reside therein, or in some other part of Her Majesty's dominions, until they shall have been resident inhabitants thereof for the space of seven years continually without having been during that time stated residents in any foreign country, shall be and are hereby admitted to all the privileges of British birth, and shall be deemed, adjudged, and taken to be and to have been natural-born subjects of Her Majesty, to all intents and purposes whatsoever, as if they and every of them had been born in this Province. Provided always, nevertheless, that none of the persons described in this clause (except females) who have not taken the oath or affirmation of allegiance before some of Her Majesty's Justices of the Peace or other person duly authorized by law to administer the same shall be entitled to the benefit of this Act, unless they shall take such oath or affirmation before such Justice of the Peace or other person as aforesaid.

the rights and privileges of a natural-born British subject conferred upon naturalized persons by this Act; and the certificate of the Judge, Magistrate, or other person before whom such oaths were taken and subscribed, shall be evidence of his having taken them; or he may take and subscribe the oath in Form (G) in the Schedule hereto before some Judge, Justice, or person authorized to administer the oaths of residence and allegiance under this Act, in the county or district in which he resides.

42. All aliens who had their settled place of abode in either of the late Provinces of Upper Canada or Lower Canada or Canada, or in Nova Scotia or New Brunswick, on or before the 1st day of July, A.D. 1867, or in Rupert's Land or the North-West Territories on or before the 15th day of July, A.D. 1870, or in British Columbia on or before the 20th day of July, A.D. 1871, or in Prince Edward Island on or before the 1st day of July, A.D. 1873, and who are still residents in Canada, shall be deemed, adjudged, and taken to be, and to have been entitled to all the privileges of British birth within Canada as if they had been natural-born subjects of Her Majesty, subject to the following provision, that is to say:—That no such person (being a male) shall be entitled to the benefit of this Act unless nor until he shall take the oaths of allegiance and residence in the form prescribed by this Act, before some Justice of the Peace or other person authorized to administer oaths under this Act.

43. The oaths taken under the last preceding section shall be filed of record,—if the person making them resides in the Province of Ontario, with the Clerk of the Peace of the county in which he resides,—if he resides in the Province of Quebec, with the Clerk of the Circuit Court of the circuit within which he resides,—if he resides in Nova Scotia, with the Clerk of the Supreme Court,—and if he resides in New Brunswick, with the Clerk of the Supreme Court,—if he resides in British Columbia or Prince Edward Island, with the Clerk of the Supreme Court,—if he resides in Manitoba, with the Clerk of the Court of Queen's Bench, or with the Clerk of the County Court of the county in which he resides,—if he resides in the North-West Territories or in the District of Keewatin, with such person or authority as may be provided by order or regulation of the Governor-General in Council; and upon its being so filed, the person making it shall be entitled to the benefit of this Act and of the privileges of British birth within Canada, and shall also, upon payment of a fee of 25 cents, be entitled to a certificate from the person with whom the oaths have been filed, in the Form (H) of the Schedule hereto or to the like effect; and the production of such certificate shall be *prima facie* evidence of his naturalization under this Act, and that he is entitled to and enjoys all the rights and privileges of a British subject.

44. The Governor in Council may appoint, from time to time, Commissioners to take and administer oaths under this Act.

*Penalty for false Swearing.*

45. Any person wilfully swearing falsely, or making any false affirmation under this Act, shall be deemed guilty of wilful and corrupt perjury, and shall, on conviction, in addition to any other punishment authorized by law, forfeit all the privileges or advantages which he or she would otherwise, by making such oath or affirmation, have been entitled to under this Act: but the rights of others in respect to estates derived from or held under him or her shall not thereby be prejudiced, excepting always such others as shall have been cognizant of the perjury at the time the title by which they claim to hold under him or her was created.

46. After the coming into force of this Act, no alien shall be naturalized within Canada, except under the provisions of this Act.

[Schedule of Forms.]

*ACT of the Government of Canada, to provide for the correspondence of certain provisions of the Act respecting the Navigation of Canadian Waters with the provisions for like purposes in force in the United Kingdom. (Collisions.)*

[44 Vict. cap. 20.] — [Assented to March 21, 1881.]

WHEREAS Her Majesty, acting on the joint recommendation of the Admiralty and the Board of Trade, by Order in Council of the 24th day of March, 1880, suspended until the 1st day of September, 1881, the operation of certain provisions of the regulations for preventing collisions on navigable waters, which, by Order of Her Majesty in Council of the 14th day of August, 1879,\* were substituted for those theretofore in force for like purposes in the United Kingdom, and continued during such suspension certain provisions on the same subject theretofore in force in the United Kingdom; and it is expedient to make corresponding provision as respects the navigation of Canadian waters, and to vest certain powers in the Governor in Council for like purposes in case of any future alteration of the Imperial regulations: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. During the suspension of the said provisions in the United Kingdom, the operation of Article 10 of Section 2 of the Act passed in the 43rd year of Her Majesty's reign, and intituled "An Act to make better provision respecting the Navigation of Canadian Waters,"† shall be suspended, and Article 9 of

\* See Page 933.

† See Page 968.

Section 2 of the Act passed in the 31st year of Her Majesty's reign, and intituled "An Act respecting the Navigation of Canadian Waters," shall be revived and be in force.

2. And if Her Majesty, acting as aforesaid, should be pleased hereafter to annul or modify any of the said regulations of the 14th August, 1879, or to make new regulations in addition thereto or in substitution therefor,\* then the Governor in Council may, from time to time, make corresponding changes as respects Canadian waters in the regulations contained in Section 2 of the Act first above cited, or any that may have been substituted for them, or may suspend them, or any of them, and make others in their stead, or may revive all or any of the said regulations in the Act secondly above cited, as he may deem best for ensuring the correspondence of the Canadian and Imperial regulations.

*ACT of the Government of Canada, to extend to British Columbia the Act relating to Fishing by Foreign Vessels.*

[46 Vict., cap. 27.] — [Assented to May 25, 1883.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Act 31 Vict., cap. 61, intituled "An Act respecting Fishing by Foreign Vessels,"† is hereby extended to the Province of British Columbia.

*ACT of the Government of Canada, to make Provision for the taking of Evidence in relation to Criminal Matters pending in Courts of Justice in any other of Her Majesty's Dominions or before Foreign Tribunals.*

[46 Vict., cap. 35.] — [Assented to May 25, 1883.]

WHEREAS since Section 24 of the Act of the Imperial Parliament 33 and 34 Vict., cap. 52, intituled "An Act for amending the Law relating to the Extradition of Criminals,"‡ ceased to be in force in Canada, there is no provision for obtaining the testimony of witnesses in relation to any criminal matter pending in any Court or Tribunal in a foreign State in like manner as it may be obtained in relation to any civil matter: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

\* New Regulations for preventing Collisions at Sea were annexed to the Order in Council of August 11, 1884.

† See Vol. 13. Page 1107.

‡ See Vol. 13. Page 1201.

1. The testimony of any witness may be obtained in relation to any criminal matter pending in any Court in any other of Her Majesty's dominions or before any foreign tribunal in like manner as it may be obtained in relation to any civil matter under the Act 31 Vict., cap. 76, intituled "An Act to provide for taking evidence in Canada in relation to Civil and Commercial Matters pending before Courts of Justice in any other of Her Majesty's Dominions or before Foreign Tribunals,"\* and all the provisions of that Act shall be construed as if the term "civil" matter included a criminal matter and the term "cause" included a proceeding against a criminal: Provided that nothing in this Act shall apply in the case of any criminal matter of a political character.

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BRITISH CIRCULAR, *notifying the Accession of the Cape of Good Hope to the International Telegraphic Convention of July 22, 1875. London, December 9, 1881.*

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CIRCULAR.

*Foreign Office, December 9, 1881.*

ARTICLE XVIII† of the International Telegraph Convention requires that adhesions to that Convention should be notified to the signatory Powers by the country in which the last Conference was held; and this duty, therefore, devolves at present on Great Britain:

I have consequently to request you to inform the Government to which you are accredited that the British Colony of the Cape of Good Hope has signified its adhesion to the Convention in question,‡ stating at the same time that the terminal and transit rates of the Cape Colony on international telegrams will be 2*d.* a word, and that it will rank in the fourth class of States contributing under Article LXXXVI of the Convention to the expenses of the International Telegraph Office.

I am, &c.,

GRANVILLE.

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ORDINANCE of the Government of Ceylon, to make temporary provision for securing the Status of French Mail Steamers, within the Ports of that Colony.

[No. 7.]

[December 7, 1881.]

BE it enacted by the Governor of Ceylon, with the advice of the Legislative Council thereof, as follows:—

\* See Vol. 14. Page 788.

† See Vol. 14. Page 98.

‡ Date of accession, January 1, 1882.

1. The steam-packets of the *Compagnie des Messageries Maritimes*, employed by the French Post Office in carrying mails to and from this Colony, shall, when in the ports of this Colony, be considered and treated as vessels of war, and shall be entitled to all the rights, privileges, and immunities of vessels of war, and shall not for any cause be diverted from their special duties, or be liable to seizure or detention by order of any Court or Judge.

2. Nothing contained in this Ordinance, and no rights or privileges hereby granted, shall affect the rights of Her Majesty the Queen, her heirs or successors.

3. This Ordinance shall continue in force until the 31st December, 1882.

Passed in Council the 30th day of November, 1881.

J. A. SWETTENHAM, *Clerk to the Council*.

Assented to by his Excellency the Governor this 7th day of December, 1881.

J. DOUGLAS, *Colonial Secretary*.

BRITISH LETTERS PATENT, *declaring the Island of Rotumah and its Dependencies part of the Queen's Dominions, and annexing the same to the Colony of Fiji. Westminster, December 17, 1880.\**

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India: To all to whom these Presents shall come, Greeting.

WHEREAS the Chiefs of the Island of Rotumah, in the Western Pacific Ocean, have prayed us that we would rule their Island and receive them as our subjects: And whereas we are minded to accede to the prayer of the said Chiefs, and to accept the said Island and its Dependencies as part of our Dominions, and to provide for the good government of the inhabitants thereof, and for that purpose to provide that the said Island and its Dependencies shall be annexed to and form part of our Colony of Fiji: Now, therefore, we do hereby authorize our Governor for the time being of our Colony of Fiji, by Proclamation under his hand and the Public Seal of our said Colony, to declare that the Island of Rotumah and its Dependencies, that is to say, all islands, rocks, reefs, and fisheries lying between the 12° and 15° of south latitude and between the 175° and 180° of east longitude from the meridian of Greenwich shall thenceforth form part of our Dominions.

\* Notified in the "London Gazette" of December 31, 1880.

2. And we do hereby further authorize our Governor for the time being of our said Colony of Fiji, by the same or any other Proclamation under his hand and the Public Seal of our said Colony, to declare that, from and after a day to be therein named, the said Island of Rotumah and its Dependencies, as above described, shall be annexed to and form part of our said Colony of Fiji; and we do hereby declare that, on and after the day so to be named, the said Island of Rotumah and its said Dependencies shall form part of our said Colony of Fiji, and shall be subject to the laws from time to time in force therein.

3. And we do hereby appoint and declare that, on and after such day, all such powers of government and legislation as are from time to time vested in our Governor or other the person for the time being administering the government of our Colony of Fiji, and in the Legislative Council thereof, shall apply and extend to the said Island of Rotumah and its said Dependencies, as fully as if the said Island and its Dependencies had at all times formed part of our said Colony.

4. And we do hereby reserve to ourselves, our heirs and successors, full power and authority from time to time to revoke, alter, or amend these our Letters Patent, as to us or them shall seem meet.

5. And we do direct and enjoin that these our Letters Patent shall be read and proclaimed in the said Island of Rotumah, and in such place or places within our Colony of Fiji as our said Governor shall think fit.

In witness whereof we have caused these our Letters to be made Patent. Witness ourself at Westminster, the 17th day of December, in the 44th year of our reign.

By Warrant under the Queen's Sign Manual.

PALMER.

BRITISH ORDER IN COUNCIL, *respecting the Jurisdiction of the Supreme Court of Gibraltar.* Windsor, February 14, 1883.

*At the Court at Windsor, the 14th day of February, 1883.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Order made by Her Majesty in Council on the 18th day of November, 1867,\* it was ordered that except as therein mentioned the law of England as it existed on the 22nd day of August, 1867, should be thereafter in force in Gibraltar, so far as it might be applicable to the circumstances thereof:

\* See Vol. 13. Page 1106.

And whereas it is expedient to amend the said Order :

And whereas doubts have arisen as to the jurisdiction of the Supreme Court of Gibraltar, and it is expedient that such doubts should be set at rest :

And whereas the Orders in Council, Ordinances, and Proclamation mentioned in the Schedule to this Order in Council may be regarded as spent, or have by lapse of time and change of circumstances become unnecessary, and it is expedient that the same should be expressly and specifically revoked and repealed :

It is hereby ordered by Her Majesty, by and with the advice of her Privy Council, as follows :—

1. Clause 2 of the said Order in Council of the 18th day of November, 1867, is hereby revoked.

2. Except in respect of matters which now are or hereafter may be provided for by any Order in Council or Local Ordinance for the time being in force in Gibraltar (other than those hereby revoked or repealed), or by certain Letters Patent dated the 1st day of September, 1830, and commonly called the Charter of Justice, or by any Act of Parliament expressly or by necessary inference extending to Gibraltar, or by any Proclamation or other instrument issued under the authority of such Order in Council, Local Ordinance, Charter of Justice, or Act of Parliament, the law of England as it existed on the 31st day of December, 1882, shall be hereafter in force in the city, garrison, and territory of Gibraltar, so far as it may be applicable to the circumstances thereof.

3. Notwithstanding anything contained in the said Charter of Justice, the Supreme Court of Gibraltar shall hereafter have and be capable of exercising in the city, garrison, and territory of Gibraltar the civil jurisdiction which is in England vested in and capable of being exercised by Her Majesty's High Court of Justice, except such jurisdiction as before the commencement of "The Supreme Court of Judicature Act, 1873," was vested in the High Court of Admiralty or the Court for Divorce and Matrimonial Causes.

4. The said Charter of Justice shall henceforth be construed and take effect as if instead of the words "Our Courts of Record at Westminster," wherever the words occur therein the words "the Supreme Court of Judicature in England" had been inserted therein.

5.\* Neither the Supreme Court of Gibraltar nor any other Court having jurisdiction in criminal cases within the garrison and territory of Gibraltar, except a court-martial, has or shall have jurisdiction in criminal cases over any officer, soldier, or other person in actual pay as a member of the garrison, except in cases of contempt of Court. Provided that no person in

\* Altered by Order in Council of February 2, 1884.



actual pay as a member of the garrison shall be arrested or imprisoned for any contempt of Court committed by him (except by order of a court-martial) without the leave of the Governor first obtained in writing, and that any such person having been so arrested or imprisoned with the leave of the Governor may at any time be discharged from such arrest or imprisonment by order in writing signed by the Governor.

6. The Orders in Council, Ordinances, and Proclamation described in the Schedule to this Order are hereby revoked and repealed to the extent in the third column of the said Schedule mentioned.

Provided that such revocation and repeal shall not revive or restore any Order in Council, Ordinance, or Enactment which has been revoked or repealed by any Order in Council, Ordinance, or Proclamation hereby revoked or repealed.

And the Right Honourable the Earl of Derby, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

THE SCHEDULE.

*Orders in Council.*

Date.	Subject-matter.	Extent of repeal.
1850. 19th June ..	Order in Council to empower the Governor of Gibraltar to grant certificates or other papers in favour of vessels registered at Gibraltar or wholly belonging to persons actually residing there.	The whole.*
1866. 10th November ..	Order in Council declaring the gold coin of the Sydney Mint a legal tender in Gibraltar, amongst other parts of Her Majesty's dominions, put in force in Gibraltar from this date by Proclamation dated 20th December, 1866.	The whole.

[Here follows a list of Ordinances and Proclamations wholly or partially repealed.]

SWISS NOTIFICATION of the Accession of Grenada, St. Lucia, Tobago, and Turk's Islands to the Universal Postal Union of June 1, 1878. Berne, January 21, 1881.

Berne, le 21 Janvier, 1881.

EN conformité de l'Article XVIII de la Convention de Paris du 1<sup>er</sup> Juin, 1878,† concernant l'Union Postale Universelle, le

\* See Vol. 8. Page 473.

† See Vol. 14. Page 1014.

Conseil Fédéral a l'honneur d'informer son Excellence M. le Ministre des Affaires Étrangères :

1. Que le Haut Gouvernement de Sa Majesté Britannique a déclaré, par voie diplomatique, adhérer à cette Convention, et conséquemment aussi au Règlement d'Exécution y relatif, pour les Colonies de la Grenade, de St. Lucie, de Tabago, et des Iles Turques (Indes Occidentales) ;

2. Que les Administrations des Postes de ces îles percevront, comme équivalents, en conformité de l'Article 4 du Règlement d'Exécution à la Convention de Paris, concernant l'Union Postale Universelle :—

Pour 25 centimes .. .. .	2½ pence sterling.
„ 10 „ .. .. .	1 penny „
„ 5 „ .. .. .	½ „ „

3. Que la date de la dite accession est fixée au 1<sup>er</sup> Février, 1881. Quant à la part contributive aux frais du Bureau International des Postes (Article 28 du Règlement d'Exécution précité), les îles susmentionnées seront comprises dans l'ensemble des Colonies Britanniques, et rangées dans la 1<sup>ère</sup> classe, conformément à l'Article 28 du Règlement pour l'exécution de la Convention de Paris.

Le Conseil Fédéral saisit cette occasion pour renouveler à son Excellence M. le Ministre les assurances de sa haute considération.

Au nom du Conseil Fédéral Suisse,

DROZ, *Vice-Président.*

SCHIESS, *Chancelier de la Confédération.*

ORDINANCE of the Governor of Hong Kong, with the advice of the Legislative Council thereof, entitled "An Ordinance to make temporary provision for securing the status of French Mail Steamers within the Ports of the Colony of Hong Kong."

[44 Vict., No. 6.]

[August 31, 1880.]

BE it enacted by the Governor of Hong Kong, with the advice of the Legislative Council thereof, as follows :—

1. The steam-packets of the Compagnie des Messageries Maritimes, employed by the French Post Office in carrying mails to and from this Colony, shall, when in the ports of this Colony, be considered and treated as vessels of war, and shall be entitled to all the rights, privileges, and immunities of vessels of war, and shall not for any cause be diverted from their special duties, or be liable to seizure or detention by order of any Court or Judge.

2. Nothing contained in this Ordinance, and no rights or privileges hereby granted, shall affect the rights of Her Majesty the Queen, her heirs or successors.

3. This Ordinance shall continue in force until the 1st day of September, 1881, inclusive.\*

Passed the Legislative Council of Hong Kong, this 31st day of August, 1880.

J. M. D'ALMADA E CASTRO, *Acting  
Clerk of Councils.*

ORDINANCE of the Governor of *Hong Kong*, with the advice of the Legislative Council thereof, entitled "*The Banishment and Conditional Pardons Ordinance, 1882*" (*Removal of Aliens*).

[No. 8.]

[March 1, 1882.]

BE it enacted by the Governor of Hong Kong, with the advice of the Legislative Council thereof, as follows:—

1. In the construction of this Ordinance, the expression "order of banishment" means an order of the Governor in Council, prohibiting a person from residing or being within this Colony for a term not exceeding five years.

2. When any person not being a natural-born or naturalized subject of Her Majesty, having been convicted of any offence punishable by imprisonment, has within 12 months after the expiration of any term of imprisonment which he may have suffered for such offence, been convicted of any offence punishable by imprisonment, such person may at any time be required by any Magistrate to find reasonable security for his appearance in any Court for any purpose, and at any time within 12 months, and every adjudication to that effect shall be made in open Court, and reported forthwith to the Governor and such person not finding such security shall be deemed a person dangerous to the peace of the Colony.

3. The Governor in Council may, by order, prohibit any person not being a natural-born or naturalized subject of Her Majesty from residing or being within this Colony during any space of time not exceeding five years, and may by the same or any subsequent order fix the time for the departure of such person from the Colony. Every order made under this section, prohibiting any person from residing or being within this Colony, shall contain a statement of the grounds upon which it is made.

4. Every person who has been prohibited by order of the Governor in Council from residing or being within this Colony

\* It was enacted by Ordinance No. 11 of April 10, 1884, that this Ordinance should continue in force until the 1st of September, 1885.

for any space of time not exceeding five years under the provisions of this or any other Ordinance, and who without lawful authority or excuse, the proof of which shall lie upon him, is in this Colony after the date of such order, or after the time fixed for his departure, and before the expiration of the term of his banishment, shall be guilty of a misdemeanour, and upon conviction thereof shall be liable to imprisonment, with or without hard labour, for any period not exceeding one year: Provided that in all cases in which the prisoner when brought before a Magistrate upon such charge shall plead guilty thereto, it shall be lawful for the Magistrate to deal summarily with the case, instead of committing the prisoner for trial at the Supreme Court.

5. The Governor may in his discretion grant to any offender convicted of any crime a pardon subject to either of the following conditions, as the case may be, viz.: That such offender shall quit the Colony and not afterwards be found at large therein; or that such offender shall, in lieu of a sentence of death which may have been passed upon him by any Court of competent jurisdiction, suffer such term of imprisonment, with or without hard labour, or penal servitude, as the Governor may think fit.

6. If any offender to whom a pardon has been granted either before or after the passing of this Ordinance, on the condition of his quitting the Colony, be afterwards found at large therein without lawful authority or excuse, the proof whereof shall lie upon him, he shall be guilty of a felony or of a misdemeanour, according to the nature of the offence for which he received such conditional pardon, and shall, on conviction, be liable to any sentence not exceeding the whole of his original or commuted sentence, such sentence to commence from the date at which he is tried and convicted under this Ordinance: Provided that in all cases in which the prisoner when brought before a Magistrate upon such charge shall plead guilty thereto, it shall be lawful for the Magistrate to deal summarily with the case, and to remit him to gaol to undergo any sentence not exceeding the whole of his original or commuted sentence, instead of committing him for trial at the Supreme Court.

7. If it appears fit to the Governor in Council, the Governor in Council may issue a new order of banishment against any person who has been convicted of an offence against Section 4 of this Ordinance, and such order shall commence to take effect during or at the expiration of any term of imprisonment to which the prisoner has been sentenced.

8. If it appears fit to the Governor in Council, the Governor in Council may issue an order of banishment against any person who has been convicted of an offence against Section 6 of this

Ordinance, and such order shall commence to take effect during or at the expiration of any term of imprisonment to which the prisoner has been sentenced.

9. Any person who knowingly harbours or conceals in the Colony of Hong Kong any person whose banishment has been ordered, shall, on conviction thereof before a Magistrate, be liable to a fine not exceeding 50 dollars, or in default of payment to be imprisoned with or without hard labour for any term not exceeding six months.

10. The following enactments are hereby repealed, viz:—

Ordinance 14 of 1845,—Section 2, sub-section 17, from the words “shall beg,” to the words “alms or,” inclusive.

„ 9 of 1857,—All sections, except Section 8, not previously repealed.

„ 8 of 1858,—Section 21 and Section 28, sub-section 9, from the words “at the discretion” to the words “the Court and” inclusive, and from the words “to his native” to the words “any other place” inclusive.

„ 1 of 1860,—The whole.

„ 9 of 1867,—Section 17.

„ 16 of 1870, } The whole.

„ 4 of 1871, }

„ 5 of 1871, }

Provided that such repeal shall not affect the past operation of any such enactment or anything done or suffered thereunder.

11. This Ordinance shall not come into operation until Her Majesty's confirmation thereof is proclaimed by the Governor.\*

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BRITISH ORDER IN COUNCIL, *respecting Certificates of Competency for Foreign-going Ships, granted by the Governor of Hong Kong. Osborne, December 31, 1883.*

*At the Court at Osborne House, Isle of Wight, the 31st day of December, 1883.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

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WHEREAS by “The Merchant Shipping (Colonial) Act 1869” [32 Vict., cap. 11, § 8], it is (among other things) enacted:

[See Vol. 13. Page 1131.]

\* Her Majesty's confirmation was proclaimed at Hong Kong, July 7, 1882.

And whereas the Legislature of the British Possession of Hong Kong has, by "The Merchant Shipping Consolidation Ordinance of 1879," provided for the examination of and grant of Certificates of Competency for foreign-going ships to persons intending to act as masters, mates, or engineers on board British ships, which certificates are hereinafter denominated Colonial Certificates of Competency, and the Board of Trade have reported to Her Majesty that they are satisfied that the said examinations are so conducted as to be equally efficient as the examinations for the same purpose in the United Kingdom under the Acts relating to Merchant Shipping, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under the said Acts, and are liable to be forfeited for the like reasons and in the like manner:

Now, therefore, Her Majesty, in exercise of the powers vested in her by the said first recited Act, by and with the advice and consent of her Privy Council, is pleased—

1. To declare that the Colonial Certificates of Competency for foreign-going ships, granted by the Governor of the said Possession of Hong Kong, shall be of the same force as if they had been granted under the said Acts.

2. To declare that all the provisions of the said Acts which relate to Certificates of Competency for the foreign trade granted under these Acts, except so much of Section 139 of "The Merchant Shipping Act, 1854,"\* and Section 10 of "The Merchant Shipping Amendment Act, 1862,"† as requires the delivery by the Board of Trade to any master, mate, or engineer of a copy of any certificate to which he appears to be entitled as therein mentioned, so much of the third paragraph of Section 23 of the said last-mentioned Act as requires at the conclusion of a case relating to the cancelling or suspending of a certificate, such certificate if cancelled or suspended to be forwarded to the Board of Trade, and the whole of the provisions of the fourth paragraph of the same section shall apply to such Colonial Certificates of Competency.

3. To impose and make the conditions and regulations set out in the Schedule hereto, numbered 1 to 10 respectively, with respect to the said Colonial Certificates of Competency, and the use, issue, delivery, cancellation, and suspension thereof, and to impose for the breach of such conditions and regulations the penalties therein mentioned.

This Order shall take effect in the said Possession of Hong Kong from and after the 1st day of January, 1884.

C. L. PEEL.

\* 17 & 18 Vict., c. 104.

† 25 & 26 Vict., c. 63.

## SCHEDULE.

CONDITIONS AND REGULATIONS imposed and made by the Board of Trade with respect to the use, issue, delivery, cancellation, and suspension of Colonial Certificates of Competency.

*Interpretation Clause.*

In the construction and for the purposes of these conditions and regulations, the following terms shall have the respective meanings hereinafter assigned to them, that is to say:—

“Colonial Certificate of Competency” shall mean a certificate of competency for foreign-going ships, authorized to be granted by the Legislative Authority of the British Possession of Hong Kong, to persons intending to act as masters, mates, or engineers on board British ships on similar principles and conditions as those granted under the Imperial Acts relating to Merchant Shipping;

“Authority” shall mean the Governor of the said Possession of Hong Kong.

## REGULATIONS AND CONDITIONS.

*Form of Certificate.*

1. A Colonial Certificate of Competency shall be on parchment, and as nearly as possible similar in shape and form to the corresponding Certificate of Competency for the foreign trade granted by the Board of Trade under the Acts relating to merchant shipping.

*Name of Possession to be inserted.*

2. A Colonial Certificate of Competency shall have the name of the British Possession in which the same is granted, inserted prominently on its face and back.

*Certificates to be numbered consecutively.*

3. The Colonial Certificates of Competency granted in each British Possession shall be numbered in consecutive order.

*Lists of Certificates granted, cancelled, &c., to be sent to Registrar-General of Seamen.*

4. The authority in each British Possession shall furnish the Registrar-General of Seamen in London, from time to time, with accurate lists of all such Colonial Certificates of Competency as may be granted therein, or as may for any cause whatsoever be cancelled, suspended, renewed, or re-issued; and shall also furnish him with duplicates of the applications for

examination, made by the person to whom such certificates are granted.

*Certificates to be granted only upon Proof of Service at Sea.*

5. A Colonial Certificate of Competency shall be granted only upon proof that the previous service at sea of the person applying for the same has been such as is required by the regulations for the time being in force in the United Kingdom with respect to certificates of the like grade.

Certificates of Competency granted contrary to this regulation, or upon any false, incorrect, or insufficient proof, certificate, or report of service, qualification, conduct, or character shall be regarded as improperly granted.

*Certificates not to be granted when former are cancelled.*

6. A Colonial Certificate of Competency shall not be granted to any person who may have had a certificate, whether granted by the Board of Trade or by the Government of a British Possession, cancelled or suspended under the provisions of the said Acts or of any Act for the time being in force in any part of Her Majesty's dominions, unless the period of suspension has expired, or unless intimation has been received from the Board of Trade, or the authority by whom the cancelled or suspended certificate was originally granted, to the effect that no objection to the grant of such Colonial Certificate is known to exist, or unless a new certificate has been granted to him by such Board or authority; and in the last-named event no such Colonial Certificate of Competency shall be for a higher grade than the certificate so last granted as aforesaid.

Colonial Certificates of Competency granted contrary to this regulation shall be regarded as improperly granted.

*Certificates improperly granted may be cancelled without formal investigation.*

7. A Colonial Certificate of Competency which appears from information subsequently acquired, or otherwise, to have been improperly granted, whether in the above or in any other respect, may be cancelled by the authority by which the same was granted, or by the Board of Trade in the United Kingdom, without any formal investigation under "The Merchant Shipping Act, 1854," and the holder of such certificate shall thereupon deliver it to the Board of Trade or such authority, or as they or either of them may direct, and in default thereof shall incur a penalty not exceeding 50*l.*, which shall be recoverable in the same manner as penalties imposed by the Acts relating to Merchant Shipping are thereby made recoverable.



*Cancellation, &c., of a Certificate shall involve Cancellation of all other Certificates possessed by its Owner.*

8. Every decision with respect to the cancellation or suspension of a certificate pronounced by any Board, Court, or tribunal under the provisions of the said Acts shall extend equally to all the Colonial Certificates at the time possessed by the person in respect of whom the decision is made, as well as to all certificates granted to him under any of the Acts relating to Merchant Shipping, and whether such certificates be specified in such decisions or not.

*Certificates believed to be fraudulent may be demanded.*

9. Any officer of the Board of Trade, or the Registrar-General of Seamen, or any of his officers, or a superintendent of a mercantile marine office, or a Consular officer, or duly appointed shipping officer in a British Possession, may demand the delivery to him of any Colonial Certificate of Competency which he has reason to believe has been improperly issued, or is forged, altered, cancelled, or suspended, or to which the person using it is not justly entitled, and may detain such certificate for a reasonable period for the purpose of making inquiries respecting such issue, forgery, alteration, cancellation, suspension, or possession, and any person who, without reasonable cause, neglects or refuses to comply with such demand, shall incur a penalty not exceeding 20*l.*, or its equivalent in local currency, which shall be recoverable in the same manner as penalties imposed by the Acts relating to Merchant Shipping are thereby made recoverable.

*Suspended Certificates to be re-issued only by Colony by which originally granted.*

10. A Colonial Certificate of Competency which has from any cause been cancelled or suspended, shall be renewed or reissued only by the authority by which the same was originally granted.

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BRITISH LETTERS PATENT, *for the Annexation of Morant and Pedro Cays to the Island of Jamaica. Westminster, March 3, 1882.\**

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VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India: To all to whom these presents shall come, greeting:

WHEREAS the islands known as the Morant Cays, situated in

\* Notified in the "London Gazette" of March 14, 1882.

the Caribbean Sea, between the latitudes  $17^{\circ} 20\frac{1}{2}'$  and  $17^{\circ} 30'$  north, and the longitudes  $75^{\circ} 55'$  and  $76^{\circ} 5'$  west: and the islands known as the Pedro Cays, situated in the Caribbean Sea, between the latitudes  $16^{\circ} 41'$  and  $17^{\circ} 16'$  north, and the longitudes  $77^{\circ} 19'$  and  $79^{\circ} 4'$  west, and latitudes  $17^{\circ} 16'$  and  $17^{\circ} 38'$  north, and longitudes  $78^{\circ} 33'$  and  $79^{\circ} 4'$  west, were, on the 12th day of October, 1862, and the 13th day of July, 1863, respectively, duly taken possession of for us and on our behalf, and are now part of our dominions:

And whereas it is expedient that the said Morant Cays and Pedro Cays should be annexed to and become dependencies of our Island of Jamaica:

Now we do hereby authorize our Captain-General and Governor-in-Chief for the time being of our said Island of Jamaica and its dependencies, by Proclamation under his hand and the Broad Seal of our said Island, to declare that, from and after a day to be therein named, the said Morant Cays and Pedro Cays shall be annexed to and become dependencies of our said Island of Jamaica; and we do hereby declare that, on and after the day so to be named, the said Morant Cays and Pedro Cays shall become dependencies of our said Island of Jamaica, and shall be subject to the laws from time to time in force therein.

2. And we do hereby appoint and declare that, on and after such day, all such powers of government and legislation as are from time to time vested in our Captain-General and Governor-in-Chief, or other the person for the time being administering the government of our Island of Jamaica, and in the Legislative Council thereof, shall apply and extend to the said Cays as fully as if they had at all times been dependencies of our said island.

3. And we do hereby reserve to us, our heirs and successors, full power and authority from time to time to revoke, alter, or amend these our Letters Patent as to us or them shall seem meet.

4. And we do further direct and enjoin that these our Letters Patent shall be read and proclaimed at such place or places as our said Captain-General and Governor-in-Chief shall think fit within our said Island of Jamaica.

In witness whereof we have caused these our Letters to be made Patent. Witness ourself at Westminster, the 3rd day of March, in the 45th year of our reign.

By Warrant under the Queen's sign manual.

PALMER.

**SWISS NOTIFICATION of the Accession of the Leeward Islands to the Universal Postal Union of June 1, 1878. Berne, April 25, 1879.**

Berne, le 25 Avril, 1879.

EN conformité de l'Article XVIII de la Convention de Paris du 1<sup>er</sup> Juin, 1878,\* concernant l'Union Postale Universelle, le Conseil Fédéral Suisse a l'honneur d'informer son Excellence M. le Ministre des Affaires Étrangères d :

1. Que le Gouvernement de Sa Majesté Britannique a déclaré, par voie diplomatique et par l'intermédiaire de sa Légation à Berne, adhérer, pour les îles dites de Leward, dans le groupe des Petites-Antilles, savoir, celles d'Antigoa, de la Dominique, de Mont-Serra, de Nevis, de St. Christophe et les Vierges, à partir du 1<sup>er</sup> Juillet, 1879, au Traité de l'Union Postale Universelle du 1<sup>er</sup> Juin, 1878.

2. Que les équivalents de taxes prévus à l'Article 4 du Règlement d'Exécution à la Convention de Paris précitée seront fixés comme suit :

Pour 25 centimes .. .. .	2½ pence sterling.
„ 10 „ .. .. .	1 penny „
„ 5 „ .. .. .	½ „ „

3. Que, en ce qui concerne la part contributive aux frais du Bureau International des Postes, il ne restait rien à régler, attendu que cette question est déjà résolue par l'Article 28 du Règlement.

Le Conseil Fédéral saisit cette occasion pour renouveler à son Excellence M. le Ministre des Affaires Étrangères les assurances de sa haute considération.

Au nom du Conseil Fédéral Suisse,

HAMMER, *Président de la Confédération.*

SCHIESS, *Chancelier de la Confédération.*

**ACT of the Government of the Leeward Islands, to amend and consolidate the Laws relating to the Legal Condition of Aliens and British Subjects.**

[No. 11.]

[July 29, 1880.]

WHEREAS it is expedient to amend and consolidate the laws of the several Presidencies relating to the legal condition of aliens and British subjects ;

Be it enacted by the Governor and the General Legislative Council of the Colony of the Leeward Islands as follows:—

\* See Vol. 14. Page 1014.

1. This Act may be cited as "The Naturalization Act, 1880."

2. Real and personal property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject, and a title to real and personal property of every description may be derived through, from, or in succession to an alien, in the same manner in all respects as through, from, or in succession to a natural-born British subject: Provided,

(1.) That this section shall not confer any right on an alien to hold real property situate out of this Colony, and shall not qualify an alien for any office or for any franchise; but this shall not affect the liability of any alien to serve on juries under the provisions of Act No. 12 of 1878.

(2.) That this section shall not entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him.

(3.) That this section shall not affect any estate or interest in real or personal property to which any person has or may become entitled mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the passing of this Act or in pursuance or any devolution by law on the death of any person dying before the passing of this Act.

3. An alien who has resided in the Colony for a term of not less than five years, and intends when naturalized to reside in the Colony, may apply to the Governor for a certificate of naturalization. The applicant shall adduce in support of his application such evidence of his residence and of his intention to reside as the Governor may require. The Governor, if satisfied with the evidence adduced, shall take the case of the applicant into consideration, and may with or without assigning any reason give or withhold a certificate as he thinks most conducive to the public good. And no appeal shall be from his decision, but such certificate shall not take effect until the applicant shall have taken the oath of allegiance and until such certificate shall have been enrolled in the office of the Chief Registrar of the Supreme Court. An alien to whom a certificate of naturalization is granted shall in this Colony be entitled to all political and other rights, powers, and privileges, and be subject to all obligations to which a natural-born British subject is entitled or subject in this Colony; with this qualification, that he shall not within the limits of the foreign State of which he shall be a subject previously to obtaining his certificate of naturalization be deemed to be a British subject unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a Treaty to that effect.

The Governor may in manner aforesaid grant a special certificate of naturalization to any person with respect to whose

nationality as a British subject a doubt exists, and he must specify in such certificate that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be a British subject, and the grant of such special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

4. The oath in this Act referred to as the oath of allegiance shall be in the form following, that is to say: "I, \_\_\_\_\_, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me God."

5. The following provisions shall have effect with respect to the national status of women and children:—

(1.) A married woman shall be deemed to be a subject of the State of which her husband is for the time being a subject.

(2.) A widow, being a natural-born British subject who has become an alien by or in consequence of her marriage, shall be deemed to be a statutory alien, and may as such at any time during widowhood obtain a certificate of readmission to British nationality in manner provided by Section 8 of the Imperial Statute, 33 Vict., cap. 14.\*

(3.) Where the father being a British subject, or the mother being a British subject and a widow, becomes an alien under the provisions of any Imperial Statute in that behalf, every child of such father or mother who during infancy has become resident in the country where the father or mother is naturalized, and had according to the laws of such country become naturalized therein, shall be deemed to be a subject of the State of which the father or mother has become a subject, and not a British subject.

(4.) Where the father or the mother being a widow has obtained a certificate of readmission to British nationality, every child of such father or mother who during infancy has become resident in this Colony with such father or mother shall be deemed to have resumed the position of a British subject to all intents.

(5.) Where the father or the mother being a widow has obtained the certificate of naturalization, every child of such father or mother who during infancy has become resident with such father or mother in any part of this Colony shall be deemed to be a naturalized British subject.

6. Nothing in this Act contained shall qualify an alien to be the owner of a Colonial ship.

7. The provisions of Section 8 of the Imperial Statute, 33 Vic., cap. 14,\* relating to certificates of readmission to British nationality, shall be incorporated with this Act.

\* See Vol. 13. Page 1152.

8. The laws of every Presidency relating to the naturalization of aliens are hereby repealed.

W. W. REID, *Acting Vice-President*.

Passed the General Legislative Council the 6th July, 1880.

EDWARD BAYNES, *Clerk*.

Dated at Antigua, the 29th day of July, 1880, in the 44th year of Her Majesty's reign.

I assent,

(L.S.) GEORGE BERKELEY, *Governor*.

BRITISH LETTERS PATENT, *making provision for the government of the United Presidency of Saint Christopher and Nevis. Westminster, September 15, 1883.*

VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India: To all to whom these presents shall come, greeting:

WHEREAS by virtue of an Act of the Governor and General Legislative Council of the Leeward Islands, No. 2 of 1882,\* the separate Presidencies of Saint Christopher and Nevis, consisting of the Islands of Saint Christopher, Nevis, and Anguilla, with their respective dependencies, do now form one Presidency, called the Presidency of Saint Christopher and Nevis:

And whereas the said Act declares that there shall be an Executive Council of the United Presidency of Saint Christopher and Nevis, consisting of such persons as we may from time to time nominate and appoint, and that there shall be one Legislative Body for the United Presidency, to be styled the Legislative Council of Saint Christopher and Nevis, composed of 10 official members and 10 unofficial members, of whom seven are to be chosen from the people of Saint Christopher and Anguilla, and three from among the people of Nevis, and with such powers and functions as are specified in the said Act:

And whereas it is therefore expedient that we should amend our Letters Patent, under the Great Seal of our United Kingdom of Great Britain and Ireland, bearing date the 2nd day of December, 1881, constituting the office of Governor and Commander-in-Chief of the Leeward Islands:†

1. Now know ye that we do by these presents revoke and

\* "Act for the Union of the Presidencies of St. Christopher and Nevis," June 7, 1882.

† See Act 34 & 35 Vict., c. 107. Vol. 13. Page 1251.

determine so much of Articles 7 and 8 of our said recited Letters Patent as relates to the constitution of the Executive and Legislative Councils of the said separate Presidencies of Saint Christopher and of Nevis.

2. We do hereby declare that Articles 17, 18, and 19 of our said recited Letters Patent shall extend and apply to the United Presidency of Saint Christopher and Nevis, and to the President thereof.

3. And we do hereby authorize, empower, and command our Governor and Commander-in-Chief of the Leeward Islands, and any other officer from time to time administering the Government thereof, to do and execute in relation to the United Presidency of Saint Christopher and Nevis (subject to the provisions of the said recited Act) all matters and things which under or by virtue of our said recited Letters Patent he lawfully might do and execute in relation to the separate Presidencies of Saint Christopher and of Nevis.

4. We do hereby reserve to ourselves, our heirs and successors, full power and authority, from time to time, to revoke, alter, or amend these our Letters Patent, as to us or them shall seem fit.

5. And we do direct and enjoin that these our Letters Patent shall be read and proclaimed within the said United Presidency of Saint Christopher and Nevis.

In witness whereof we have caused these our Letters to be made Patent. Witness ourself at Westminster, the 15th day of September, in the 47th year of our Reign.

By Warrant under the Queen's Sign Manual.

PALMER.

*ORDINANCE of the Government of Malta, respecting the Treatment of Prisoners found on board British and Foreign Merchant Ships.*

[No. 3.]

[April 24, 1882.]

WHEREAS it is expedient to amend the law relative to prisoners that may be found on board merchant-ships, it is hereby enacted and ordained by his Excellency the Governor, with the advice and consent of the Council of Government, as follows:—

ART. 1. The Superintendent of Police, in any case in which it comes to his knowledge that on board any merchant-vessel there is a person kept in custody in consequence of a sentence of a foreign tribunal, or in order to be tried in a foreign country, shall forthwith give information thereof to one of the Magistrates of Judicial Police, who shall, without delay, inquire into the circumstances of the case, and report thereon to the Head of

the Government, for the purposes of the provisions contained in the following Articles.

2. If the Magistrate reports that the person aforesaid is in custody in virtue of a written order from a competent authority of a foreign State, for any offence, including mutiny, desertion from military service, or any other offence against military discipline, not being a political offence, it shall be lawful for the Head of the Government to direct that such person be left on board the ship in which he may be, for the continuation of the voyage to the place to which he may be destined, or, according to circumstances, that the said person be conveyed to a public prison, there to be kept until he, at the request of the Consul, or other person exercising the functions of a Consul for the State aforesaid, may be taken back to the same or to another ship for the continuation of the said voyage.

The Magistrate shall receive any evidence which may be tendered to show that the offence for which the said person is in custody is a political offence, but he shall assume, until the contrary is proved, that the nature of the offence is correctly stated in the order by virtue of which such person is in custody.

3. The Magistrate may grant a period not exceeding two months for the production of the order, mentioned in the foregoing Article, of the said foreign authority, or of an authentic copy of such order, whenever from declarations made before him, upon oath, by the master of the ship or by other persons, he is satisfied that that order existed, and that it was lost, or inadvertently left in some place out of these islands; provided, however, the master shall bind himself to any damages to which the person detained may, for such detention, be entitled according to law, up to the amount of 200*l.* sterling, and shall give for that purpose a good security.

4. If the person referred to in Article 1 is in custody on board a foreign merchant-ship, not in virtue of a written order from a public authority, but for the purpose of being conveyed to a port in the State to which he or the ship by nationality belongs, in order there to be tried for an offence committed on board the same ship during the voyage, it shall also be lawful for the Head of the Government, at the request of the Consul, or any other person exercising the functions of a Consul, for the State to which the ship belongs, to direct that such prisoner be left on board the same ship, or, according to circumstances, that he be kept in a public prison until he may be taken back to the same or to another ship, in order to be conveyed to the said port; provided, however, the Magistrate, after having heard the prisoner and the evidence adduced, reports:—

(1.) That, according to that evidence, if the offence had been committed within the jurisdiction of these islands, there would be sufficient reasons for committing the accused for trial;



(2.) That the offence is one of those specified in a law in force in these islands relating to extradition, even although such law should not refer to fugitive criminals of the State above mentioned.

The provision of this Article shall not apply whenever the accused can, according to law, be tried in these islands.

5. The Magistrate also may, at any time before he forwards his report to the Head of the Government, direct that the person kept in custody on board a ship be conveyed to a public prison.

6. The maintenance of the person kept in custody in a public prison, in any of the cases mentioned in the preceding Articles, is at the charge of the master of the ship in which the said person arrived in these islands.

7. In no case shall the said person be kept in custody in these islands, whether on board any ship or in a public prison, more than two months, to be reckoned from the day of his arrival.

8. The Head of the Government, when, according to the Magistrate's report, the conditions on which he may give the directions mentioned in Articles 2 and 4 do not exist, shall direct that the person kept in custody be discharged.

9. The person aforesaid, if before the Head of the Government shall have ordered him to be discharged, he escapes from the ship or from the prison in which he is kept in custody, may be arrested by the police in any place in which he may be found, and retaken to the ship or to a prison, according to circumstances.

10. Ordinances No. 3 of 1873 and No. 2 of 1874 are hereby repealed and abrogated.

Passed the Council of Government at Sitting No. 33  
April 13, 1882.

F. VELLA, *Clerk to the Council*.

Assented to this 24th day of April, 1882.

(L.S.) A. BORTON, *Governor*.

**BRITISH CIRCULAR**, *notifying the Accession of Natal to the International Telegraphic Convention of July 22, 1875. London, April 2, 1881.*

CIRCULAR.

*Foreign Office, April 2, 1881,*

ART. XVIII of the International Telegraph Convention\* requires that adhesions to that Convention should be notified to

\* See Vol. 14. Page 98.

the Signatory Powers by the country in which the last Conference was held; and this duty, therefore, at present devolves upon Great Britain.

I have consequently to request you to inform the Government that the British Colony of Natal has given its adhesion to the International Telegraph Convention; and you will at the same time communicate the annexed table of information which has been furnished by that Colony as to rates, &c.

I am, &c.,

GRANVILLE.

TABLE of Information respecting Telegraph Rates furnished by the British Colony of Natal.

Country.	Rates for European and extra-European Correspondence.	Class of State contributing under Article LXXXVI to the Expenses of the International Telegraph Office.	Value of local money as compared with the franc.
Natal ..	Terminal rate of 2 <i>d.</i> per word on all telegrams, with the exception of those for Durban and its immediate vicinity, on which no terminal rate will be charged. Transit rate for Natal will be 4 <i>d.</i> per word, which will include the terminal rates for Cape Colony (including Griqualand West) and the Transvaal.	6th	10 <i>d.</i>

The Accession of Natal to the Telegraph Convention dates from the 16th April, 1881.

SWISS NOTIFICATION *of the Accession of Newfoundland, the British Colonies on the West Coast of Africa, the Falkland Islands, and British Honduras, to the Universal Postal Union of June 1, 1878. Berne, February 21, 1879.*

*Berne, le 21 Février, 1879.*

EN conformité de l'Article XVIII de la Convention de Paris, du 1<sup>er</sup> Juin, 1878,\* concernant l'Union Postale Universelle, le Conseil Fédéral Suisse a l'honneur d'informer son Excellence M. le Ministre des Affaires Étrangères d :

\* See Vol. 14. Page 1014.

1. Que le Gouvernement de Sa Majesté Britannique a déclaré, par voie diplomatique, adhérer, pour ses Colonies de Terre Neuve et de la Côte Occidentale d'Afrique, pour les Iles Falkland et pour le Honduras Britannique, à cette Convention, et conséquemment aussi au Règlement d'Exécution y relatif.

2. Que, en ce qui concerne les équivalents de taxes prévus à l'Article 4 du Règlement d'Exécution à la Convention de Paris précitée (au sujet desquels on attend encore une communication de l'Office Général des Postes de la Grande Bretagne), une entente ultérieure avec le Gouvernement Britannique aura lieu plus tard, et que les États faisant partie de la Convention en seront avisés.\*

3. Que, la Grande Bretagne ayant déjà, en conformité de l'Article 28, chiffre 5, du Règlement d'Exécution pour la Convention de Paris, été mise dans la 3<sup>ème</sup> et dans la 1<sup>ère</sup> classe pour la part contributive du Canada et de toutes ses autres Colonies aux frais du Bureau International des Postes, l'adhésion des nouvelles Colonies mentionnées par le Gouvernement Britannique ne donne plus lieu à de nouvelles décisions.

Le Conseil Fédéral Suisse saisit avec empressement cette occasion pour renouveler à son Excellence M. le Ministre des Affaires Étrangères les assurances de sa haute considération.

Au nom du Conseil Fédéral Suisse,

HAMMER, *Président de la Confédération.*

SCHIESS, *Chancelier de la Confédération.*

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ACT of the Government of *Newfoundland*, to confer certain Rights on Aliens.

[44 Vict., cap. 3.]

[Passed May 9, 1881.]

WHEREAS it is expedient to amend the law relating to the right of aliens to hold property in this Colony:

\* The following rates were notified by Swiss Circular of May 27, 1879:—

Pays percevant la taxe.	Equivalents de		
	25 centimes.	10 centimes.	5 centimes.
Terre-Neuve .. .. .	5 cents	2 cents	1 cent.
Sénégal, Lagos, Sierra Leone, et Honduras Britannique.	2½ pence sterling.	1 penny sterling.	½ penny sterling.

Be it therefore enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows:—

1. Notwithstanding any law to the contrary, chattels, real and personal, of every description, may, in this Colony, be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to chattels, real and personal, of every description, may be derived through, from, or in succession to an alien in the same manner in all respects as through, from, or in succession to a natural-born British subject: Provided that this section shall not qualify an alien for any office, or for any municipal, parliamentary, or other franchise, nor entitle him to be the owner or part owner of any British ship, nor to any right or privilege, except such rights and privileges in respect of property as are hereby expressly given to him.

2. From and after the passing of this Act an alien shall not be entitled to be tried by a jury *de medietate linguæ*, but shall be triable in the same manner as if he were a natural-born subject of Her Majesty.

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ACT of the Government of New Zealand, to consolidate the Laws relating to Aliens.

[No. 10.]

[August 17, 1880.]

BE it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The short title of this Act is “The Aliens Act, 1880.”

*Procedure to obtain Naturalization.*

2. When any alien friend now residing in or who shall hereafter reside in New Zealand desires to be naturalized, the Governor may, if he think fit, grant to him letters of naturalization under the seal of the Colony.

3. Every such grant of letters of naturalization may be made subject to such conditions as the Governor considers necessary or advisable.

4. When any such alien friend desires to obtain naturalization, he may present to the Governor a memorial signed by the applicant, and stating therein—

- (1.) His name, age, birth-place, residence, and occupation;
- (2.) The length of his residence in the Colony, and his desire to settle therein;
- (3.) And a request that letters of naturalization may be granted to him.

Every such memorial shall be verified by a statutory declaration to be subscribed by the applicant.

Such memorial shall also have written thereon or attached thereto a certificate, signed by some Resident Magistrate or Justice of the Peace, to the effect that the applicant is known to the person so signing, and is, to the best of such person's belief and knowledge, a person of good repute.

5. If the Governor think fit to grant such letters, he shall direct the applicant to take the oath of allegiance prescribed by "The Promissory Oaths Act, 1873," before some Resident Magistrate or Justice of the Peace; and upon the certificate of such Magistrate or Justice that the applicant has taken before him the said oath, and upon payment of the fee for enrolment hereinafter prescribed, he shall issue letters of naturalization to the applicant accordingly.

6. Upon such letters of naturalization being issued to him the applicant shall enjoy all the rights and capacities which a natural-born subject of the United Kingdom can enjoy or transmit within this Colony, except such rights and capacities (if any) as are specially excepted in the letters of naturalization granted and issued to him.

7. When any person resident in New Zealand has previously obtained any certificate or letters of naturalization in the United Kingdom of Great Britain and Ireland, or any part thereof, or in any British Colony or Possessions, and desires to be naturalized in New Zealand, the Governor may, at his discretion, grant the letters of naturalization, without requiring from the applicant any further residence in New Zealand or (if the applicant has previously taken a similar oath) the oath prescribed under this Act, and upon his complying with the following conditions:—

- (1.) He shall submit such certificate or letters of naturalization to the Governor, and also present such memorial as required by the preceding provisions of this Act.
- (2.) He shall further state in such memorial that he is the person named in such certificate or letters of naturalization, and that the same has been obtained without any fraud or intentional false statement, and that the signature, and the seal, if any, thereto, are, to the best of his belief and knowledge, genuine.
- (3.) Every such memorial shall be verified by a statutory declaration to be subscribed by the applicant.

8. The Colonial Secretary shall enrol for safe custody, as of record, a duplicate of all letters of naturalization.

He shall also enrol certified copies of every such certificate or letters of naturalization previously obtained as aforesaid, and upon which letters of naturalization are issued under this Act.

Every person to whom letters of naturalization are granted

under this Act shall pay to the Colonial Secretary the fee of one pound in respect of such enrolment.

9. The Colonial Secretary shall cause proper indices to be made to letters of naturalization and certificates enrolled by him, and shall permit every person desirous of so doing to inspect the same and make copies of such letters and certificates on payment of the fee of one shilling for every such inspection.

Copies of letters of naturalization or certificates enrolled as before provided, if certified to be true copies by the Colonial Secretary, shall be admissible in evidence for all purposes.

Such fees shall be charged for certified copies as the Colonial Secretary may prescribe.

10. If any person to whom letters of naturalization have been granted be convicted of having wilfully made any false statement in his memorial, he shall be deemed guilty of perjury, and such letters of naturalization shall, except against a *bona fide* purchaser from such person for valuable consideration, become thereby void.

#### *Property and Rights of Aliens.*

11. Every alien friend resident in New Zealand may inherit or otherwise take by representation, acquire, hold, convey, assign, devise, bequeath, or otherwise dispose of every description of property, whether real or personal, in the same manner as if he were a natural-born subject of Her Majesty.

12. Every grant, conveyance, assignment, demise, devise, or bequest to or by any such alien made prior to the 12th day of September, 1870, shall be as valid and effectual as if it had been made to or by a natural-born subject of Her Majesty.

13. Every person now born or hereafter to be born out of Her Majesty's dominions of a mother being a natural-born subject of the United Kingdom shall be capable of taking to him, his heirs, executors, or administrators, any estate within this Colony, real or personal, by devise or purchase or inheritance of succession.

14. Any alien woman married, or who shall be married, to any natural-born subject of Her Majesty or naturalized person, shall be deemed and taken to be herself naturalized, and have all the rights and privileges of a natural-born subject.

#### *Fees under the Imperial Act, 33 and 34 Vict., cap. 14.\**

15. In respect of any act or thing specified in the first column of the first Schedule hereto, when done, taken, made, granted, or given in New Zealand under the authority of the Act of the Imperial Parliament called "The Naturalization Act, 1870," or any regulations made or to be made thereunder, there shall be

\* See Vol. 13. Page 1140.

payable the fees respectively set forth in the second column of the said Schedule, and the same shall respectively be paid to the persons denominated and be applied as set forth in the third column of the said Schedule.

16. The Acts enumerated in the second Schedule hereto are hereby repealed.

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**SCHEDULES.**

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**FIRST SCHEDULE.**

**FEES.**

The act, matter, or thing in respect of which the fee may be taken.	The amount of fee.	To whom payment of fee to be made, and how applied.
	<i>£ s. d.</i>	
For taking a declaration, whether of alienage or British nationality	0 1 0	To the Clerk of the Court or of the Justice taking the declaration, if taken by a Justice or before a Court of Judicature, and to be paid to the public account. If not before such Court or by a Justice, then to the officer taking the declaration.
For granting a certificate of re-admission to British nationality, and for registering the same, together with the oath of allegiance	1 0 0	Into the Treasury, to be carried to the public account.
For administration of the oath of allegiance	0 5 0	If the oath is administered by a Justice of the Peace, or before a Court of Judicature, to the clerk of such Justice or Court, and to be carried to the public account. Otherwise, to the officer administering the oath, and to be paid over to the public account.
For transmitting to the Home Office a declaration, with or without oath, for registration	0 1 6	To the Clerk of the Justice or Court, or to the officer who transmits the same, in each case for his own benefit.
For transmitting to the Colonial Secretary's Office a declaration, with or without oath, for registration	0 1 0	Same as preceding.
For certified copy of any declaration or certificate, with or without oath.	0 10 0	Into the Treasury, to be carried to the public account.

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SECOND SCHEDULE.

ACTS REPEALED.

1866, No. 17.—The Aliens Act, 1866.

1870, No. 40.—The Aliens Act, 1870.

1871, No. 47.—The Naturalization Act, 1870, Fees Act, 1871.\*

ACT of the Government of New Zealand, relating to the Children of Naturalized Persons and the Charge for Letters of Naturalization.

[No. 17.]

[September 13, 1882.]

BE it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The short title of this Act shall be “The Aliens Act Amendment Act, 1882.”

2. Where the father, or the mother being a widow, has obtained letters of naturalization in New Zealand, every child of such father or mother who during infancy has become resident with such father or mother in any part of New Zealand shall be deemed and taken to be himself or herself naturalized, and have all the rights and privileges of a natural-born subject.

3. The fee to be paid henceforth in respect of the enrolment of letters of naturalization by the Colonial Secretary shall be 2s. 6d. for such enrolment, in lieu of 1l., as heretofore appointed.

Provided that nothing in this section contained shall apply to persons of the Chinese race.

BRITISH ORDER IN COUNCIL, to determine the Date on which the Act of Parliament for the government of the Straits Settlements should take effect. Osborne, December 28, 1866.

At the Court at Osborne House, Isle of Wight, the 28th day of December, 1866.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act of the 29th and 30th years of Her Majesty, chapter 115, intituled “An Act to provide for the government of the Straits Settlements,” † after reciting that the

\* See Vol. 14. Page 848.

† See Page 747.



islands and territories known as the "Straits Settlements," namely, Prince of Wales Island, the Island of Singapore, and the town and fort of Malacca and their dependencies, had become vested in Her Majesty as a part of India, by virtue and subject to the provisions of the Act of the 21st and 22nd years of Her Majesty, chapter 106, intituled "An Act for the better government of India,"\* and that it was expedient that the said Settlements and their dependencies should cease to form a part of India, and should be placed under the government of Her Majesty as part of the Colonial Possessions of the Crown, it was enacted that it should be lawful for Her Majesty, by Order to be made by Her Majesty, with the advice of her Privy Council, to declare that the said first-mentioned Act should come into operation at a time to be specified in such Order in Council, and that at such time the said Settlements should cease to be part of India for the purposes and within the meaning of the said Act for the better government of India, and it should be lawful for Her Majesty to exercise in respect to the said Settlements the powers set forth in the said first-mentioned Act:

And whereas it is expedient to bring into operation the said first-mentioned Act:

It is hereby ordered by Her Majesty, by and with the advice of her Privy Council, that on the 1st day of April, 1867, the said Act to provide for the government of the Straits Settlements shall come into operation.

EDMUND HARRISON.

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ORDINANCE of the Governor of the Straits Settlements, to make provision by Law for the Protection of Chinese Immigrants.

[No. 4.]

[July 29, 1880.]

WHEREAS it is expedient to make better provision by law for the protection of Chinese immigrants:

It is hereby enacted by the Governor of the Straits Settlements, with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for the Governor to appoint at each of the Settlements a Protector of Chinese immigrants, and such number of Assistant Protectors and other officers as may be necessary to carry out the provisions of this Ordinance; but the present Protector, Assistant Protectors, and all other officers already appointed, are hereby continued in their offices.

Every Protector, Assistant Protector, and officer appointed or continued under this Ordinance shall be a public servant within the meaning of the Penal Code.

\* See Vol. 10. Page 1092.

2. Chinese immigrants shall not, without the permission of the Governor, be landed at, or transhipped at, any place in the Colony other than the three ports as defined in "The Harbours Ordinance, 1872," nor otherwise than as is provided in this Ordinance.

Any person landing or transhipping, or permitting, or aiding, or abetting the landing or transhipping of Chinese immigrants, contrary to the provisions of this section, shall be liable to a penalty not exceeding 500 dollars.

3. It shall be lawful for the Governor, by Order in Council, to make rules for any of the following purposes:—

- 1st. For regulating the berths and places which Chinese immigrant ships shall occupy on their arrival at a port;
- 2nd. For regulating the time at which such ships shall be allowed to go alongside a wharf, and, when necessary, for requiring any such ships going to a wharf to remain a suitable distance from the wharf till boarded by an officer of the Chinese Protectorate;
- 3rd. For regulating the time at which, and the manner in which, and the route or way by which Chinese immigrants shall be landed and conveyed to an examination depôt;

all, or any, of such rules may, by the same or any subsequent Order in Council, be made applicable to certain classes of ships, and not applicable to other classes of ships, to be described in the Order in Council.

Any person infringing any of the rules so made shall be liable to a penalty not exceeding 100 dollars for each and every offence.

6. It shall not be lawful for any persons, other than the Health Officer, Master Attendant, Harbour Master, Protector of Chinese Immigrants, or the officers of any of them, or the owner, agent, or consignee of the ship, to communicate with any Chinese immigrant ship, on arrival at any port, except for the purpose of landing cargo and passengers and disembarking the immigrants under the provisions of this Ordinance, until after such immigrants shall have been disembarked; and no Chinese immigrant shall disembark, or land, or attempt to disembark, or land, from any Chinese immigrant ship, except as provided by this Ordinance.

Nothing in this section shall be held to prevent the Consul-General, Consul, Vice-Consul, or Consular Agent of any foreign Power from boarding any Chinese immigrant ship of the nationality represented by him.

Any person communicating, or attempting to communicate, with a Chinese immigrant ship, contrary to the provisions of this section, and any Chinese immigrant disembarking, or attempting to disembark, from a Chinese immigrant ship, con-

trary to the provisions of this Ordinance, and any person aiding or abetting any Chinese immigrant to disembark from a Chinese immigrant ship, contrary to the provisions of this Ordinance, shall be liable, on conviction, to a penalty not exceeding 500 dollars, and, in default of payment, to imprisonment, rigorous or simple, for any term not exceeding six months.

15. Every engagement to be entered into by a Chinese immigrant landed under this Ordinance shall be in writing, and shall be explained to the immigrant by the Protector of Chinese Immigrants, or an authorized officer of his department, and, on the Protector, or such other officer, being satisfied that the immigrant understands the nature and terms of the engagement, the same shall be signed by the immigrant and by the person proposing to employ the immigrant, or an agent of such person, in the presence, in both cases, of the Protector, or such other officer as aforesaid.

Every such written engagement shall bear such stamp duty, not exceeding one dollar per immigrant, as may, from time to time, be fixed by Order of the Governor in Council, to be paid by the person proposing to employ such immigrants, by means of an adhesive stamp, or stamps, to be cancelled by the Protector, or such authorized officer as aforesaid, on the signature of the engagement by both parties.

No such engagement for labour shall be held to be binding on any immigrant if the same is not signed and stamped as required by this section.

19. It shall be lawful for the Governor, from time to time, by Order in Council, to suspend the operation of any part or section of this Ordinance, or of any rule made by an Order in Council under this Ordinance, as to all classes of Chinese immigrant ships, or as to any special Chinese immigrant ship, or special class or classes of such ships, at all or any of the Settlements, and from time to time to restore the operation of the same.

20. Ordinance No. 2 of 1877 is hereby repealed.

21. This Ordinance may be cited as "The Chinese Immigrants Ordinance, 1880," and shall come into operation at such time as the Governor may direct by Order in Council.

Passed this 13th day of July, 1880.

A. P. TALBOT, *Acting Clerk of the Council.*

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BRITISH ORDER IN COUNCIL, *amending the Order in Council of June 26, 1879,\* for the Surrender of Criminals by the Governor of the Straits Settlements to Foreign States. Osborne, December 31, 1883.*

*At the Court at Osborne House, Isle of Wight, the 31st day of December, 1883.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness Prince Leopold, Duke of Albany.  
Lord President. Sir Henry Ponsonby.

WHEREAS by an Order in Council dated the 26th day of June, 1879,\* provision was made for the surrender by the Governor of the Straits Settlements to foreign States in the case of which "The Extradition Act, 1870,"† does not apply, of persons accused of the commission of certain crimes within the jurisdiction of such States:

And whereas it is expedient to provide for the surrender by the Governor of the said Settlements to such foreign States as aforesaid of persons convicted of the commission of certain crimes within the jurisdiction of such States, and otherwise to amend the said Order in Council:

Now, therefore, it is hereby ordered by Her Majesty, by and with the advice of her Privy Council, as follows:—

1. In the said Order in Council of the 26th day of June, 1879 (hereinafter referred to as the principal Order), and in this Order in Council—

(1.) The term "fugitive criminal" includes any person convicted of any crime committed either before or after the date of the principal Order which, if committed in England or within English jurisdiction, would be one of the crimes described in the Schedule to the principal Order, or of having counselled, procured, commanded, aided, or abetted the commission of, or of being accessory before or after the fact to, any such crime as aforesaid.

(2.) The term "fugitive criminal of a State" includes a person convicted of any such crime as aforesaid, or of having counselled, procured, commanded, aided, or abetted the commission of, or of being accessory to, any such crime as aforesaid committed within the jurisdiction of that State.

(3.) With reference to each of the Malayan States under the protection of the British Government, the terms "fugitive criminal" and "fugitive criminal of a State" include any person accused or convicted of a breach of a contract of service to be performed within the jurisdiction of such State, committed either

\* See Vol. 14. Page 1241.

† 33 & 34 Vict., c. 52. See Vol. 13. Page 1194.

before or after the date of the principal Order, within the jurisdiction of such State, which if it had been committed in the Straits Settlements and the contract broken had been a contract to be performed in the Straits Settlements, would have been punishable under the law of the said Settlements with imprisonment or with fine, and with imprisonment in default of payment of such fine.

(4.) The word "crime" includes any such breach of contract as aforesaid committed within the jurisdiction of any of the said protected States.

(5.) The word "charge" includes "conviction."

(6.) The term "the crime charged" includes the crime of which the fugitive criminal is alleged to have been convicted.

(7.) The terms "conviction" and "convicted" do not include or refer to a conviction which under foreign law is a conviction for contumacy, but the term "accused" includes a person convicted for contumacy.

2. Foreign certificates of or judicial documents stating the fact of a conviction may if duly authenticated be received in evidence in proceedings under the principal Order as amended by this Order, and such certificates or judicial documents shall be deemed to be duly authenticated for the purposes of the principal Order as amended by this Order, if they purport to be certified by a Judge, Magistrate, or officer of the foreign State where the conviction took place, and if they are authenticated by the oath of some witness, or by being sealed with the official seal of some Minister of State; and all Courts of Justice and Magistrates in the Straits Settlements shall take judicial notice of such official seal.

3. The Magistrate before whom a fugitive criminal alleged to have been convicted as aforesaid is brought in pursuance of the principal Order as amended by this Order shall, if such evidence is produced as (subject to the provisions of the principal Order as amended by this Order) would, according to the law of the Straits Settlements, prove that the prisoner was so convicted, commit him to prison, but otherwise shall order him to be discharged.

4. The Magistrate before whom a fugitive criminal of any of the said protected States accused of any such breach of contract as aforesaid shall be brought, in pursuance of the principal Order as amended by this Order, shall, if such evidence is produced as (subject to the provisions of the principal Order as amended by this Order) would according to law of the Straits Settlements have justified the committal for trial of the fugitive criminal, if the breach of contract of which he is accused had been an indictable offence and had been committed in the Straits Settlements, commit him to some prison in the Straits Settlements, but otherwise shall order him to be discharged.

5. Whenever a Magistrate commits a fugitive criminal to prison in pursuance of either the 3rd or the 4th clause of this Order, he shall inform such fugitive criminal that he will not be surrendered until after the expiration of 15 days, and that during such 15 days he may appeal to any Judge of the Supreme Court of the Straits Settlements.

6. Any person who is committed to prison under the 9th clause of the principal Order, or under the 3rd or 4th clause of this Order, may, within 15 days from the date of such committal, appeal against such committal to a Judge of the Supreme Court of the Straits Settlements, and such Judge shall upon hearing such appeal either affirm the order of committal, or order the appellant to be discharged from prison, in which latter case no order shall be made for his surrender to the foreign State from which the requisition for his surrender proceeded.

7. This Order and the principal Order shall be read and construed as one Order in Council.

C. L. PEEL.

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*ACT of the Government of Victoria, to prevent the Influx of  
Criminals into Victoria.*

[18 Vict., No. 3.]

[November 16, 1854.]

BE it enacted by his Excellency the Lieutenant-Governor of Victoria, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for any Justice of the Peace or any constable at any time after the passing of this Act, having reasonable cause to suspect that any person has at any time been found guilty of any capital or transportable felony by a Court of competent jurisdiction in the United Kingdom of Great Britain and Ireland, or any British Possession other than Victoria, and has at any time after the passing of this Act come into Victoria forthwith and without any warrant for such purpose, to cause such suspected person to be apprehended and taken before any two Justices of the Peace, to be dealt with as hereinafter mentioned, such person not having been lawfully resident in Victoria at the time of or previous to the passing of this Act. Provided that it shall be lawful for any Justice of the Peace to take bail for the appearance of such suspected person before such Justices in such sum, and with or without such sureties, as such Justice may deem expedient. Provided also that nothing in this Act contained shall apply, or be deemed to apply, to any person whose sentence, or sentences if more than one, shall have expired for a greater period than three years previous to his arrival in Victoria.

2. It shall be lawful for any two Justices of the Peace before whom any such suspected person shall have been brought, on proof that such person has come into Victoria contrary to the provisions of this Act, to convict him thereof, and at their discretion either to take bail that such person shall leave the Colony within seven days after his conviction, or to cause such person to be conveyed in custody to the country or possession from whence he came, or to sentence such person, if a male, to be kept to hard labour, with or without irons, on the roads or other public works of the Colony, for any period not exceeding three years; or, if a female, to be imprisoned, with or without hard labour, in any gaol for any period not exceeding one year.

3. All property found upon or in the possession of any such suspected person as aforesaid shall, upon his apprehension, be seized and detained, and in the event of his being convicted and sentenced as aforesaid shall, at the discretion of the convicting Justices, be forfeited and sold.

4. Any person sentenced as aforesaid to hard labour or imprisonment, who shall remain in Victoria for three months after the termination of such sentence, shall be liable to be again similarly apprehended and sentenced, and so on from time to time as often as he shall so remain.

5. Any person who shall harbour or conceal any other person whom he shall know, or believe, to have come into or remained in Victoria contrary to the provisions of this Act, shall be subject to a fine not exceeding 100*L*., or to be imprisoned in any gaol or house of correction in Victoria for any period not exceeding 12 months.

6. Any master mariner or other person commanding, navigating, or sailing any vessel for the trip or voyage, when such vessel shall bring to any port or place in Victoria any person having been found guilty as aforesaid, shall, upon conviction thereof before any two Justices of the Peace for every such offence, be liable to a fine not exceeding 100*L*., or to imprisonment for any time not exceeding six months, or to both, at the discretion of the said Justices.

7. It shall be lawful for any Justice of the Peace, having information on oath that any person who has arrived in Victoria contrary to the provisions of this Act is harboured in any house or other place within the jurisdiction of such Justice, to grant a general search-warrant to any constable for such person, and it shall be lawful for any such constable, in virtue of such general search-warrant, to break, enter, and search, by day or by night, any dwelling-house, tenement, or other place wherein such person may be suspected to be concealed, and to apprehend any person whom such constable shall have reasonable cause for suspecting to have arrived or remained in Victoria contrary

to the provisions hereof, and also to apprehend all persons found in or about such dwelling-house, tenement, or other place whom such constable shall have reasonable grounds for suspecting and believing to have knowingly harboured and concealed such suspected person, and all persons found and apprehended as aforesaid shall be forthwith taken before any Justices of the Peace to be dealt with as herein provided.

8. It shall be lawful for any Justice of the Peace or constable to enter on board any vessel, and having reasonable cause to suspect that any person having been found guilty as aforesaid is on board such vessel, to search any and every part thereof, and apprehend any person found therein contrary to the provisions of this Act.

9. It shall be lawful for any two or more Justices assembled at Petty Sessions to hear and determine in a summary way all cases arising under this Act, and at their discretion to fix and determine all the fines, penalties, punishments, and forfeitures hereby imposed; and no complaint, conviction, order for confiscation, punishment, or forfeiture, or other proceeding before or by any Justices, under this Act, shall be quashed or set aside, or deemed void or insufficient for want of form only, or be removed or removable by *certiorari*, or any other writ or process whatsoever into the Supreme Court.

10. Every summons, information, conviction, and warrant of commitment under the provisions of this Act shall be deemed valid in which the offence charged or alleged in the same respectively shall be set forth in the words of this Act.

11. Oral proof that any person was in any country known to have been, or commonly deemed or reputed to have been, found guilty of any felony in the United Kingdom, or any British Possession other than Victoria, or to have been serving any sentence of transportation or imprisonment for such offence, or the production of any paper purporting to be a Government Gazette, published in any of the Australian Colonies, and containing the name of any person charged with offending against any of the provisions of this Act, described in such paper as a convicted prisoner of the Crown or transported felon, shall, for the purposes of this Act, be taken as good *prima facie* evidence that such person was found guilty of felony as aforesaid, and proof that any person so found guilty was apprehended in Victoria at any time after the passing of this Act, not having a fixed and known place of residence, shall be deemed good *prima facie* evidence that such person arrived in Victoria after the passing hereof, unless the contrary be proved.

12. Whenever any pecuniary penalty shall have been imposed under the provisions of this Act, and the person convicted shall not forthwith pay the same into the hands of the convict-



ing Justices, it shall be lawful for such Justices to direct that such person be imprisoned, with or without hard labour, as they shall think fit, for a period not exceeding two calendar months if the penalty be not above 20*l.*, and for a period not exceeding four calendar months if the penalty be above 20*l.* and not above 50*l.*, and for a period not exceeding 12 calendar months if the penalty be above 50*l.*, and such person shall be detained and kept to hard labour unless such respective penalties shall be sooner paid.

13. All pecuniary fines and penalties, and the proceeds of all forfeitures received under this Act, shall be paid into the Police Reward Fund, except such portion thereof not exceeding one-half as the convicting Justices may award to the informer, and such informer shall be in all cases a competent witness.

14. If any suit or action shall be brought against any Justice of the Peace, constable, or other person for any act or thing done in furtherance of the provisions of this Act, the defendant in every such action may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and if the verdict shall be for the defendant, or if the plaintiff in any such action or suit shall be nonsuited, or discontinue his action or suit, or if upon demurrer judgment shall be given against the plaintiff, the defendant shall have treble costs, and shall have the like remedy for the same as any other defendant hath in any other case to recover costs by law; and although a verdict shall be given for the plaintiff in any such action, he shall not be entitled to recover any costs against the defendant, unless the Judge before whom such action shall be tried shall certify at the trial, and in open Court, under his hand, on the back of the record, his approbation of the action and of the verdict thereupon.

15. Any person who shall feel himself aggrieved by the judgment of the Justices adjudicating under this Act may appeal from their order or adjudication to the next Court of General Sessions of the Peace which shall be held nearest to the place where such order or adjudication shall have been given or made; and the execution of every such order or adjudication so appealed from, and the forfeiture and sale of any property as aforesaid may, at the discretion of such Justices, be suspended, in case such person shall, with one or more sufficient surety or sureties before such Justices, enter into a recognizance to Her Majesty, her heirs and successors, in such sum as to such Justices shall seem fit, which recognizance such Justices are hereby authorized to take conditioned to prosecute such appeal with effect, and to be forthcoming to abide the determination of such Court of General Sessions, and pay such costs as the said Court shall award, and such Court is hereby authorized finally to hear and determine the matter of such appeal.

16. This Act shall continue in force for one year from the passing thereof, and thence to the end of the then next session of the Legislative Council of Victoria.\*

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## GUATEMALA.

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SWISS NOTIFICATION *of the Accession of Guatemala to the Universal Postal Union of June 1, 1878. Berne, May 13, 1881.*

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M. LE MINISTRE,

*Berne, le 13 Mai, 1881.*

EN conformité de l'Article XVIII de la Convention de Paris, du 1<sup>er</sup> Juin, 1878,† concernant l'Union Postale Universelle, nous avons l'honneur d'informer votre Excellence :

1. Que le Gouvernement de la République de Guatemala a déclaré par l'organe de M. Crisanto Medina, son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris, muni à cet effet des pleins pouvoirs nécessaires, adhérer à la Convention susmentionnée et, conséquemment aussi, au Règlement d'Exécution y relatif.

2. Que nous sommes d'accord avec le Gouvernement de la République de Guatemala sur les points suivants :—

(a.) L'Administration des Postes de ce pays percevra, comme équivalents, en conformité de l'Article 4 du Règlement d'Exécution à la Convention de Paris, concernant l'Union Postal Universelle :

Pour 25 centimes	..	..	..	5 centavos.
"   10   "	..	..	..	2   "
"   5   "	..	..	..	1 centavo.

(b.) La date de l'accession est fixée au 1<sup>er</sup> Août, 1881.

(c.) Pour la part contributive aux frais du Bureau International des Postes (Article 28 du Règlement d'Exécution précité), la République de Guatemala sera rangée dans la 6<sup>e</sup> classe.

Nous saisissons cette occasion pour renouveler à votre Excellence les assurances de notre haute considération.

Au nom du Conseil Fédéral Suisse,

DROZ, *Président de la Confédération.*

SCHIESS, *Chancelier de la Confédération.*

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\* By Act 19 Vict., No. 3, of February 5, 1856, this Act was extended for one year from the passing thereof, and from thence until the end of the then next session of the Legislature of Victoria; and by Act No. 68 of February 24, 1859, it was continued in full force and effect until otherwise provided by law.

† See Vol. 14. Page 1014.

## HANSE TOWNS.

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DESPATCH *from the Earl of Aberdeen to Mr. Colquhoun, Agent and Consul-General for the Free Hanseatic Cities of Hamburg, Lubeck, and Bremen, having reference to Article VI of the Supplementary Convention between Great Britain and France of March 22, 1833.\* London, February 9, 1846.†*

(Extract.)

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WITH respect to the "supply of water," to "bulkheads," and to the "boilers," Her Majesty's Government are willing, in consideration of the fact that the vessels of the Hanse Towns are frequently employed in the conveyance of emigrants, to issue a supplementary instruction to the commanders of Her Majesty's cruisers to the following effect, viz. :—

That if there shall be found on board a merchant-vessel of the Hanse Towns a supply of water "more than sufficient for the consumption of her crew as a merchant-vessel, or if she should be found to have more divisions or bulkheads than is necessary for vessels carrying merchandize," or a larger cooking apparatus than would be required for the use of her crew only, these circumstances alone shall not be considered as a sufficient motive to authorize the seizure and detention of the said vessel, provided the papers with which she is furnished are in all other respects regular, and provided that the master shall produce a certificate from the Custom-house of the place from which he cleared outwards, stating that a sufficient security has been given by the owners of such vessel that the above-mentioned articles shall be used only for the purpose of enabling the vessel to convey emigrants.

Furthermore, in order to obviate the objection which Mr. Colquhoun urges to the effect that the clauses in the Equipment Article go literally much further than the object, by the employment of the words "or on board" and "having on board," since, if literally interpreted, they would extend even to the cargo, Her Majesty's Government are quite willing to instruct the commanders of British cruisers to consider those clauses in the same sense, and as meaning no more than the corresponding clauses in the Treaties with the Netherlands and Spain, and the other countries mentioned by Mr. Colquhoun, in which the words "or on board," &c., are not introduced.

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\* See Vol. 4. Page 118.

† Referred to in various Slave Trade Treaties. In force, January 1, 1885.

## HAYTI.

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SWISS NOTIFICATION *of the Accession of Hayti to the Universal Postal Union of June 1, 1878. Berne, September 3, 1880.*

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*Berne, le 3 Septembre, 1880.*

EN conformité de l'Article XVIII de la Convention de Paris du 1<sup>er</sup> Juin, 1878,\* concernant l'Union Postale Universelle, le Conseil Fédéral Suisse a l'honneur d'informer son Excellence M. le Ministre des Affaires Étrangères d :

1. Que le Haut Gouvernement de la République d'Haïti a déclaré, par l'organe de son Secrétaire d'État au Département des Relations Extérieures, M. Laforestrie, muni à cet effet de pleins pouvoirs spéciaux, adhérer à la Convention susmentionnée, et conséquemment aussi au Règlement d'Exécution y relatif.

2. Que le Conseil Fédéral Suisse s'est entendu avec le Haut Gouvernement de la République d'Haïti, sur les points suivants:—

- (a.) L'Administration des Postes percevra, comme équivalents, en conformité de l'Article 4 du Règlement d'Exécution à la Convention de Paris, concernant l'Union Postale Universelle :

Pour 25 centimes	..	..	5 centavos de piastre.
"   10   "	..	..	2   "   "
"   5   "	..	..	1 centavo   "

- (b.) La date de l'accession est fixée au 1<sup>er</sup> Avril, 1881.†

- (c.) Pour la part contributive aux frais du Bureau International des Postes (Article 28 du Règlement d'Exécution précité), la République d'Haïti sera rangée dans la 6<sup>ème</sup> classe.

Le Conseil Fédéral saisit cette occasion pour renouveler à son Excellence M. le Ministre des Affaires Étrangères les assurances de sa haute considération.

Au nom du Conseil Fédéral Suisse,

ANDREVERT, *Vice-Président.*

SCHIESS, *Chancelier de la Confédération.*

Son Excellence M. le Ministre des Affaires Étrangères

d

à

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\* See Vol. 14. Page 1014.

† Date of accession adjourned to July 1, 1891 (Swiss Notification, February 16, 1881).

## HONDURAS.

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SWISS NOTIFICATION *of the Accession of Honduras to the  
Universal Postal Union of June 1, 1878. Berne, January 6,  
1879.*

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*Berne, le 6 Janvier, 1879.*

EN conformité de l'Article XVIII de la Convention de Paris du 1<sup>er</sup> Juin, 1878,\* concernant l'Union Postale Universelle, le Conseil Fédéral Suisse a l'honneur d'informer son Excellence M. le Ministre des Affaires Étrangères d :

1. Que la République du Honduras a déclaré, par voie diplomatique, adhérer à cette Convention, et conséquemment aussi au Règlement d'Exécution y relatif.

2. Que le Gouvernement Suisse, conformément à l'Article XVIII précité, s'est entendu avec le Représentant de la République du Honduras, M. le Ministre du Guatemala à Paris, sur les points suivants :—

(a.) La République du Honduras percevra, comme équivalents, en conformité de l'Article 4 du Règlement d'Exécution à la Convention de Paris, concernant l'Union Postale Universelle :

Pour 25 centimes	..	..	..	5 centavos.
„ 10 „	..	..	..	2 „
„ 5 „	..	..	..	1 centavo.

(b.) Quant à la part contributive aux frais du Bureau International des Postes (Article 28 du Règlement d'Exécution précité), la République du Honduras sera dans la 6<sup>ème</sup> classe.

Le Conseil Fédéral Suisse saisit cette occasion pour renouveler à son Excellence les assurances de sa haute considération.

Au nom du Conseil Fédéral Suisse,

HAMMER, *Président de la Confédération.*

SCHIESS, *Chancelier de la Confédération.*

*Son Excellence M. le Ministre des Affaires Étrangères*  
d à

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\* See Vol. 14. Page 1014.

## ITALY.

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BRITISH ORDER IN COUNCIL, *respecting the Tonnage Measurement of Italian Vessels. Windsor, February 14, 1883.*

*At the Court at Windsor, the 14th day of February, 1883.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862" [cap. 63, § 60], it is enacted that:

[See Vol. 11. Page 338.]

And whereas Her Majesty, by Order in Council dated the 30th day of September, 1873, was pleased to direct that:

[See Vol. 14. Page 1086.]

And whereas the Government of His Majesty the King of Italy have, by Royal Decree dated the 30th day of July, 1882, modified the rules for engine-room measurement and deduction applicable to Italian steam-ships, and the said modified rules are now the same as those in force under the said principal Act, and came into operation in the said Kingdom of Italy on the 21st day of September, 1882:

Her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct that the steam-ships of Italy, the certificates of Italian nationality and registry of which are dated on or after the 21st day of September, 1882, shall be deemed to be of the tonnage denoted in the said certificates of Italian nationality and registry.

C. L. PEEL.

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## JAPAN.

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DECLARATION *between Russia and Japan, recording the Accession of Japan to the International Telegraphic Convention of July 22, 1875.\* Signed at St. Petersburg, January 17, 1879.*

SA Majesté l'Empereur du Japon, ayant accédé à la Convention Télégraphique Internationale conclue à St. Pétersbourg le

\* See Vol. 14. Page 96.

½<sup>9</sup>/<sub>2</sub> Juillet, 1875, par la Déclaration d'Accession dont la teneur suit :—

“ Le Soussigné, Chargé d’Affaires du Japon près le Gouvernement Impérial de Russie, déclare que le Gouvernement Impérial du Japon, après avoir eu communication de la Convention Télégraphique Internationale conclue à St. Pétersbourg le ½<sup>9</sup>/<sub>2</sub> Juillet, 1875, usant du droit réservé par l’Article XVIII de cette Convention aux États non-signataires, accède pour l’Empire du Japon à la dite Convention Télégraphique Internationale, laquelle est censée insérée mot à mot dans la présente Déclaration, et s’engage formellement envers Sa Majesté l’Empereur de Toutes les Russies et les autres Hautes Parties Contractantes à concourir de son côté à l’exécution des stipulations contenues dans la dite Convention.

“ Le Gouvernement Impérial du Japon déclare en outre adopter pour le Tarif International le régime extra-Européen, la taxe terminale sans nombre minimum de mots pour tout le Japon.

“ La taxe sera prélevée par mot à raison de 20 cents Mexicains, équivalent à 1 franc 10 cents.

“ En foi de quoi le Soussigné, muni à cet effet de pleins pouvoirs qui ont été trouvés en bonne et due forme, a signé la présente Déclaration, et y a apposé le cachet de ses armes.

“ Fait à St. Pétersbourg, le ½<sup>1</sup>/<sub>7</sub> Janvier, 1879.

(L.S.) “ NISSI.”

L’Adjoint du Ministre des Affaires Étrangères de l’Empire de Russie, dûment autorisé, déclare que le Gouvernement Impérial de Russie accepte formellement la dite accession tant en son nom qu’au nom des autres Hautes Parties Contractantes, et s’engage à exécuter envers Sa Majesté l’Empereur du Japon toutes les stipulations contenues dans la dite Convention.

En foi de quoi le Soussigné a signé la présente Déclaration, et l’a revêtue du cachet de ses armes.

Fait à Pétersbourg, le ½<sup>1</sup>/<sub>7</sub> Janvier, 1879.

(L.S.) GIERS.

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## MADAGASCAR.

DECLARATION *between Great Britain and Madagascar, amending Article V of the Treaty of June 27, 1865. (Holding of Land by British Subjects in Madagascar.) Signed in the English and Malagasy Languages at London, February 16, 1883.*

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of

Her Majesty the Queen of Madagascar, being desirous of making more satisfactory arrangements as to the holding of land by British subjects in Madagascar, have agreed as follows:—

Article V of the Treaty between Great Britain and Madagascar of the 27th June, 1865,\* is cancelled, and in lieu thereof the following Article V is substituted:

“ART. V. British subjects shall be permitted, as fully as subjects of Her Majesty the Queen of Madagascar, or as subjects or citizens of the most favoured nation, to rent or lease land, houses, warehouses, and all other kinds of property within all parts of the dominions of Her Majesty the Queen of Madagascar which are under the control of a Governor duly appointed by the Malagasy authorities. Provided always, that all leases of land held by British subjects shall be registered at the British Consulate, and also by a Malagasy official appointed for that purpose; but the said provision as to registration shall not apply to any lease made before this Article shall come into force, but the registration of such lease shall be optional. And Her Majesty the Queen of Madagascar fully allows her subjects the right of renting or leasing such property according to their own pleasure, and according to the terms of time and money which may be agreed upon between lessor and lessee. But it shall be distinctly understood that Malagasy subjects are prohibited by the laws of their country from the absolute sale of land to foreigners. British subjects shall be at liberty to build on land, rented or leased by them, houses of any material they please; and Her Majesty the Queen of Madagascar engages that British subjects shall, as far as lies in her power, enjoy within her dominions full and complete protection and security, for themselves and for any property which they may so acquire in future, or which they may have acquired already before the date at which the present Article shall come into force.

“In the case of unreclaimed land, *i.e.*, Crown lands, British subjects shall deal directly with the Malagasy Government, which binds itself to afford all reasonable facilities to all persons desirous of leasing the same. British subjects, however, shall not be allowed to erect fortifications on such leased or rented lands, or to do anything thereon contrary to the laws of Madagascar.

“All lands leased or rented by British subjects shall be subject to the same and not to any higher tax than that to which lands rented or leased by subjects of Her Majesty the Queen of Madagascar, or subjects or citizens of the most favoured nation, would be liable.

“In the event of a British subject dying in Madagascar, and leaving houses, lands, or other property, the persons who are

\* See Vol. 12. Page 635.



entitled thereto according to British law shall receive possession of the said property; and the British Consul, or some one appointed by the British Consul, may proceed at once to take charge of the said property on their account.

“British subjects may freely engage in their service in any capacity whatever any native of Madagascar, not a slave or a soldier, who may be free from any previous engagements; such engagements may be executed by deeds signed before a British Consul and the local authorities, but are liable to be determined should the services of persons so engaged be required by the Queen, or on their own application, after due notice.

“No domiciliary visits shall be made to the establishments, houses, or properties possessed or occupied by British subjects unless by the consent of the occupants, or in concert with the British Consul.

“In the absence, however, of any Consular officer, the local authorities may enter, after giving due notice to the occupants, whenever there is reasonable cause to believe that stolen property or persons escaping from justice are concealed on the premises.

“No British subjects residing in Madagascar shall have the right of entering the house of any subject of the Queen of Madagascar against the will of the occupants.”

The present Declaration shall come into force on the 1st September, 1883, and it shall have the same force and duration as the aforesaid Treaty of the 27th June, 1865, which shall, except as hereby amended, retain its full force and effect.

In witness whereof the Undersigned, duly authorized for this purpose, have signed the present Declaration, and have affixed thereto their seals.

Done in duplicate at London, the 16th day of February, 1883.

(L.S.) GRANVILLE.

(L.S.) RAVONINAHITRINIARIVO, 15 Honours, Chief Secretary of State for Foreign Affairs, Chief Ambassador of Her Majesty the Queen of Madagascar.

(L.S.) RAMINARAKA, 14 Honours, O.D.P., Member of the Privy Council, Ambassador of Her Majesty the Queen of Madagascar.

*AGREEMENT between Great Britain and Madagascar, for regulating the Traffic in Spirituous Liquors. Signed in the English and Malagasy Languages at London, May 25, 1883.*

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Government of Her Majesty the Queen of Madagascar, being desirous of making satisfactory arrangements for the regulation of the traffic in spirituous liquors in Madagascar, the Undersigned, duly authorized to that effect, have agreed as follows:—

ART. I. Spirits of all kinds may be imported and sold in Madagascar by British subjects on payment of the same duty as that levied by the Malagasy excise laws upon spirits manufactured in Madagascar.

The scale of excise duty to be levied upon spirits manufactured in Madagascar shall be communicated by the Malagasy Government to Her Majesty's Consul, and no change in the excise duties shall affect British subjects until after the expiration of six months from the date at which such notice shall have been communicated by the Malagasy Government to Her Majesty's Consul.

II. The testing of spirits imported into the Kingdom of Madagascar by British subjects shall be carried out by properly qualified officials nominated by the Malagasy authorities, and by an equal number of experts nominated by Her Majesty's Consul. In case of difference the parties shall nominate a third person, who shall act as umpire.

III. The Malagasy Government may stop the importation by British subjects into Madagascar of any spirits which, on examination, shall be proved to be deleterious to the public health; and they may give notice to the importers, consignees, or holders thereof to export the same within three months from the date of such notice, and if this is not done the Malagasy Government may seize the said spirits and may destroy them, provided always that in all such cases the Malagasy Government shall be bound to refund any duty which may have been already paid thereon.

The testing of spirits imported by British subjects, and which may be alleged to be deleterious, shall be carried out in the manner provided by Article II.

The Malagasy Government engage to take all necessary measures to prohibit and prevent the sale of spirits manufactured in Madagascar which may be deleterious to the public health.

IV. Any British subject who desires to retail spirituous liquors in Madagascar must take out a special licence for that

purpose from the Malagasy Government, which shall not be refused without just and reasonable cause.

This licence may be granted upon conditions to be agreed upon from time to time between the two Governments.

V. British subjects shall at all times enjoy the same rights and privileges in regard to the importation and sale of spirits in Madagascar as the subjects of the most favoured nation; and spirits coming from any part of Her Britannic Majesty's dominions shall enjoy the same privileges in all respects as similar articles coming from any other country the most favoured in this respect.

It is therefore clearly understood that British subjects are not bound to conform to the provisions of the present Agreement to any greater extent than the subjects of other nations are so bound.

VI. Subject to the provisions of Article V, the present Agreement shall come into operation on a date to be fixed by mutual consent between the two Governments, and shall remain in force until the expiration of six months' notice given by either party to determine the same.

The existing Treaty engagements between Great Britain and Madagascar shall continue in full force until the present Agreement comes into operation; and after that date, except in so far as they are modified hereby.

Should the present Agreement be terminated, the Treaty engagements between Great Britain and Madagascar shall revive, and remain as they existed previously to the signature hereof.

VII. In this Agreement the words "British subject" shall include any naturalized or protected subject of Her Britannic Majesty; and the words "Her Majesty's Consul" shall include any Consular officer of Her Britannic Majesty in Madagascar.

In witness whereof the Undersigned have signed the same in duplicate, and have affixed thereto their seals.

Done at London, the 25th day of May, 1883.

(L.S.) GRANVILLE.

(L.S.) RAVONINAHITRINIARIVO, 15 *Honours*, Chief Secretary of State for Foreign Affairs, Chief Ambassador of Her Majesty the Queen of Madagascar.

(L.S.) RAMINARAKA, 14 *Honours*, O.D.P., Member of the Privy Council, Ambassador of Her Majesty the Queen of Madagascar.

## MONTENEGRO, &c.

BRITISH CIRCULAR, *notifying the Accession of Bulgaria and Montenegro to the International Telegraphic Convention of July 22, 1875. London, February 14, 1881.*

*Foreign Office, February 14, 1881.*

ART. XVIII of the International Telegraph Convention\* requires that adhesions to that Convention should be notified to the Signatory Powers by the country in which the last Conference was held; and this duty, therefore, at present devolves upon Great Britain.

I have consequently to request you to inform the Government that Bulgaria† and Montenegro‡ have given their adhesion to the International Telegraph Convention; and you will at the same time communicate the annexed table of information which has been furnished by those States as to rates, &c.

I am, &c.,  
GRANVILLE.

TABLE of Information respecting Telegraph Rates furnished by Bulgaria and Montenegro.

Country.	Rates for European and extra-European correspondence.	Class of States contributing under Article LXXVI to the expenses of the International Telegraph Office.	Value of local money as compared with the franc.
Bulgaria ..	European— Terminal rate, 5 centimes Transit " 4 " Extra-European— Terminal and transit rate, 7½ centimes.	5th	The franc is current in Bulgaria.
Montenegro	European— Terminal rate, 5 centimes Transit " 2 " Extra-European— Terminal and transit rate, 7½ centimes	6th	50 kreutzers.

\* See Vol. 14. Page 98.

† Date of Adhesion, September 18, 1880, and of British acceptance, February 10, 1881.

‡ Date of Adhesion, September 20, 1880, and of British acceptance, February 10, 1881.

## NETHERLANDS.

*LOI des Pays-Bas, concernant l'Admission, l'Expulsion, &c.. des Etrangers. Loo, le 13 Août, 1849.*

NOUS, Guillaume III, par la grâce de Dieu, Roi des Pays-Bas, Prince d'Orange-Nassau, Grand Duc de Luxembourg, &c.

ART. 1. Tout étranger, possédant ou en état de se procurer par son travail, des moyens suffisants d'entretien, est admis sur le territoire Néerlandais conformément aux dispositions des quatre Articles suivants.

2. L'admission a lieu sur la production d'un passeport en règle, délivré à l'étranger.

Les passeports délivrés à l'étranger se trouvent en règle :

a. Si la délivrance a eu lieu par le Gouvernement du pays de l'étranger, ou de la part de ce Gouvernement.

b. Si le voyage dans les Pays-Bas est autorisé par le visa d'un Agent Diplomatique ou Consulaire Néerlandais près de ce Gouvernement.

c. S'ils ne sont pas périmés.

3. L'admission peut également avoir lieu en vertu d'autres documents, pourvu que ces documents déterminent la personne qui en est le porteur, le lieu d'où il arrive et le but de son voyage vers ce royaume.

4. L'étranger peut être admis même sur la simple présentation de sa personne, en se faisant connaître et en déclarant d'où il arrive et quel est le but de son voyage.

Dans ce cas il peut être exigé une déclaration, signée par deux ou un plus grand nombre de personnes connues de la police, attestant qu'elles connaissent l'étranger.

5. L'admission est accordée par le Chef de la Police de la commune frontière ou de celle où la première arrivée a lieu. A cet effet il délivre un permis de voyage et de séjour, sur dépôt, ou non, du passeport pour l'étranger ou des autres documents à lui présentés.

6. Les permis de voyage et de séjour sont valables pour trois mois. Ils peuvent être prolongés par le Chef de la Police du lieu où se trouve l'étranger.

La prolongation de ce permis ne peut être refusée que dans le cas où il ne serait pas satisfait aux exigences de l'Article 1.

Si l'officier de police, que la chose concerne, est d'avis que la prolongation du permis de voyage et de séjour ne peut être accordée, il soumettra sans délai le refus à l'avis du Juge de Canton, afin qu'il soit procédé par celui-ci conformément à l'Article 11.

7. L'étranger est tenu d'exhiber son permis de voyage et de séjour et son passeport pour l'étranger ou autres documents dont

il pourrait être muni, aux officiers de police qui le demandent et au maître de la maison où il prendra logis.

8. Si un étranger non muni d'un permis de voyage et de séjour est découvert dans l'intérieur du royaume, le Chef de la Police de la commune, où il sera rencontré, pourra lui délivrer ultérieurement le permis nécessaire, en se conformant aux règles prescrites pour l'admission des étrangers à leur arrivée dans le royaume.

9. L'étranger qui n'a pu obtenir un permis de voyage et de séjour, s'il est rencontré dans l'intérieur du royaume, doit être conduit au delà des frontières.

10. L'étranger admis ne peut être conduit au delà des frontières que par ordonnance du Juge de Canton du lieu où il réside, ou par nos ordres.

11. Le Juge de Canton ne peut ordonner l'expulsion que lorsque l'étranger n'offrirait par les garanties indiquées dans l'Article 1, et seulement après avoir entendu l'étranger ou après l'avoir fait citer à cet effet.

Il sera dressé procès-verbal de l'interrogatoire.

Si l'étranger n'a pas comparu, mention en est faite dans l'ordonnance d'expulsion.

Cette ordonnance doit être motivée.

Copie du procès-verbal et de l'ordonnance d'expulsion est transmise par le Juge de Canton à notre Commissaire dans la Province.

Nous nous réservons la faculté d'annuler l'ordonnance d'expulsion ou d'en suspendre l'exécution.

Cependant l'ordonnance d'expulsion est exécutoire nonobstant qu'il en sera appelé à nous ou, d'après les dispositions de l'Article 20, à la Haute Cour.

12. L'étranger dangereux pour la tranquillité publique peut être expulsé par notre ordre.

L'étranger dont l'expulsion a été ordonné par nous est tenu de quitter le royaume dans les 15 jours après en avoir reçu l'ordre. Pendant ce temps il peut profiter de la faculté accordée par l'Article 20 de cette Loi et peut être conduit en lieu de sûreté.

S'il ne profite pas de cette faculté, ou si la Haute Cour trouve ses réclamations non fondées, l'ordre d'expulsion est immédiatement mise à exécution.

Il est expulsé alors par la frontière qu'il désignera lui-même, si faire se peut.

13. Nous nous réservons la faculté d'indiquer à l'étranger dangereux pour la tranquillité publique un endroit dans le royaume où il devra fixer sa résidence, ou de la lui interdire en d'autres endroits.

Les arrêtés pris par nous en vertu du présent Article et de l'Article 12 de cette Loi sont communiqués aux Chambres des États-Généraux.

14. L'étranger découvert sur le territoire du royaume dans les cinq années après la date de l'ordonnance du Juge de Canton, s'il ne peut produire une admission ultérieure, est puni d'un emprisonnement de huit jours à trois mois.

15. L'étranger expulsé par notre ordre, qui rentre sur le territoire du royaume sans que l'ordre d'expulsion soit révoqué, est puni d'un emprisonnement de trois à six mois.

Dans les cas prévus par l'Article présent et l'Article 14 de cette Loi, les condamnés, à l'expiration de leur peine, seront conduits au delà des frontières.

16.\*

17.\*

18.\*

19. Les dispositions de cette Loi ne sont pas applicables aux étrangers assimilés, d'après l'Article 8 du Code Civil, aux Néerlandais et qui sont considérés, pour ce qui concerne les effets de cette Loi, comme régnicoles; ni à l'étranger établi sur le territoire Néerlandais et marié ou ayant été marié à une femme Néerlandaise, dont il a un enfant ou des enfants nés dans le royaume.

20. Si les dispositions de la présente Loi sont appliquées à des personnes qui prétendent ou être Néerlandais, ou appartenir à l'une ou l'autre des catégories établies par l'Article 19, il leur est loisible, mais non pour d'autres motifs (et s'ils se trouvent dans les cas prévus par les Article 12 et 18 dans les délais fixés par ces Articles), de demander par requête à la Haute Cour que la Loi soit déclarée non applicable à leur égard.

La Haute Cour examine la demande et statue après avoir entendu le Procureur-Général.

21. Les actes et documents dressés ou délivrés en vertu de cette Loi sont libres du timbre et exempts de tout droit d'enregistrement et de greffe.

Mandons et ordonnons que les présentes seront insérées au "Bulletin des Lois," et que tous les Départements Ministériels, autorités, collèges et fonctionnaires, à qui de droit, auront soin de son exécution exacte.

Donné au Loo, le 13 Août, 1849.

GUILLAUMF.

H. I. WICHERS, *Ministre de Justice.*

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\* Abrogated by Law of April 6, 1875.

## NICARAGUA.

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SWISS NOTIFICATION of the Accession of Nicaragua to the  
*Universal Postal Union of June 1, 1878. Berne, June 20, 1881.*

M. LE MINISTRE,

*Berne, le 20 Juin, 1881.*

EN conformité de l'Article XVIII de la Convention de Paris du 1<sup>er</sup> Juin, 1878,\* concernant l'Union Postale Universelle, nous avons l'honneur d'informer votre Excellence :

1. Que le Gouvernement de la République de Nicaragua a déclaré par l'organe de M. Arthur Petitdidier, Consul-General de Nicaragua en France, muni à cet effet des pleins pouvoirs nécessaires, adhérer à la Convention susmentionnée, et conséquemment aussi au Règlement d'Exécution y relatif.

2. Que nous sommes d'accord avec le Gouvernement de la République de Nicaragua sur les points suivants :—

(a.) L'Administration des Postes de ce pays percevra, comme équivalents, en conformité de l'Article 4 du Règlement d'Exécution à la Convention de Paris, concernant l'Union Postale Universelle :

Pour 25 centimes	..	..	..	5 centavos.
„ 10 „	..	..	..	2 „
„ 5 „	..	..	..	1 centavo.

(b.) La date de l'accession est fixée au 1<sup>er</sup> Mai, 1882.

(c.) Pour la part contributive aux frais du Bureau International des Postes (Article 28 du Règlement d'Exécution précité), la République de Nicaragua sera rangée dans la 6<sup>me</sup> classe.

Nous saisissons cette occasion pour renouveler à votre Excellence les assurances de notre haute considération.

Au nom du Conseil Fédéral Suisse,

DROZ, *Président de la Confédération.*

SCHIESS, *Chancelier de la Confédération.*

*Son Excellence M. le Ministre des Affaires Étrangères*  
de à

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\* See Vol. 14. Page 1014.



## PARAGUAY.

SWISS NOTIFICATION *of the Accession of Paraguay to the  
Universal Postal Union of June 1, 1878. Berne, April 8,  
1881.*

M. LE MINISTRE, Berne, le 8 Avril, 1881.

EN conformité de l'Article XVIII de la Convention de Paris du 1<sup>er</sup> Juin, 1878,\* concernant l'Union Postale Universelle, nous avons l'honneur d'informer votre Excellence :

1. Que le Gouvernement de la République du Paraguay a déclaré, par une note datée d'Asuncion le 26 Janvier, 1881. adhérer à la Convention susmentionnée, et conséquemment aussi au Règlement d'Exécution y relatif.

2. Que nous nous sommes entendus avec le Gouvernement de la République du Paraguay sur les points suivants :—

(a.) L'Administration des Postes percevra, comme équivalents, en conformité de l'Article 6 du Règlement d'Exécution à la Convention de Paris, concernant l'Union Postale Universelle :

Pour 25 centimes	..	..	5 centavos de peso (peso fuerte).
" 10 "	..	..	2 " "
" 5 "	..	..	1 centavo "

(b.) La date de l'accession est fixée au 1<sup>er</sup> Juillet, 1881.

(c.) Pour la part contributive aux frais du Bureau International des Postes (Article 28 du Règlement d'Exécution précité) la République du Paraguay sera rangée dans la 6<sup>ème</sup> classe.

Nous saisissons cette occasion pour renouveler à votre Excellence les assurances de notre haute considération.

Au nom du Conseil Fédéral Suisse,

BAVIER, *Vice-Président.*

SCHIESS, *Chancelier de la Confédération.*

Son Excellence M. le Ministre des Affaires Étrangères  
de à .

\* See Vol. 14. Page 1014.

## PORTUGAL.

ENGAGEMENT given by the Portuguese Government to the British Government not to cede or sell to any third Power the Territories on the South-East Coast of Africa awarded to Portugal by the decision of the President of the French Republic.\* (*Delagoa Bay, &c.*) June, 1875.†

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*The British Minister at Lisbon to the Portuguese Minister for Foreign Affairs.*

*Cintra, June 14, 1875.*

IN accordance with instructions received from Her Britannic Majesty's Principal Secretary of State for Foreign Affairs relative to those territories situated on the south-east coast of Africa over which Her Britannic Majesty has hitherto exercised rights of sovereignty disputed by the Government of His Most Faithful Majesty, and with reference, more especially, to the decision not yet officially declared of the President of the French Republic, to whose arbitration the two Governments have agreed to refer their adverse claims to the possession of the above-mentioned territories, the Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has now the honour to submit to His Most Faithful Majesty's Minister for Foreign Affairs, for the friendly consideration of His Most Faithful Majesty's Government, a proposal on the part of Her Britannic Majesty's Government that Great Britain and Portugal should enter into a mutual agreement to the effect that, whichever way the Award of the Arbitrator may be given, as regards the right of sovereignty over the above-mentioned territories, the Power in whose favour the Award is made will not entertain any proposal for the acquisition of the said territory by any other Power, until the defeated claimant shall have had an opportunity of making to the successful claimant a reasonable offer for the acquisition of that territory, either by purchase or for some other consideration.

In inviting the assent of the Portuguese Government to the proposal thus made to it on behalf of the British Government, the Undersigned is anxious to assure His Most Faithful Majesty's Minister for Foreign Affairs that when the Government of Her Britannic Majesty agreed to refer to the arbitration of the President of the French Republic the Portuguese claims to a territory of which Great Britain had long been in practical possession, the motive of Her Majesty's Government in so doing was a sincere desire to remove from the old and cordial

\* July 24, 1875. See Vol. 14. Page 1050.

† Laid before Parliament with Correspondence respecting Delagoa Bay, 1875.

relations between Great Britain and Portugal a long-standing ground of contention as to the sovereignty of a territory so closely neighbouring the Colonial possessions of the two Powers in Southern Africa. But the possession of that territory by any third Power, to whom the surrender of it was not contemplated by the British Government when the British Government agreed to submit to arbitration the disputed title on which it had hitherto claimed and held the territory in question, would scarcely be calculated to inspire on the part of Her Majesty's Government those sentiments of confidence and security with which they are fully prepared to accept the Award of the Arbitrator, if that Award be favourable to the claims of Portugal.

The Undersigned therefore trusts that, in the same friendly spirit which in regard to this and all other questions affecting their several interests has so long and so happily animated the relations between Great Britain and Portugal, the Government of His Most Faithful Majesty will be readily disposed to entertain the proposal hereby submitted to them by the Undersigned, who avails himself of the present opportunity to renew, &c.,

*Senhor João de Andrade Corvo.* LYTTON.

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*The Portuguese Minister for Foreign Affairs to the British Minister at Lisbon.*

(Translation.) *Foreign Department, Lisbon, June 17, 1875.*

THE Undersigned, His Most Faithful Majesty's Minister and Secretary of State for Foreign Affairs, had the honour to receive the note which was addressed to him on the 14th instant by Lord Lytton, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, relative to the territories situated on the East Coast of Africa, the possession of which was disputed by the two Governments of Portugal and of Great Britain, a dispute which was, by mutual assent, referred to the arbitration of the President of the French Republic.

While expressing the apprehensions of his Government as to the eventuality of the territories in question being ceded to a third Power, Lord Lytton remarks that, when the British Government agreed to refer to the arbitration of the President of the French Republic the question which had for so many years been pending between the said Government and that of Portugal, they were animated by the sincere desire of removing from the old and cordial relations between Portugal and England a ground of contention as to right of sovereignty over a territory which was in the immediate neighbourhood of the Colonial possessions of the two countries; and he adds that the possession of that territory by any third Power could hardly inspire in Her Britannic Majesty's Government those sentiments

of confidence and security with which they are prepared to accept the Award of the Arbitrator in favour of Portugal.

In thanking Lord Lytton for the assurances which his Excellency gives him in his note as to the sentiments of cordiality and confidence entertained by Her Britannic Majesty's Government, which sentiments are sincerely reciprocated by His Most Faithful Majesty's Government, the Undersigned has the greatest pleasure in giving his Excellency the fullest assurance as to the determination of the Portuguese Government of not ceding to any third Power the territory, the possession of which may be secured for it in virtue of the arbitration of Marshal MacMahon, and of observing, both on this and on all other occasions, a perfect loyalty towards the British Government, in whose friendship and loyalty the Government of His Most Faithful Majesty entirely confides.

The Undersigned, &c.,  
*Lord Lytton.*

JOÃO DE ANDRADE CORVO.

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*The British Minister at Lisbon to the Portuguese Minister for Foreign Affairs.*

*Cintra, June 24, 1875.*

IN acknowledging the receipt of the obliging reply which the Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has had the honour to receive, under date of the 17th instant, from His Most Faithful Majesty's Minister for Foreign Affairs, to the note addressed by the Undersigned on the 14th instant to his Excellency, inviting the Portuguese Government to enter into an agreement with the Government of Her Britannic Majesty not to cede or sell to any third Power the territories on the South-East Coast of Africa awarded to Portugal by the decision of the President of the French Republic, to whose arbitration the adverse claims of the two Governments to the territories in question were by mutual consent submitted, without having previously given to Her Britannic Majesty's Government the opportunity of making a reasonable offer for the purchase or acquisition by other arrangements satisfactory to Portugal of the territory thus awarded, the Undersigned has much pleasure in expressing to His Most Faithful Majesty's Minister for Foreign Affairs the great satisfaction with which the assurance contained in his Excellency's above-mentioned note of the 17th instant has been received by Her Britannic Majesty's Government.

Requesting His Most Faithful Majesty's Minister for Foreign Affairs to accept his own thanks and those of Her Britannic Majesty's Government for this prompt and satisfactory answer to his communication of the 14th instant, the Undersigned avails himself, &c.

*Senhor Corvo.*

LYTTON.

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ACT of the British Parliament, relating to the Revision of the Statute Law; so far as relates to the Penalty to be recovered for harbouring Deserters from Portuguese Vessels.

[39 & 40 Vict., cap. 20.]

[June 27, 1876.]

2. THERE shall be repealed so much of Section 2 of the Act of the session of the 12th and 13th years of the reign of Her present Majesty, cap. 25, intituled "An Act for giving effect to the stipulations of a Treaty between Her Majesty and the Queen of Portugal for the apprehension of certain deserters,"\* as provides, by reference to an Act of Parliament since repealed, for the recovery, payment, and application of the penalty therein mentioned for harbouring or secreting a seaman or apprentice having deserted from his ship, and in place thereof be it enacted as follows:

The penalty under Section 2 of the Act of the session of the 12th and 13th years of the reign of Her present Majesty, cap. 25, intituled "An Act for giving effect to the stipulations of a Treaty between Her Majesty and the Queen of Portugal for the Apprehension of certain Deserters," shall be recovered, paid, and applied in the same manner as a penalty for harbouring or secreting any seaman deserting from a British ship is for the time being recoverable, payable, and applicable.

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PORTUGUESE PORTARIA, *forbidding the Ill-treatment of Negro Labourers in the Transmarine Provinces.* Lisbon, November 5, 1879.

(Translation.)

WHEREAS His Majesty the King has been informed that in more than one of the Portuguese transmarine possessions certain acts have been committed, not only in violation of the Constitutional Charter of the Monarchy, but even in manifest contravention of the special laws framed for the protection of the natives—such as the infliction of severe corporal punishments, sometimes merely tolerated by the Portuguese authorities, and at other times ordered by the said authorities themselves; and whereas His Majesty does not wish, on the one hand, to consent to the violation of the positive laws bearing upon this matter, and on the other hand it is a source of deep distress to his paternal heart to learn that human beings who, owing to their want of education, are ignorant of their rights as free citizens of a Catholic country, should be barbarously treated; he is hereby pleased to command, through the Department of State for the Marine and Colonies, that the Governors of all

\* See Vol. 8. Page 812.

the Portuguese transmarine provinces shall observe the humane regulations set forth in the Portuguese legislation, and cause them to be observed by others within their respective districts under the strict responsibility of the said Governors, and moreover they shall prevent the ill-treatment of the natives by any person whatsoever, and they shall immediately deliver up to the proper tribunals any person who shall have violated the law in question, with a view to their being duly punished.

At the Palace, November 5, 1879.

THE KING.

MARQUIS OF SABUGOSA.

CONVENTION *between the Governor-General of British India and the Governor-General of Portuguese India, respecting Money, Weights, and Measures. Signed at Calcutta, March 18, 1880; and at Pangim, April 12, 1880.*

WHEREAS by Article V of a Treaty of Commerce and Extradition executed at Lisbon on the 26th day of December, 1878, and ratified on the 6th day of August, 1879,\* between His Most Faithful Majesty the King of Portugal and the Algarves and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, it is provided that the High Contracting Parties shall use their best endeavours to establish between their respective systems of moneys, weights, and measures the harmony desirable for the development of commercial relations between their respective dominions; and whereas by the same Article it is further provided that the detailed measures to be adopted shall form the subject of a separate Convention between the Governors-General of British India and Portuguese India, to be executed within two years from the date when the said Treaty comes into force; and whereas the said Treaty came into force on the 15th day of January, 1880:

In pursuance of the said Article, the following Convention has been made:—

I. The Governor-General of Portuguese India shall adopt, in the Portuguese possessions in India, the monetary system of British India for the time being in force, provided that the coins shall have on one side the effigy of the King of Portugal, with the legend "Ludovicus I, Portugalix et Algarbiorum Rex," around it, or such other effigy and legend as the said Governor-General may from time to time desire, and on the

\* See Vol. 14. Page 1121.

other side the value of each coin, the year of the Christian era, and the words "India Portugueza."

II. Subject to the provisions of Clause VII, so long as this Convention remains in force, the following coins and no others shall be struck for Portuguese India:—

- Silver*.—Rupee, weighing 180 grains troy ;
- Half-rupee, weighing 90 grains troy ;
- Quarter-rupee, weighing 45 grains troy ;
- Eighth of a rupee, weighing 22½ grains troy.

The standard fineness of the said silver coins shall be eleven-twelfths of fine silver and one-twelfth of alloy, subject to a remedy not exceeding the following:—

	Remedy in weight.	Remedy in fineness.
Rupee .. .. .	Five thousandths	Two thousandths.
Half-rupee .. .. .		
Quarter-rupee .. .. .	Seven thousandths	} Three thousandths.
Eighth of a rupee .. .. .	Ten thousandths	

*Copper*.—Half *tanga*, weighing 200 grains troy, and corresponding with the double pice or half-anna of British India ;

Quarter *tanga*, weighing 100 grains troy, and corresponding with the pice of British India ;

Eighth of a *tanga*, weighing 50 grains troy, and corresponding with the half-pice of British India ;

*Real*, or twelfth of a *tanga*, corresponding with the pie of British India ;

In the making of copper coins, a remedy shall be allowed not exceeding one-fortieth in weight.

The value in copper of one Portuguese rupee will be 16 Portuguese *tangas*, 64 quarter *tangas* or pices, or 192 *reales* or pies.

III. The Portuguese silver and copper coins established by this Convention shall be issued by the authority of the Government of Portuguese India, and shall be coined on behalf of the said Government by the Government of British India, and by no other agency whatever.

The Governor-General of Portuguese India engages that, while this Convention continues in force, no coins other than those established by this Convention shall be coined in or imported into Portuguese India.

IV. With the view of obtaining in the shortest possible time the desired uniformity of coinage throughout the respective Indian possessions of the High Contracting Parties, the Governor-

General of British India engages that the Government of British India shall—

- (a.) Forego, for the period of three years from the date on which this Convention comes into force, all duty or other charge for melting, cutting, refining, or recoining any coin of the existing Portuguese Indian silver currency tendered for recoinage into Portuguese Indian coin ;
- (b.) Deliver, for the period of five years from the date of this Convention, copper coins of the Portuguese copper currency established by this Convention in exchange for copper coins of the existing Portuguese Indian copper currency which may be brought to the said mint for the purpose of such exchange, at the value represented by such last-mentioned coins in the existing Portuguese currency. The relative representative value of the old and new coin to be thus exchanged on equal terms, and without charge for manufacture, shall, if the Governor-General of Portuguese India so desires, be determined, once for all, by a Mixed Commission appointed in the manner provided in Article XVI of the above-cited Treaty ;
- (c.) Advance to the Governor-General of Portuguese India, in the Portuguese currency established by this Convention, such sums in such denominations of coin, and in such instalments (if any), as the said Governor-General of Portuguese India may require, provided—

- 1stly. That the amount of such advances outstanding at any time shall not exceed in the whole 10 lakhs of rupees.
- 2ndly. That an interval of two months shall be allowed for compliance with any such requisition, and that no such advance shall be made after the expiration of 18 months from the date on which this Convention comes into force.
- 3rdly. That every such advance shall be, within two months, repaid in coin of the existing Portuguese Indian currency, equivalent thereto in intrinsic value ascertained upon assay at Her Majesty's mint, or in copper coin of the existing Portuguese Indian currency valued as prescribed in clause (b).

V. The Governor-General of British India engages that the Government of British India shall—

- (a.) On presentation by or on behalf of the Governor-General of Portuguese India of any silver bullion or coin at the mint at Bombay, or at such other mint as the said Government from time to time appoints, deliver to the



said Governor-General, or his Agent, after such interval as in the judgment of the Mint Master is necessary for the process of coinage, the produce of such silver bullion or coin, in the silver coin established by this Convention, subject, always, to the same duty, charges, fees, and regulations as are for the time being in force for the conversion into British Indian currency of bullion and coin, presented at the said mint; provided that, save as provided in Clause 4, the said Government shall not be bound thus to deliver more than four lakhs of rupees in any one year;

- (b.) Coin for the Governor-General of Portuguese India the copper coins established by this Convention, to such amounts and in such denominations as the said Governor-General may require, upon payment of the value inscribed upon such coins in the silver coin established by this Convention or in British Indian rupees: provided that, saving as engaged in Clause IV, the said Government shall not be bound thus to coin more than 20,000 rupees' worth of such coin in any one year.

In lieu of any seignorage or profits which the Portuguese Government might otherwise claim on account of the coinage on their behalf provided by this clause, the Governor-General of British India engages to pay the Governor-General of Portuguese India an indemnity of 4,000 rupees per annum, commencing from the 1st day of November, 1883, and continuing as long as this Convention remains in force.

VI. All silver and copper Portuguese coins, coined under the provisions of this Convention, shall, while this Convention remains in force, be legal tender in payment or on account throughout British India to the same extent and subject to the same exceptions in the case of coin which has been called in, or is under weight, or has been clipped, filed, or defaced, as in the case of the corresponding silver and copper coins issued by the authority of the Government of British India for the time being in British India.

All silver and copper coin which has been issued by the authority of the Government of British India shall, to the said same extent and subject to the same exceptions, be a legal tender in payment or on account throughout Portuguese India.

VII. The Governor-General of Portuguese India agrees that, if at any time while this Convention continues in force the Government of British India should recall the whole body of British Indian coin corresponding to any description of Portuguese coin issued under this Convention, or change the monetary system of British India, he will, if requested by such Government so to do, recall all Portuguese coin of that description, or change in like manner, as the case may be, the monetary system

of Portuguese India; provided that the expense incurred in recalling such coin or making such change shall be defrayed by the Government of British India.

VIII. When any silver coin, purporting to have been issued under the provisions of this Convention, is tendered to any officer of the Government of British India, authorized by that Government to act under this clause, and is deemed by such officer to be counterfeit, or to have been reduced in weight otherwise than by reasonable wearing, he may, by himself or another (subject to the rules which the said Government prescribes in his behalf), cut or break such coin and return the pieces to the person tendering the same, and the loss caused by such cutting and breaking shall be borne by such person.

IX. When any such silver coin which has been called in is tendered to any officer of the Government of British India authorized by that Government to act under this clause, he may cut or break such coin, and shall receive it at the rate of one rupee per tola; but the expense thus incurred shall, except when such coin has been recalled under Clause VII, be borne by the Portuguese Government.

X. In like manner, when any British Indian coin which has been called in is tendered to any officer of the Government of Portuguese India authorized by that Government to act under this clause, he may cut or break such coin, and shall receive it at the rate of one rupee per tola; and the expense so incurred shall be borne by the Government of British India.

XI. The Governor-General of Portuguese India engages to appoint an officer who will receive, while this Convention continues in force, from any person tendering the coin next hereinafter mentioned, all silver coin issued under this Convention which may have lost, by reasonable wearing, more than 2 per cent., and shall pay for the same at the rate of one rupee per tola.

XII. Nothing in this Convention shall be held to limit the powers of His Most Faithful Majesty the King of Portugal and the Algarves to establish at any time such system of paper currency as he may deem fit.

The Governor-General of Portuguese India has the power for the present to issue the following paper money:—

5-rupee notes, payable in copper.		
10	ditto	payable in silver.
20	ditto	ditto.
50	ditto	ditto.
100	ditto	ditto.
500	ditto	ditto.

The amount of paper money issued will never be above 4 per cent. of the value of the money in circulation, the Portu-

guese India Government notes being guaranteed by the Portuguese Government and payable to the bearer.

XIII. The Governor-General of Portuguese India engages that, whenever the Government of British India exercises in respect of British India generally, or of all the territories adjacent to Portuguese India, the powers conferred on it under a certain Act of the Governor-General of British India in Council, called "The Indian Weights and Measures of Capacity Act, 1871," then he, the said Governor-General of Portuguese India, will enforce throughout Portuguese India provisions similar to those of that Act.

XIV. This Convention shall come into force on the 1st day of November, 1880, and shall remain in force until the expiration of a year counting from the day on which one or other of the Contracting Parties shall have given notice to the other of its intention to put an end to it: provided that no such notice shall be given until four years after the date on which the Convention comes into force.

XV. The Governor-General of Portuguese India undertakes that, in the event of this Convention being put an end to under Clause XIV or otherwise, no coins resembling any of the coins struck under this Convention shall be struck in or imported into Portuguese India, or shall be struck under the authority of, or with the sanction of, His Most Faithful Majesty in any other place.

Done at Calcutta, on the 18th day of March, 1880.

LYTTON, *Viceroy and Governor-General of British India.*

Done at Pangim, on the 12th day of April, 1880.

CAETANO ALDRE. D'ALMEIDA ALBUQUERQUE, *Governor-General of Portuguese India.*

## RUSSIA.

RUSSIAN UKASE *respecting the Substitution of the German Empire for Prussia in the Treaty of December 20, 1841,\* for the Suppression of the Slave Trade. St. Petersburg, January 1<sup>st</sup>, 1880.*

(Translation.)

UKASE of His Imperial Majesty the Autocrat of All the Russias, issued by the Ruling Senate.

BY order of His Imperial Majesty the Ruling Senate took into consideration a proposal of the Director of the Ministry of Justice, under date of the 3rd January, 1880 (*sub* No. 490), to

\* See Vol. 6. Page 2.

the following purport:—A Treaty was concluded in London on the 26<sup>th</sup> December, 1841, between Russia, Austria, France, Great Britain, and Prussia, for the suppression of the trade in negroes, which Treaty was published with the Ukase of the 20th May, 1842, together with the Supplements to this Treaty under the letters A and B. This Treaty was ratified by all the above-named States with the exception of France, which subsequently declined to confirm it. In consequence now of the agreement which has taken place between Russia, Austria-Hungary, Great Britain, and Germany, the German Empire has been recognized in lieu of Prussia as a participant in this Treaty, and at the same time the said Empire undertakes all the obligations and enjoys all the rights which devolved upon Prussia by the stipulations of the Treaty of the 26<sup>th</sup> December, 1841, the two Supplements thereto, as also by the Protocol signed in London on the 3rd October, 1845,\* by the Representatives of Russia, Austria, Great Britain, and Prussia. By general agreement of the above-named parties the following modification of the Treaty of 1841 was also made:—German vessels seized by cruisers of other States shall be surrendered not at Stettin, as was stipulated for Prussian vessels by the instructions of 1841 (No. V, Supplement B), but at Cuxhaven, whence the case is to be submitted to the investigation of the competent German Court. With respect to this International Agreement, His Imperial Majesty was graciously pleased, as it would appear from the communication of the 22nd December, 1879 (*sub* No. 11,935), from M. de Giers, Secretary of State and Assistant Minister for Foreign Affairs, to order the Ruling Senate to make public promulgation of the same. Therefore the Ruling Senate directs that His Imperial Highness the Viceroy of the Caucasus, the Ministers, and Commanders-in-chief of separate branches receive notification of the foregoing for their information and guidance; some by Ukase, and others by copies of the decision of the Senate to be transmitted through the medium of the Chief Procurator of the 1st Department of the Ruling Senate; Ukases are at the same time to be sent to Governors-General, Military Governors, Governors, Cossack Military Administrations, and other Government institutions and functionaries subordinate to the Ruling Senate; also to the Holy Synod, and to all departments of the Ruling Senate, as well as to its General Assemblies. Furthermore, a copy of this decision shall be supplied to the Department of Justice, and the decision shall be printed in the order prescribed.

This 19<sup>th</sup> day of January, 1880.  
31st

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\* See Vol. 7. Page 79.

## SAMOA.

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CONVENTION *between Great Britain, &c., and Samoa, for the Prolongation of the Convention of September 2, 1879,\* for the government of the Town and District of Apia. September 29, 1883.*

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WHEREAS the Convention concluded between the Representatives of the three Great Powers having Treaty relations with Samoa, and the King and Government of Samoa, dated the 2nd day of September, 1879, provides in Article X as follows:—

“The present Convention shall be revised at the end of four years from its date, and (if the internal state of Samoa will happily admit thereof without prejudice to the interests of the foreign residents of Samoa) the powers conferred by the present Convention upon the Municipal Board of Apia shall then cease and determine, and the district again pass under the control and authority of the Samoan Government, or such other authority as may be agreed upon between the Samoan Government and the High Contracting Parties:”

Whereas the undersigned Representatives of the three nations having entered into Treaty relations with Samoa are of one accord of opinion that the cessation of the powers conferred by the above-named Convention upon the Municipal Board of Apia would be prejudicial to the interests of the foreign residents in Samoa:

And whereas the Government of Samoa has expressed no wish for any revision in accordance with Article X:

It has been agreed between His Majesty Malietoa, King of Samoa, and the before-named Representatives, that the revision provided for in Article X shall be postponed, and that the Convention shall remain in force without change until such time as the internal state of Samoa will happily admit of the district again passing under the control of the Samoan Government as conditioned in Article X.

In witness whereof we have hereunto set our signatures and seals, this 29th day of September, 1883.

(L.S.) T. CANISIUS, *United States' Consul.*  
 (L.S.) Dr. STUEBEL, *German Consul, pro tem.*  
 (L.S.) W. B. CHURCHWARD, *Acting British Consul.*  
 (L.S.) MEISAKA.  
 (L.S.) FAAMATALA UPU.  
 (L.S.) MALETOA LAUPEPA.  
 (L.S.) LE TUPU.  
 (L.S.) SELU.

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\* See Page 336.

## SANDWICH ISLANDS.

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SWISS NOTIFICATION *of the Accession of the Hawaiian Islands to the Universal Postal Union of June 1, 1878. Berne, August 30, 1881.*

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M. LE MINISTRE, *Berne, le 30 Août, 1881.*

EN conformité de l'Article XVIII de la Convention de Paris du 1<sup>er</sup> Juin, 1878,\* concernant l'Union Postale Universelle, nous avons l'honneur d'informer votre Excellence :

1. Que le Gouvernement du Royaume de Hawaii (Iles Sandwich) a déclaré par l'organe de M. William Martin, Chargé d'Affaires et Consul-Général de Hawaii en France, muni à cet effet des pleins pouvoirs nécessaires, adhérer à la Convention susmentionnée, et conséquemment aussi au Règlement d'Exécution y relatif.

2. Que nous sommes d'accord avec le Gouvernement du Royaume Hawaïen sur les points suivants :—

(a.) L'Administration des Postes de ce pays percevra, comme équivalents, en conformité de l'Article 4 du Règlement d'Exécution à la Convention de Paris concernant l'Union Postale Universelle :

Pour 25 centimes	..	..	..	5 cents.
" 10 "	..	..	..	2 "
" 5 "	..	..	..	1 cent.

(b.) La date de l'accession est fixée au 1 Janvier, 1882.

(c.) Pour la part contributive aux frais du Bureau International des Postes (Article 28 du Règlement d'Exécution précité), le Royaume de Hawaii sera rangé dans la 7<sup>ème</sup> classe.

Nous saisissons cette occasion pour renouveler à votre Excellence les assurances de notre haute considération.

Au nom du Conseil Fédéral Suisse,

*DROZ, Président de la Confédération.*

*SCHIESS, Chancelier de la Confédération.*

*Son Excellence M. le Ministère des Affaires Étrangères*

*d* *à*

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\* See Vol. 14. Page 1014.

## SIAM.

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AGREEMENT *between Great Britain and Siam, for regulating the Traffic in Spirituous Liquors. Signed at London, April 6, 1883.*

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THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Government of His Majesty the King of Siam, being desirous of making satisfactory arrangements for the regulation of the traffic in spirituous liquors in Siam, the Undersigned, duly authorized to that effect, have agreed as follows :—

ART. I. Spirits of all kinds, not exceeding in alcoholic strength those permitted to be manufactured by the Siamese Government in Siam, may be imported and sold by British subjects on payment of the same duty as that levied by the Siamese excise laws upon spirits manufactured in Siam; and spirits exceeding in alcoholic strength spirits manufactured in Siam as aforesaid may be imported and sold upon payment of such duty and of a proportionate additional duty for the excess of alcoholic strength above the Siamese Government standard.

Beer and wines may be imported and sold by British subjects on payment of the same duty as that levied by the Siamese excise laws upon similar articles manufactured in Siam, but the duty on imported beer and wines shall in no case exceed 10 per cent. *ad valorem*.

The said duty on imported spirits, beer, and wines shall be in substitution of, and not in addition to, the import duty of 3 per cent. leviable under the existing Treaties; and no further duty, tax, or imposition whatever shall be imposed on imported spirits, beer, and wines.

The scale of excise duty to be levied upon spirits, beer, and wines manufactured in Siam shall be communicated by the Siamese Government to Her Majesty's Agent and Consul-General at Bangkok, and no change in the excise duties shall affect British subjects until after the expiration of six months from the date at which such notice shall have been communicated by the Siamese Government to Her Majesty's Representative at Bangkok.

II. The testing of spirits imported into the Kingdom of Siam by British subjects shall be carried out by European officials nominated by the Siamese authorities, and by an equal number of experts nominated by Her Majesty's Consul. In case of difference the parties shall nominate a third person, who shall act as umpire.

III. The Siamese Government may stop the importation by British subjects into Siam of any spirits which, on examination, shall be proved to be deleterious to the public health; and they may give notice to the importers, consignees, or holders thereof to export the same within three months from the date of such notice, and if this is not done the Siamese Government may seize the said spirits and may destroy them, provided always that in all such cases the Siamese Government shall be bound to refund any duty which may have been already paid thereon.

The testing of spirits imported by British subjects, and which may be alleged to be deleterious, shall be carried out in the manner provided by Article II.

The Siamese Government engage to take all necessary measures to prohibit and prevent the sale of spirits manufactured in Siam which may be deleterious to the public health.

IV. Any British subject who desires to retail spirituous liquors, beer, or wines in Siam must take out a special licence for that purpose from the Siamese Government, which shall not be refused without just and reasonable cause.

This licence may be granted upon conditions to be agreed upon from time to time between the two Governments,

V. British subjects shall at all times enjoy the same rights and privileges in regard to the importation and sale of spirits, beer, wines, and spirituous liquors in Siam as the subjects of the most favoured nation; and spirits, beer, wines, and spirituous liquors coming from any part of Her Britannic Majesty's dominions shall enjoy the same privileges in all respects as similar articles coming from any other country the most favoured in this respect.

It is therefore clearly understood that British subjects are not bound to conform to the provisions of the present Agreement to any greater extent than the subjects of other nations are so bound.

VI. Subject to the provisions of Article V, the present Agreement shall come into operation on a date to be fixed by mutual consent between the two Governments, and shall remain in force until the expiration of six months' notice given by either party to determine the same.

The existing Treaty engagements between Great Britain and Siam shall continue in full force until the present Agreement comes into operation; and after that date, except in so far as they are modified hereby.

Should the present Agreement be terminated, the Treaty engagements between Great Britain and Siam shall revive, and remain as they existed previously to the signature hereof.

VII. In this Agreement the words "British subject" shall



include any naturalized or protected subject of Her Britannic Majesty; and the words "Her Majesty's Consul" shall include any Consular Officer of Her Britannic Majesty in Siam.

In witness whereof the Undersigned have signed the same in duplicate, and have affixed thereto their seals.

Done at London, the 6th day of April, 1883, corresponding to the 14th day of the waning moon of the month Phagunamas, of the year Horse, Fourth Decade, 1244, of the Siamese Astronomical Era.

(L.S.) GRANVILLE.

(L.S.) PRISDANG.

BRITISH CIRCULAR, *notifying the Accession of Siam to the International Telegraphic Convention of July 22, 1875. London, May 31, 1883.*

CIRCULAR.

*Foreign Office, May 31, 1883.*

ARTICLE XVIII of the International Telegraph Convention\* requires that adhesions to that Convention should be notified to the Signatory Powers by the country in which the last Conference was held; and this duty, therefore, at present devolves upon Great Britain.

I have consequently to request you to inform the Government that Siam has given its adhesion to the International Telegraph Convention, such adhesion to date from the 21st of April, 1883.

You will at the same time inform the Government that the terminal and transit rate of Siam on international telegrams will be 40 (French) centimes per word; that Siam will rank in the fifth class of States contributing under Article LXXVI of the Convention to the expenses of the International Telegraph Office; and that the value of the local money will be calculated as 3 fuangs to a franc.

I am, &c.,

GRANVILLE.

\* See Vol. 14. Page 98.

## SPAIN.

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DECLARATION *between Great Britain and Spain, relative to Joint Stock Companies. Signed at Madrid, January 29, 1883.\**

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THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the King of Spain, with a view to the reciprocal regulation in the two countries of the position of Joint Stock Companies and other commercial, industrial, and financial associations, have agreed to the following Declaration:—

Joint Stock Companies and other associations, commercial, industrial, and financial, constituted in conformity with the laws in force in either of the two Contracting States, may exercise in the dominions of the other all their rights, including that of appearing before Tribunals for the purpose of bringing an action or of defending themselves, with the sole condition, in exercising such rights, of always conforming themselves to the laws and customs in force in the said dominions.

It is understood that these dispositions shall be applicable as well to the companies and associations constituted and authorized previously to the signature of this Declaration as to those which may subsequently be so constituted and authorized.

The present Declaration shall come into force on the eighth day after the signature. It shall remain in force until one of the Contracting Parties shall announce to the other, one year in advance, its intention to terminate it. Such modifications may, however, by common consent, be introduced into it as experience may show to be desirable.

In witness whereof the Undersigned, duly authorized for this purpose, have signed the present Declaration, and have affixed thereto the seals of their arms.

Done in duplicate at Madrid, the 29th of January, 1883.

(L.S.) R. B. D. MORIER.

(L.S.) EL MARQUES DE LA VEGA DE ARMIJO.

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\* Signed also in the Spanish language.

## SWEDEN.

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BRITISH ORDER IN COUNCIL, *respecting the Tonnage Measurement of Swedish Vessels. Osborne, August 18, 1882.*

*At the Court at Osborne House, Isle of Wight, the 18th day of August, 1882.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862" [cap. 63, § 60], it is enacted:

[See Vol. 11. Page 338.]

And whereas by "The Merchant Shipping Act, 1876," it is enacted that "when Her Majesty has power under the 'Merchant Shipping Act, 1854,' or any Act passed or hereafter to be passed amending the same, to make an Order in Council, it shall be lawful for Her Majesty from time to time to make such Order in Council, and by Order in Council to revoke, alter, or add to any Order so made:"

And whereas it was made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant-ships now in force under "The Merchant Shipping Act, 1854," had been adopted in Sweden by the Government of His Majesty the King of Sweden and Norway, and came into force in Sweden on the 1st day of April, 1875:

And whereas it was subsequently made to appear to Her Majesty that the said rules concerning the measurement of tonnage of the merchant-ships of Sweden had been, as regards vessels propelled by steam or any other power requiring engine-room, modified by the introduction therein of a slight difference in the mode of estimating the allowance for engine-room, and that the same came into force in Sweden on the 1st day of April, 1882:

And whereas by Orders in Council dated the 17th day of March, 1875, and the 3rd day of May, 1882, Her Majesty was pleased, by and with the advice of her Privy Council, to direct:

[See Vol. 14, page 532; and this Volume, page 825.]

And whereas it has been made to appear to Her Majesty that the said modifications introduced into the said rules for the measurement of Swedish steam-ships came into force on the 1st day of April, 1881, as regards steam-ships measured or remeasured after that date:

And whereas it has been made to appear desirable to Her Majesty that the provisions of the said recited Order in Council of the 3rd May, 1882, shall be made applicable to Swedish steam-ships registered on or after the said 1st day of April, 1881, and that the said recited Orders in Council of the 17th day of March, 1875, and the 3rd day of May, 1882, should be revoked and a new Order in Council made and substituted in lieu thereof:

Now, therefore, Her Majesty, in virtue of the powers vested in her by the said recited Acts, by and with the advice of her Privy Council, is pleased to direct that the said recited Orders in Council of the 17th March, 1875, and the 3rd day of May, 1882, shall be and the same are hereby revoked, and in lieu thereof and in substitution therefor Her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct as follows:—

1. As regards sailing-ships: that merchant sailing-ships belonging to Sweden the measurement whereof, on or after the said 1st day of April, 1875, has been ascertained and denoted in the certificates of registry or other national papers of such sailing-ships, testified by the date thereof, shall be deemed to be of the tonnage denoted in such certificates of registry or other national papers in the same manner, and to the same extent, and for the same purpose, in, to, and for which the tonnage denoted in the certificate of registry of British sailing-ships is deemed to be the tonnage of such ships.

2. As regards steam-ships: that merchant-ships belonging to Sweden which are propelled by steam, or any other power requiring engine-room, the measurement whereof on or after the said 1st day of April, 1881, has been ascertained and denoted in the certificates of registry or other national papers of such steam-ships, testified by the dates thereof, shall be deemed to be of the tonnage denoted in such certificates of registry or other national papers in the same manner, and to the same extent, and for the same purpose, in, to, and for which the tonnage denoted in the certificate of registry of British ships is deemed to be the tonnage of such ships; provided, nevertheless, that if the owner or master of any such Swedish steam-ship desires the deduction for engine-room in such ship to be estimated under the rules for engine-room measurement and deduction applicable to British ships, instead of under the Swedish rules, the engine-room shall be measured and the deduction calculated according to the British rules, and that in the event of the net registered tonnage of such steam-ships, estimated under the British rules, being denoted in the said certificates of registry or other national papers, the same shall be deemed to be of the tonnage so denoted therein.

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C. L. PEEL.

## TUNIS.

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**FRENCH LAW** *for the Organization of French Jurisdiction in Tunis. Paris, March 27, 1883.*

(Translation.)

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THE Senate and the Chamber of Deputies have adopted,

The President of the Republic promulgates, the Law of which the following is the text:—

ART. 1. A French Tribunal and six Magistrates' Courts shall be established in the Regency of Tunis.

The Tribunal of First Instance shall sit at Tunis; the Magistrates' Courts shall sit at Tunis, Goletta, Bizerta, Susa, Sfax, and Kef.

The district of the Tribunal shall extend over the whole Regency. The jurisdiction of each Magistrate's Court shall be determined by a Decree issued with the concurrence of the Council of State.

Should the wants of the judicial service require it, other Tribunals of First Instance and other Magistrates' Courts may be instituted under Regulations of Public Administration which will determine their jurisdiction.

2. These Tribunals shall form part of the jurisdiction of the Court of Algiers. They shall take cognizance of all civil and commercial questions between French and French protected subjects.

They shall take cognizance likewise of all proceedings instituted against the French and French protected subjects for infractions of the law, misdemeanours, or crimes.

Their authority may be extended over all other persons by Edicts or Decrees of His Highness the Bey, issued with the assent of the French Government.

3. The Magistrates shall exercise, in civil and criminal matters, the extended jurisdiction which is laid down by the Decree of the 19th August, 1854.

Nevertheless, the Magistrate sitting in a town where there is a Tribunal of First Instance shall exercise this extended jurisdiction only as regards suits affecting the person and personal property in civil and commercial questions; for the rest, they shall exercise the ordinary authority, as determined by the Laws and Decrees in force in Algeria.

4. The Tribunal of First Instance shall take cognizance without appeal of suits affecting the person and personal property up to the amount of 3,000 francs, and of suits affecting real property up to the amount of 120 francs of income. Subject to appeal, its authority shall be unlimited.

In police matters it shall adjudicate subject to appeal on all misdemeanours and offences which do not fall within the cognizance of the Magistrates by virtue of the preceding Article.

In criminal matters it shall adjudicate without appeal on all acts of a criminal character, assisted by six Assessors with a deliberate vote, selected by lot from a list drawn up every year under conditions to be determined by a Regulation of Public Administration.

If the accused or one of the accused is a Frenchman, or a French protected subject, the Assessors must all be French.

5. The tribunal dealing with criminal matters shall be empowered by an "Arrêt de Renvoi," issued by the Chamber of Indictments of the Court of Algiers, in accordance with the provisions of the Code of Criminal Inquiry; its decision shall be issued in the same form as the sentences pronounced in cases of misdemeanour.

6. The Tribunal, assisted by Assessors, as provided in Article 4, shall hold its assizes every three months, on dates fixed beforehand by Ministerial Decree.

7. With the exception of the modifications introduced by the preceding Articles, the rules of procedure and of criminal inquiry laid down by the Laws, Decrees, and Ordinances in force in Algeria shall be applicable to the jurisdictions established in Tunis.

8. The delay allowed with regard to summonses and appeals shall be regulated in accordance with the Royal Ordinance of the 16th April, 1843.

Nevertheless, if the person summoned resides out of Tunis, the delay allowed shall be:

For those who reside in other States, whether in Europe, or on the coast of the Mediterranean, or on that of the Black Sea, two months;

For those who reside beyond those limits, five months.

9. When legal modifications have to be published, they must, to be valid, be inserted in one of the newspapers assigned for this purpose by Decree of the French Minister Resident at Tunis.

10. The provisions of the Ministerial Decree of the 26th November, 1841, respecting the office of Counsel, and the provisions of the Decrees and Edicts respecting the exercise of the office of "Huissier" (usher) in Algeria, shall be applicable to Tunis.

Frenchmen and foreigners, however, who at the date of the publication of this Law may be exercising the profession of advocate in Tunis, and who shall, within the period of one month from the date of its promulgation address an appeal to the Minister Resident to be allowed to represent litigants before the Tunis Tribunals, shall be admissible by Decree, as an excep-

tional case, with the consent of the Tribunal, given in the Council Chamber, and with the concurrence of the "Procureur" of the Republic, to perform the duties of Counsel before that Tribunal.

11. The Tribunal of Tunis shall be composed of a President, three full "Titulaires" (Judges), two Deputy-Judges, a "Procureur" of the Republic, a Substitute, and a Clerk of the Court ("Greffier").

One of the Judges, appointed by the Minister of Justice, shall fulfil the duties of Examining Magistrate.

The number of the Judges and Substitutes shall be liable to augmentation, and Assistant Clerks may be appointed by Decrees issued in conformity with the Regulations of Public Administration.

12. The Magistrates' Courts shall be composed of a Judge of the Peace, of one or more Assistants, and a Clerk of the Court ("Greffier").

An officer of the Judiciary Police shall discharge the duties of Public Prosecutor.

13. Interpreters shall be attached to the Tribunals and Magistrates' Courts.

14. The Decrees nominating and removing Magistrates, Ministerial officers, and interpreters, shall be issued upon the proposal of the Keeper of the Seals, Minister of Justice.

15. The Magistrates composing the Tribunals established in Tunis, the Clerks of the Court ("Greffiers"), the subordinate Clerks ("Commis Greffiers"), and Interpreters attached to these Tribunals, shall be subject to the Laws and Regulations which govern the Algerian Magistracy ("Jurisdictions Algériennes").

The qualifying conditions with respect to age and intelligence shall be the same as those required in Algeria for the exercise of corresponding duties.

Their salaries shall be fixed in accordance with the scale attached to this Law.

16. The functions of notary shall continue to be discharged in the Regency by the French Consular Agents, until the Notarial Service shall have been organized by a Decree of Public Administration.

17. The Tariff of judicial expenses in civil and criminal matters shall be fixed by a Decree of Public Administration.

Until the issue of this Decree of the Public Administration, the Tribunals shall make use of the Tariffs in force in Algeria.

18. All Regulations affecting Consular jurisdiction, now applicable in the Regency of Tunis, shall be abrogated in so far as they are opposed to the preceding Regulations.

19. This Law shall be put into execution three days after its insertion in the "Journal Officiel" of the Tunisian Government.

This Law, considered and adopted by the Senate and Chamber of Deputies, shall be executed as Law of the State.  
Done at Paris, the 27th March, 1883.

JULES GRÉVY.

By the President of the Republic.  
CHALLEMEL-LACOUR, *Minister of Foreign Affairs.*  
F. MARTIN-FEUILLÉE, *Keeper of the Seals, Minister  
of Justice and Public Worship.*

DECREE of the *Bey of Tunis, respecting French Jurisdiction in Tunis.* May 5, 1883.

(Translation.)

By our Decree of the 10th Djoumadi el Tani, 1300, we promulgated in the Regency the French Law of the 27th March, 1883,\* establishing French Tribunals in Tunis. We have been informed that several of the friendly Powers whose Consuls, by virtue of the Capitulations and Treaties negotiated with our predecessors, have been invested with certain judiciary powers, are disposed to renounce this privilege, if their subjects become amenable to the jurisdiction of the French Tribunals recently established.

Article 2 of the Law of the 27th March, 1883, allows us to extend the competence of these Tribunals with the assent of the French Government.

Being assured of this assent, we make the following Decree:—

*Sole Article.*—The subjects of the friendly Powers whose Consular Tribunals shall be suppressed shall become amenable to the jurisdiction of the French Tribunals under the same conditions as the French themselves.

BRITISH ORDER IN COUNCIL, *abolishing Consular Jurisdiction in Tunis.* Osborne, December 31, 1883.

*At the Court at Osborne House, Isle of Wight, the 31st day of December, 1883.*

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness Prince Leopold, Duke of Albany, Lord President, Sir Henry Ponsonby.

WHEREAS by Treaty, Capitulation, grant, usage, sufferance,

\* See Page 1059.



and other lawful means Her Majesty the Queen has power and jurisdiction in the Regency of Tunis; and whereas the exercise of the power and jurisdiction aforesaid is now regulated by an Order of Her Majesty in Council made the 12th day of December, 1873,\* and several amending Orders in Council, and by the Ottoman (Tunis) Order in Council of 1881,† establishing Her Britannic Majesty's Court for Tunis:

And whereas by virtue of certain Laws of the French Republic, and of certain Decrees of His Highness the Bey of Tunis, French Tribunals have been established in the Regency:

And whereas by a Decree of His Highness the Bey of Tunis dated the 5th of March, 1883,‡ it is declared that the subjects of foreign Powers whose Consular Courts in the Regency shall be abolished shall be justiciable by the said French Tribunals under the same conditions as French subjects:

And whereas Her Majesty the Queen has consented to abandon her Consular jurisdiction with a view to British subjects in the Regency becoming justiciable by the said French Tribunals, under the same conditions as French subjects, and to the extent of the jurisdiction vested by law in the said Tribunals:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by "The Foreign Jurisdiction Acts, 1843 to 1878," or otherwise, in Her Majesty vested, is pleased by and with the advice of her Privy Council to order, and it is hereby ordered as follows:

As regards all such matters and cases as come within the jurisdiction of the said French Tribunals, the operation of the Orders in Council regulating Her Majesty's Consular Jurisdiction in Tunis shall cease to be in force and operation within the Regency on and after the 1st day of January, 1884, except as regards any judicial matters pending in Her Britannic Majesty's Court for Tunis on the day above mentioned.

And the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Treasury and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

\* See Vol. 14. Page 557.

† See Page 414.

‡ Sic. Query, May 5, 1883. See Page 1062.

## TURKEY.

TURKISH REGULATIONS *relative to the Employment of Native Dragomans and Cavasses in Foreign Consulates.\**  
(*Liability to Military Service, &c.*) 1863-65.

(1.)—RÈGLEMENT *relatif aux Consulats Étrangers.*  
*Le 1<sup>r</sup> Août, 1863.†*

ART. 1. LES Consulats peuvent employer des indigènes comme employés privilégiés au nombre fixé comme ci-après :—

Les Consulats-Généraux ou les Consulats des chefs-lieux de Province, quatre drogman et quatre yassakdjis. Les Consulats dépendant des Consulats-Généraux, trois drogman et trois yassakdjis. Les Vice-Consulats ou Agences Consulaires, deux drogman et deux yassakdjis. Dans le cas où le nombre fixé ci-dessus pour les employés indigènes des Consulats ne serait pas suffisant, les Consulats auront à s'adresser à leurs Représentants à Constantinople, qui en préviendront la Sublime Porte et s'entendront avec elle.

2. Les Consulats-Généraux ou Agences Consulaires peuvent entretenir, en dehors du nombre indiqué dans l'Article premier, des drogman et des yassakdjis ; mais il est bien entendu que ces derniers ne seront en aucune manière considérés comme privilégiés, à l'instar des autres mentionnés dans le dit Article. Dans le cas, cependant, de l'entente avec la Sublime Porte dont il est fait mention à l'Article premier, les indigènes ainsi admis en sus du nombre d'employés déterminé seront privilégiés à l'instar des autres.

3. Toutes les fois qu'un Consulat ou un Vice-Consulat aura à nommer un drogman indigène privilégié, il sera tenu de s'adresser au préalable au Représentant de son Gouvernement à Constantinople, pour obtenir par ce canal une Lettre Vizirielle adressée au Gouvernement du lieu et l'autorisant à reconnaître la personne désignée. Il est désormais interdit aux autorités locales de reconnaître aucun individu en cette qualité sans cette lettre.

4. Les Consulats-Généraux devront notifier, comme cela se pratique à Constantinople, la nomination de leurs yassakdjis avec leurs noms au Gouverneur-Général, qui les fera enregistrer, et les reconnaîtra pour autant qu'ils auront complété le nombre fixé ci-dessus.

Les Consulats, les Vice-Consulats, ou les Agences Con-

\* See also Circular of December 20, 1865. State Papers. Vol. 68. Page 1049.

† Framed by the Sublime Porte in concert with the Representatives of the Great Powers at Constantinople.

sulaires se référeront aux Consuls-Généraux respectifs dont ils dépendent obtenir, par leur intermédiaire, du Vali de la Province, une lettre qui autorise la reconnaissance de leurs yassakdjis par les autorités des lieux où ils résident.

5. Les protégés temporaires jouiront des mêmes droits que les protégés ordinaires, et, dans les poursuites criminelles, les mêmes formes judiciaires seront employées vis-à-vis des uns comme vis-à-vis des autres, sans que les autorités provinciales puissent s'écarter des règles tutélaires suivies dans la capitale de l'Empire ; de manière, enfin, à ce que les uns comme les autres puissent pendant tout le cours de l'instruction dirigée contre eux, recevoir, sans restriction, l'assistance qui leur est due par l'autorité dont ils relèvent.

La protection des employés privilégiés des Consuls est individuelle, et attachée à leurs fonctions. Elle cessera en cas de décès et de cessation de ces fonctions. Cette protection ne pourra point s'étendre pendant leur vie sur leurs parents, leurs fils, ou être transmissible à leurs héritiers après leur mort. Les employés privilégiés jouiront de toutes les immunités que les Capitulations leur accordent, mais leurs propriétés paieront l'impôt foncier, et ils ne pourront être exempts du service militaire ou du droit de remplacement.

Toutefois pendant cinq années encore leur service près des Consuls leur sera compté comme accomplissement de leur service militaire, et, dans l'avenir, tous ceux qui seront entrés dans les cadres de Rédifs et qui se trouveraient au service des Consuls ne pourront, en cas d'appel, leur être enlevés.

6. Aucun indigène ne pourra être nommé Vice-Consul ou Agent Consulaire d'une Puissance étrangère. Dans le cas où de puissants intérêts commerciaux nécessiteraient l'entretien d'un Agent Consulaire dans un endroit où il serait impossible de confier une pareille charge à une autre personne qu'un sujet de la Sublime Porte, la Puissance intéressée, pour cette éventualité exceptionnelle, sera admise à s'entendre sur ce point avec la Sublime Porte par l'intermédiaire de son Représentant à Constantinople.

Toutefois, une telle exception ne saurait être admise que pour des cas d'urgence reconnus de part et d'autre et à titre provisoire. Aussitôt que les circonstances qui auront nécessité la nomination exceptionnelle dont il s'agit auront cessé d'exister, ou pourvoira au remplacement de l'agent indigène ainsi nommé. Il est en outre entendu que l'indigène en question ne pourra pas invoquer la protection de la Puissance au service de laquelle il se sera trouvé dès le moment où il n'y sera plus.

7. Aucun Vice-Consul ou Agent Consulaire ne pourra exercer ses fonctions sans obtenir un Bérat du Divan Impérial par l'intermédiaire des autorités supérieures étrangères, Bérat qui lui servira, comme par le passé, d'exequatur.

8. Aucun sujet Ottoman ne pourra être soustrait à la juridiction Ottomane par la charge, l'emploi, ou le service qu'il tiendrait d'un sujet étranger. Les intérêts étrangers seuls qui se trouveraient confiés entre ses mains jouiront de la protection étrangère.

Pour faire reconnaître ces intérêts aux autorités locales, les sujets étrangers devront, s'ils s'associent avec un sujet Ottoman, ou s'ils le chargent d'une affaire spéciale, passer un acte en règle au Tribunal de Commerce du lieu, ou, si le service à rendre n'est pas susceptible d'un acte devant le Tribunal de Commerce, en prévenir l'autorité locale afin de le faire enregistrer.

9. En dehors des intérêts étrangers dont ils seraient chargés, conformément aux dispositions précédentes, les sujets Ottomans ne cesseront pas un instant de conserver leur qualité de sujets Ottomans et de relever de la juridiction Ottomane dans leurs affaires privées et dans leurs personnes. Cette clause est applicable aux associés et hommes d'affaires des sujets étrangers.

Toutefois, en ce qui regarde les missions ecclésiastiques et les monastères étrangers, il sera accordé à chacun de ces établissements d'avoir un procureur et un drogman qui jouiront, au même titre que les employés du Consulat, des privilèges de la protection temporaire.

10. Les Consuls, Vice-Consuls, et Agents Consulaires des Puissances étrangères n'exerceront plus aucune protection sur les boutiques ou les boutiquiers sujets de Sa Majesté le Sultan sous aucun prétexte quelconque.

11. Il est bien entendu que la protection dont les employés privilégiés doivent ainsi être investis, est, comme il est dit dans les Articles précédents, toute personnelle et uniquement affectée au service effectif; elle ne saura donc être accordée en aucun cas à titre honorifique, ni s'étendre sur les personnes qui auront cessé d'être employées, non plus que sur leurs parents, bien qu'ils doivent se considérer comme à l'abri de toute poursuite qui prendrait son origine dans les services que les Consuls en auraient reçus. Les autorités locales veilleront de concert avec les Consuls à ce que les impôts dûs par cette classe de protégés sur leurs propriétés foncières soient acquittés régulièrement, pour qu'ils ne soient pas exposés, à l'expiration de leur service, à des poursuites d'arriérés envers le Trésor. Il va sans dire que les protégés ne doivent acquitter, tant qu'ils jouissent de la protection, que l'impôt foncier ou les charges auxquelles les étrangers sont soumis. Ils ne pourront en conséquence être poursuivis, après les cessations de la protection, pour des arriérés d'impôts auxquels ils n'étaient pas légalement soumis à l'époque où ils jouissaient de la protection.

12. Les domestiques indigènes des Consuls n'appartenant point à la catégorie des employés privilégiés n'auront aucun droit à la protection. Toutefois, il ne sera procédé à leur sujet

que dans les formes compatibles avec les égards dus au Consul, et ils ne pourront être arrêtés qu'après que celui-ci en aura été prévenu, en dûe forme et en temps utile.

23 Séfer, 1280 (1<sup>er</sup> Août, 1863).

(2.)—ARTICLE ADDITIONNEL au Règlement relatif aux Consuls Étrangers en Turquie. Le 20 Décembre, 1865.

LORSQUE la même personne est officiellement reconnue comme Consul-Général, Consul, Vice-Consul, ou Agent Consulaire de plus d'une Puissance étrangère dans la même localité, l'agrégat de ses employés privilégiés ne doit pas excéder le maximum du nombre qui lui est accordé par l'Article 1, eu égard à sa position de Consul-Général, Consul, Vice-Consul, ou Agent Consulaire d'une seule Puissance.

Toutefois, partout où il surgirait la nécessité d'un plus grand nombre de pareils employés, l'augmentation en devra faire l'objet d'une entente spéciale entre la Sublime Porte et le Représentant de la Puissance les intérêts des sujets de laquelle requerraient cette augmentation.

TURKISH LAW *respecting Nationality and Naturalization.*  
January 19, 1869.

ART. 1. TOUT individu né d'un père Ottoman et d'une mère Ottomane, ou seulement d'un père Ottoman, est sujet Ottoman.

2. Tout individu né sur le territoire Ottoman, de parents étrangers, peut, dans les trois années qui suivront sa majorité, revendiquer la qualité de sujet Ottoman.

3. Tout étranger majeur qui a résidé durant cinq années consécutives dans l'Empire Ottoman peut obtenir la nationalité Ottomane, en adressant directement ou par intermédiaire sa demande au Ministre des Affaires Étrangères.

4. Le Gouvernement Impérial pourra accorder extraordinairement la nationalité Ottomane à l'étranger qui, sans remplir les conditions de l'Article précédent, serait jugé digne de cette faveur exceptionnelle.

5. Le sujet Ottoman qui a acquis une nationalité étrangère avec l'autorisation du Gouvernement Impérial est considéré et traité comme sujet étranger; si, au contraire, il s'est naturalisé étranger sans l'autorisation préalable du Gouvernement Impérial,

sa naturalisation sera considérée comme nulle et non avenue, et il continuera à être considéré et traité en tous points comme sujet Ottoman.

Aucun sujet Ottoman ne pourra, dans tous les cas, se naturaliser étranger qu'après avoir obtenu un acte d'autorisation délivré en vertu d'un Iradé Impérial.

6. Néanmoins le Gouvernement Impérial pourra prononcer la perte de la qualité de sujet Ottoman contre tout sujet Ottoman qui se sera naturalisé à l'étranger ou qui aura accepté des fonctions militaires près d'un Gouvernement étranger sans l'autorisation de son Souverain.

Dans ce cas la perte de la qualité de sujet Ottoman entraînera de plein droit l'interdiction, pour celui qui l'aura encourue, de rentrer dans l'Empire Ottoman.

7. La femme Ottomane qui a épousé un étranger peut, si elle devient veuve, recouvrer sa qualité de sujette Ottomane, en en faisant la déclaration dans les trois années qui suivront le décès de son mari. Cette disposition n'est toutefois applicable qu'à sa personne; ses propriétés sont soumises aux lois et règlements généraux qui les régissent.

8. L'enfant même mineur d'un sujet Ottoman qui s'est naturalisé étranger ou qui a perdu sa nationalité ne suit pas la condition de son père et reste sujet Ottoman. L'enfant même mineur d'un étranger qui s'est naturalisé Ottoman ne suit pas la condition de son père et reste étranger.

9. Tout individu habitant le territoire Ottoman est réputé sujet Ottoman et traité comme tel, jusqu'à ce que sa qualité d'étranger ait été régulièrement constatée.

SWISS NOTIFICATION *of the Accession of Bulgaria to the Universal Postal Union of June 1, 1878. Berne, June 24, 1879.*

*Berne, le 24 Juin, 1879.*

EN conformité de l'Article XVIII de la Convention de Paris du 1<sup>er</sup> Juin, 1878,\* concernant l'Union Postale Universelle, le Conseil Fédéral Suisse a l'honneur d'informer son Excellence M. le Ministre des Affaires Étrangères d

1. Que la Principauté de Bulgarie a déclaré, par voie diplomatique, adhérer à cette Convention, et conséquemment aussi au Règlement d'Exécution y relatif;

2. Que, quant à la part contributive aux frais du Bureau International des Postes (Article 28 du Règlement d'Exécution précité), la Principauté de Bulgarie sera dans la 5<sup>ème</sup> classe.

\* See Vol. 14. Page 1014.

Le Conseil Fédéral saisit cette occasion pour renouveler à son Excellence les assurances de sa haute considération.

Au nom du Conseil Fédéral Suisse,

HAMMER, *Président de la Confédération.*

SCHIESS, *Chancelier de la Confédération.*

Son Excellence M. le Ministre des Affaires Etrangères  
d à

TURKISH NOTE, *denouncing the Treaty of Commerce with Great Britain of April 29, 1861.\* Constantinople, September 30, 1882.†*

*Said Pasha to the Earl of Dufferin.*

(Extract.) *Sublime Porte, le 30 Septembre, 1882.*

LE Soussigné, Ministre des Affaires Étrangères de Sa Majesté Impériale le Sultan, a l'honneur de déclarer à son Excellence Lord Dufferin, Ambassadeur de Sa Majesté la Reine du Royaume Uni de la Grande-Bretagne et d'Irlande, qu'il dénonce par la présente le Traité de Commerce conclu entre les deux pays le 29 Avril, 1861, et dont les ratifications ont été échangées le 9 Juillet de la même année.

*The Earl of Dufferin.*

SAÏD.

DECLARATION *between Great Britain and Turkey, amending the Convention of the 25th January, 1880,‡ for the Suppression of the Slave Trade. (Inland Waters.) Signed at Constantinople, March 3, 1883.*

THE Undersigned, George Hugh Wyndham, Esquire, a Companion of the Most Honourable Order of the Bath, Her Britannic Majesty's Chargé d'Affaires to the Sublime Porte, and the Undersigned, Ahmed Aarifi Pasha, Minister for Foreign Affairs of His Imperial Majesty the Sultan, Senator, decorated with the Imperial Orders of the Osmanié set in diamonds, with the first class of the Medjidié, and with several foreign Orders, having concurrently recognized a material error in the French text of Article V of the Slave Trade Convention of the 25th January, 1880, between Great Britain and Turkey, consisting of the insertion of the word "même" at line 6, paragraph 2, of the said Article, hereby declare that they have this day, with the

\* See Vol. 11. Page 561.

† Accepted by the British Government, November 7, 1882.

‡ See Page 417.

authority of their respective Governments, struck out the said word "même" from the said Convention, so that the French text of the said paragraph and Article shall run as follows: "Ainsi que dans toutes les eaux maritimes Ottomanes en l'absence d'autorité constituée."

The Undersigned likewise declare that they have this day, with the consent of their respective Governments, struck out from the 5th paragraph of Article V of the above-mentioned Convention the words "or in the inland waters of the Ottoman Empire and its dependencies" in the English version of the said paragraph and Article; that the English text shall run as follows:—

"Her Majesty the Queen of Great Britain and Ireland agrees, on her part, that all vessels navigating under the British flag in the Red Sea, in the Gulf of Aden, on the coast of Arabia, in the Persian Gulf, and on the east coast of Africa, which may be found engaged in the Traffic;"

And the French text as follows:—

"Sa Majesté la Reine de la Grande-Bretagne et d'Irlande consent, de son côté, à ce que tous les navires naviguant sous pavillon Anglais dans la Mer Rouge, le Golfe d'Aden, sur la côte Arabique, dans le Golfe Persique, et sur la côte orientale d'Afrique, qui se trouveraient mêlés dans le Trafic;" &c.

In witness whereof the Undersigned have signed the present Declaration and have applied thereto their seals.

Done in duplicate at Constantinople, this 3rd day of March, 1883.

(L.S.) HUGH WYNDHAM.

(L.S.) A. AARIFI.

*TREATY between Great Britain, Austria-Hungary, France, Germany, Italy, Russia, and Turkey, relative to the Navigation of the Danube; with Regulations for the Navigation, River Police, and Superintendence, applicable to that part of the River which is situated between the Iron Gates and Ibraila. Signed at London, March 10, 1883.*

[Ratifications deposited at London by all the Signatory Powers.]

AU Nom de Dieu Tout-Puissant!

LES Puissances Signataires du Traité de Berlin ayant jugé nécessaire de réunir leurs Plénipotentiaires en Conférence à



Londres afin de s'entendre sur les décisions à prendre en vertu de l'Article LIV du Traité de Berlin du 13 Juillet, 1878,\* et sur l'exécution de l'Article LV du même Traité concernant la navigation du Danube depuis les Portes de Fer jusqu'à ses embouchures,\* ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, le Très Honorable Granville George, Comte Granville, &c., Principal Secrétaire d'État de Sa Majesté pour les Affaires Étrangères, &c. ; et Lord Edmond George Petty Fitzmaurice, &c., Sous-Secrétaire d'État pour les Affaires Étrangères, &c. ;

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, le Sieur George Herbert, Comte de Münster, son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, &c. ;

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, le Sieur Louis, Comte Károlyi de Nagy-Károly, &c., son Ambassadeur Extraordinaire près Sa Majesté Britannique, &c. ;

Le Président de la République Française, le Sieur Charles Tissot, &c., Ambassadeur de la République Française près Sa Majesté Britannique, &c. ; et le Sieur Camille Barrère, Ministre Plénipotentiaire de deuxième classe, Délégué Français à la Commission du Danube, &c. ;

Sa Majesté le Roi d'Italie, le Comte Constantin Nigra, &c., son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, &c. ;

Sa Majesté l'Empereur de Toutes les Russies, le Sieur Baron Mohrenheim, &c., son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, &c. ;

Sa Majesté l'Empereur des Ottomans, Constantin Musurus Pacha, &c., son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, &c. ;

Lesquels, après avoir échangé leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. La juridiction de la Commission Européenne du Danube est étendue de Galatz à Braïla.

II. Les pouvoirs de la Commission Européenne sont prolongés pour une période de 21 ans à partir du 24 Avril, 1883.

A l'expiration de cette période les pouvoirs de la dite Commission seront renouvelés par tacite reconduction de trois en trois ans, sauf le cas où l'une des Hautes Parties Contractantes notifierait, un an avant l'expiration de l'une de ces périodes triennales, l'intention de proposer des modifications dans sa constitution ou dans ses pouvoirs.

\* See Vol. 14. Pages 1175 and 1176.

III. La Commission Européenne n'exercera pas de contrôle effectif sur les parties du bras de Kilia dont les deux rives appartiennent à l'un des Riverains de ce bras.

IV. Pour la partie du bras de Kilia qui traversera à la fois le territoire Russe et le territoire Roumain, et afin d'assurer l'uniformité du régime dans le Bas-Danube, les Règlements en vigueur dans le bras de Soulina seront appliqués sous la surveillance des Délégués de Russie et de Roumanie à la Commission Européenne.

V. Au cas où la Russie ou la Roumanie entreprendrait des travaux soit dans le bras mixte, soit entre les deux rives qui leur appartiennent respectivement, l'autorité compétente donnera connaissance à la Commission Européenne des plans de ces travaux dans le seul but de constater qu'ils ne portent aucune atteinte à l'état de navigabilité des autres bras.

Les travaux qui ont déjà été exécutés au Tchatal d'Ismail restent à la charge et sous le contrôle de la Commission Européenne du Danube.

En cas de divergence entre les autorités de la Russie ou de la Roumanie et la Commission Européenne quant aux plans des travaux à entreprendre dans le bras de Kilia, ou de divergence au sein de cette Commission quant à l'extension qu'il pourrait convenir de donner aux travaux du Tchatal d'Ismail, ces cas seraient soumis directement aux Puissances.

VI. Il est entendu qu'aucune restriction n'entravera le droit de la Russie de prélever des péages destinés à couvrir les frais des travaux entrepris par elle.

Toutefois, en vue de sauvegarder les intérêts réciproques de la navigation dans le bras de Soulina et le bras de Kilia, le Gouvernement Russe, afin d'assurer une entente à ce sujet, saisira les Gouvernements représentés dans la Commission Européenne des Règlements de Péage qu'il jugerait utile d'introduire.

VII. Le Règlement de Navigation, de Police Fluviale et de Surveillance élaboré le 2 Juin, 1882, par la Commission Européenne du Danube, avec l'assistance des Délégués de la Serbie et de la Bulgarie, est adopté tel qu'il se trouve annexé au présent Traité, et déclaré applicable à la partie du Danube située entre les Portes de Fer et Braila.

VIII. Tous les Traités, Conventions, Actes, et Arrangements relatifs au Danube et à ses embouchures sont maintenus dans toutes celles de leurs dispositions qui ne sont pas abrogées ou modifiées par les stipulations qui précèdent.

IX. Le présent Traité sera ratifié, et les ratifications en seront échangées à Londres dans l'espace de six mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé et y ont apposé le sceau de leurs armes.

Fait à Londres, le 10 Mars, 1883.

(L.S.) GRANVILLE.  
 (L.S.) E. FITZMAURICE,  
 (L.S.) MÜNSTER.  
 (L.S.) KÁROLYI.  
 (L.S.) CH. TISSOT.  
 (L.S.) C. BARRÈRE.  
 (L.S.) NIGRA.  
 (L.S.) MOHRENHEIM.  
 (L.S.) MUSURUS.

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ANNEX.

REGULATIONS *for the Navigation, River Police, and Superintendence, applicable to that part of the Danube which is situated between the Iron Gates and Ibraïla.*

(Translation.)

I.—GENERAL ADMINISTRATION OF THE NAVIGATION.

ART. 1. The navigation shall continue to be entirely free on the whole portion of the Danube comprised between Ibraïla and the Iron Gates. Merchant-vessels of all nations shall freely carry on there, as in the past, the transport of passengers and goods, and towage, under the conditions of perfect equality stipulated for by Article XVI of the Treaty of Paris.

2. No toll shall be levied on the Danube based solely on the fact of the navigation of the river, nor any dues on goods, so long as they remain on board vessels, transports, or rafts.

3. The Riverain States have a right to levy in their respective ports, dues in respect of quays, cranes, scales, magazine, and discharging, on account of existing establishments and of such as may be formed in future.

Nevertheless, these dues must be levied without distinction, in accordance with fixed and published rates, irrespective of the places from which the vessels and their cargoes arrive, and only so far as the vessels subject to these dues shall have made use of the said establishments.

It is well understood that the tariffs of these dues are not to form a source of revenue, but that they shall produce only a sum sufficient for the payment of the interest and sinking fund of the capital expended, and for the maintenance of these establishments. As soon as the capital sum has been paid off, the dues shall only be sufficient to cover the expenses of maintenance.

4. Such bridges as are built on the river shall be constructed in such a manner as not to interfere with the navigation, either by the piers being placed too close together or by the platforms being too low. The widest openings shall occur, as far as

possible, above the greatest depths, so that the navigable channel may not be obstructed. The abutments shall be constructed so as to give facilities of passage on the towing paths, and in general the bridges shall be built in such a manner that the vessels now employed in the navigation of the river may continue to navigate in it without any change in their masts or in the height of their funnels. Such bridges as require to be opened to allow vessels to pass, shall be constructed so as not to delay the navigation.

The plans of the bridges must be communicated to the common authority before they are constructed.

5. Permanent mills established on the water-way, floating mills, fishing establishments, and irrigation wheels must not impede the navigation. They shall be set up on such portions of the river as are not used for the passage of vessels or boats, and their locality shall be chosen so as not to interfere with the flow of the water nor to cause injurious changes in the bed of the river.

6. The Customs limits follow throughout the banks of the river, without ever crossing it. Accordingly, vessels, transports, rafts, &c., so long as they are navigating or at anchor in the bed of the river, without carrying on any commercial operation with the bank, are entirely outside the action of Custom-houses.

Consequently, the Riverain States can only levy Customs dues in respect of goods discharged on the banks, and this prohibition applies also to vessels, transports, or rafts traversing the sections of a river where both banks belong to the same State.

7. Transit is absolutely free for the goods of all nations, whatever be their origin or destination. When a vessel, transport, or raft traverses a section of the river where both banks belong to the same State, the captains or masters cannot be subjected to other formalities, as regards goods in transit, than the affixing of seals or the superintendence of a Custom-house officer, up to the point where the two banks, or one of them, cease to belong to that State. The Custom-house officer, during the time he remains on board, has a right to food, firing, and lighting on the same footing as the crew, but to no other remuneration whatever. The vessel shall be bound to give a free passage to the said Custom-house officer, without food or other expenses, at least as far as the last national port at which it shall touch on its return journey.

8. Sea-going vessels cannot be called upon to produce other documents than their ship's papers. River boats or transports must be furnished with the documents granted by the authority to whom they are subordinated, and necessary to prove the name, nationality, and capacity of the boat or transport and the identity of the captain or master and of the crew.

It is understood that no other modification shall be introduced into the conditions under which the coasting and port to port trades are now carried on without distinction of flag.

Small craft and fishing boats are not obliged to take out the documents mentioned in the present Article; the masters and crews of these boats are bound to provide themselves merely with the documents necessary to prove their identity when they wish to come alongside a bank lying in a foreign country. But it must be understood that this provision does not affect the laws and regulations relative to the exercise of fishing rights in each of the Riverain States.

9. No mill or other establishment, no new building or reservoir, shall be constructed in such a manner as to interrupt the circulation on existing towing-paths, and these paths shall be kept in proper order.

The same rules shall be applied to towing-paths newly constructed, and to prolongations of those which now exist.

10. The Regulations respecting quarantine shall be framed in such a manner as to conciliate the guarantees in respect of health with the requirements of maritime and river trade.

It is expressly understood that these measures shall be exclusively applicable to vessels and passengers with foul bills of health, and in ports which the contagion has not reached, and that all exceptional and restrictive measures shall be suppressed in respect of intercourse between the ports of the river so soon as an epidemic has become general along its banks.

As a general rule, so long as it is not established that an epidemic prevails, either above the Iron Gates or below Ibraïla, vessels shall be free from all sanitary control while navigating between Ibraïla and the Iron Gates, whether they be ascending or descending the river.

If an epidemic break out in a maritime port, every vessel arriving from the sea, and which has obtained a clean bill of health at Sulina, at Kilia, or at St. George, shall be free of all formalities except the visit of the sanitary officers, and of all quarantine for purposes of observation, in respect of the whole course of its voyage up the river as far as the Iron Gates.

If an epidemic were to break out on the banks of the river, above the Iron Gates or below Ibraïla, a clean bill of health obtained by vessels in the course of navigation, at the first uncontaminated river port at which they shall have touched between the Iron Gates and Ibraïla, shall be sufficient to insure them free access to all the other ports situated on this part of the river.

Finally, if an epidemic were to break out on the banks of this same portion of the river, sea-going vessels, as well as river boats, shall continue to carry on their operations in full liberty, so long as they have not touched at any of the contaminated

ports. They shall simply be bound to produce their bill of health in the ports where they cast anchor.

In order to facilitate the maintenance of the river police during an epidemic, the Inspector of the Navigation, the Sub-Inspectors, and the other officers set over the police, shall continue to move about freely for the requirements of their service, on the sole condition that, in case of suspicion, they submit to the measures provided by the Regulations to which the Health Officers are subject.

## II.—POLICE.

### CHAPTER 1. *General Provisions.*

11. Every merchant-steamer of over 50 horse-power navigating the river is bound to give free passage to the Inspector and Sub-Inspectors proceeding in the exercise of their duties, and to tow their boats.

12. The service-boats of the authority intrusted with the execution of the Regulations shall carry a flag identical with that of the European Commission, with the exception of the letters on the blue band of this flag, which letters shall be determined hereafter.

13. Captains and their crews, no matter to what nationality they belong, are bound to comply with the orders which may be given to them in virtue of the present Regulations by the Inspector, the Sub-Inspectors, the Harbour-masters, or the agents placed under their orders.

They cannot refuse to show their flag, to make known their names and the names of their vessels, nor to declare their destination and the port they come from, when they are required to do so.

14. The Riverain States may establish, at any places on the Danube convenient for this purpose, scales for measuring the rise and fall of the waters, and a table of the depths shall be posted up at the principal ports.

15. The Inspector, the Sub-Inspectors, and the Harbour-masters have summary jurisdiction in respect of differences between captains and their crews, if they call in the assistance of two captains of the same nationality as the parties between whom the difference has arisen, or in default of such, the assistance of two other captains. They shall not, however, exercise this prerogative unless one of the interested parties claims their intervention and there is no other competent authority on the spot.

16. In cases of stranding or shipwreck, the Sub-Inspectors and Harbour-masters, each within the limits of his jurisdiction, proceed to the spot and render such immediate assistance as is necessary to insure the preservation of the cargo, of the vessel

and of its appurtenances, and to defend the general interests of the navigation. They record the facts and draw up a written statement. Thereafter they relinquish the salvage operations and transmit the documents they have drawn up to the nearest competent authority.

17. In the event of its becoming necessary in the future to mark the difficult passes and the places where it is forbidden to anchor, the system of signals adopted below Ibraïla shall be followed.

18. Every captain or master of a sailing-vessel, steam-vessel, or raft, in movement or stationary, anchored or moored to the bank, is bound to take care that his vessel causes no impediment to the navigation, nor damage to other vessels, quays, buoys, signals, towing-paths, or other establishments for the purposes of navigation, be they on the river or on the banks, and he must exercise the same care in looking to his own safety.

While conforming to the following provisions of these Regulations, vessels must bear in mind all the dangers of the navigation, and take into account the special circumstances which may render a deviation from the prescribed Rules necessary in order to avoid an imminent danger.

#### CHAPTER 2. *Rules for Vessels crossing or passing one another.*

19. As a general rule, a vessel is forbidden to pass another going in the same direction, and two vessels going in opposite directions may not cross one another at points where the channel is not sufficiently broad.

20. No vessel may steer across the course taken by another vessel in such a manner as to impede the course of the latter.

When a vessel ascending the river is likely to meet another vessel descending the river at a point where the channel is not sufficiently broad for both of them, the former should slacken speed, and, if necessary, stop altogether below the passage until the other has passed this point; if the ascending vessel is already within the limits of the narrow passage as the other approaches it, the descending vessel must stop above this passage till the way is clear.

In narrow passes steamers must not follow too closely on vessels a-head of them.

21. When two steamers or two sailing-vessels sailing with a favourable wind meet whilst proceeding in opposite directions, the vessel ascending should steer towards the left bank of the river, and the vessel descending towards the right bank, so that both go to starboard, as is customary at sea. The same rule holds good when a steamer meets a sailing-vessel proceeding with a fair wind.

Any captain or master breaking this Regulation will have to prove, in the event of a collision, that it was impossible for him to observe it; otherwise he will be responsible before the competent tribunal for all accidents which may have happened.

In the event of two vessels meeting, and in addition to complying with the provisions of Articles 20, 22, 25, 26, and 27 of the present Regulations, every steamer may make its intended course known to the vessel it is approaching by giving the following signals:—

One short whistle for "I am going to starboard."

Two whistles for "I am going to port."

Three whistles for "I am going astern full speed."

These signals are optional; but the vessel that has given them must carry out the manœuvre indicated. The signal given by the vessel descending the river is the ruling signal.

22. When two steamers, proceeding in opposite directions, approach a narrow pass, they must give the signals prescribed by the following Articles 23 and 24, and the ascending vessel must slacken speed, or stop, if necessary, until the other has cleared the passage.

23. When in a narrow passage one steamer wishes to pass another going in the same direction, it must signal before arriving within a short distance by means of five strokes on the bell, or five whistles, and by waving a flag on the fore-castle, or by hoisting half-mast high a blue flag by day or a white light at night. On these signals being given the vessel in advance is bound to steer to the left and give passage to the other, which will take the right. As soon as the vessel following is within half a ship's length from the one she is about to pass, or from the tail of a convoy in tow, the latter must slacken speed till she has been passed.

24. A sailing-vessel coming up with another of inferior sailing powers, and desiring to pass her, must signal her intention by hailing in sufficient time the vessel in advance, which is bound to let her pass to windward.

A steamer wishing to pass a sailing-vessel going in the same direction as itself must give the signals prescribed in the preceding Article when within a short distance, and must pass the sailing-vessel to leeward.

25. Every steamer, whether ascending or descending the river, is bound to avoid vessels which it may meet dropping down with the current.

The vessel so dropping down is required on its part, when it meets other vessels, whether under sail or steam, to steer as close as it can to one of the banks, so as to offer as little obstacle as possible to a free passage.

26. Captains or masters of tug-boats, navigating with or



without vessels in tow, are bound to observe all the preceding provisions; they are, moreover, specially bound to conform to the provisions of the preceding Articles 23 and 24 when one convoy wishes to pass another, with which exception two convoys must never be side by side, either at anchor or while navigating.

In the event of meeting with sailing-vessels or steamers going in an opposite direction, a tug proceeding up river has the option of deviating from the injunction contained in Article 21, in order to keep out of the current, if she can do so without danger to the vessel she is meeting.

The tug, however, if she avail herself of this power, must give the signals prescribed by Articles 23 and 24.

27. As a general rule, any steam-vessel not towing a convoy, as well as every vessel sailing with a fair wind, is bound to give way to a convoy of vessels in tow. Should there not be sufficient space to effect this, captains and masters, both of tugs and of vessels in tow, must, even in cases where the signals prescribed by Articles 23 and 24 have not been given, draw aside in accordance with the provisions of the said Articles.

Captains and masters of tugs and vessels in tow are, moreover, required in every case of their meeting other vessels to draw the craft they are towing as near together as possible, so as to leave a sufficiently wide passage for the others.

Navigation in the river with more than three craft lashed alongside one another is forbidden in all cases.

### CHAPTER 3. *Rules relative to Tracking from the Banks.*

28. If two vessels, tracking in opposite directions, meet alongside the same bank, that which is ascending the river makes way for the other.

If a vessel, being tracked by draught animals, meets another tracked by men, the latter makes way for the former.

Where a vessel that is being tracked comes across another that is moored to the bank, the captain of the latter must allow the sailors of the former to come on board to pass the tow-rope.

29. A vessel that is being tracked by men cannot try to pass another tracked in the same way, except in the case where no delay or difficulty would result to this latter; in such a case the latter must approach as near as possible to the bank it is following.

30. Beyond the limits of the different ports no more than three vessels can be moored one alongside the other.

CHAPTER 4. *Rules for Navigation at Night or in a Fog.*

31. All steamers navigating at night (between sunset and sunrise) must be provided with a white light, easily visible at a distance of two miles, hoisted at the foremast head, and with a green light on the starboard side, and a red light on the port side.

The side lights shall be furnished with inboard screens from aft forward, so that the green light cannot be seen across the port bow, nor the red light across the starboard bow.

Sailing-vessels, under weigh or being towed, shall carry the same lights as steamers under weigh, with the exception of the white foremast head light, which they must never carry. Steamers, when towing one or more vessels, shall carry two bright white masthead lights, placed vertically, in addition to their side lights, to distinguish them from other steam-vessels.

For the purposes of the Regulations prescribed in this Article, every steam-vessel which is under sail only shall be considered as a sailing-vessel; and every steam-vessel under steam, no matter what sails it carries, shall be considered as a steamer.

Rafts navigating at night must carry a white light at each of their four corners. Every vessel, whether sailing or steam, navigating during the night, must, as soon as it is aware that another vessel, following the same course, is overtaking it, warn this latter by showing a white light astern.

32. Sailing-vessels, convoys in tow, and rafts, can only proceed when they can distinctly see the bank they are following.

33. In a fog, steamers may not proceed except at slackened speed, and captains must regulate their movements according to the density of the fog, so as to have their vessels always under command, and to be able to stop in the event of their meeting with an obstacle. The bell on board must be sounded continuously, and the whistle must be blown every two minutes; they must cast anchor if the fog becomes so thick that they cannot see the bank they are following or to which they are steering.

CHAPTER 5. *Rules for Vessels at Anchor.*

34. Vessels are expressly forbidden to anchor or moor in the navigable channel in such a manner as to impede the course of other vessels.

35. If, in consequence of a fog, a vessel or raft is obliged to stop at any other than a regular mooring-place, the bell on board must be sounded if the vessel is a steamer, otherwise the fog-horn must be used. These signals must be repeated every two minutes.

36. Every vessel, stationary in the river during the night,

must be provided with a lighted lantern, which is to be placed, either at the end of one of the mainyards, or at any other visible part of the vessel, so that it may be seen equally well up and down stream.

Rafts at anchor during the night must carry the lights prescribed in Article 31, with the exception of the lights at the two corners next the bank, which they must remove.

37. When a vessel or raft is obliged to stretch a cable or chain across the channel, these moorings must be slackened immediately another vessel wishes to pass.

38. Rafts and floats of timber may only have a draft of water two feet less than the depth of water on the shallowest shoal they have to pass in the course of their voyage.

39. The dimensions of rafts and floats of timber must not exceed those which are recognized as being compatible with the conditions of navigation and with the breadth of the channels.

Every raft or float of timber which grounds in the river so as to interfere with the navigation, and is not set afloat again within 48 hours, may be lightened and even taken to pieces by the officers of the river police at the expense of the owner.

#### CHAPTER 6. *Rules in respect of cases of Stranding and Shipwreck.*

40. Every captain or master of a vessel or raft which grounds or is wrecked in the navigable channel is bound to hail approaching vessels and warn them of the fact before they get too close.

41. If a vessel should be wrecked in the channel, the captain should use every effort to haul her alongside the bank, if she happens to be near to it, or, if not, to remove her to some other part of the river so as not to interfere with the navigation.

The captain and crew of a wrecked vessel must remain on board or in the immediate neighbourhood till a detailed report has been drawn up by the police officers.

42. Immediately after the wreck, the captain of the vessel or the pilot, if there happens to be one on board, must report it to the officers charged with the superintendence of the river.

43. If the Inspector deems it necessary to take immediate measures in the interests of the navigation, he will summon, for this purpose, the captain of the wrecked vessel, who is bound either to declare at once that he abandons his vessel, and in this case to leave the Inspector free to take such measures as he thinks fit; or to act with his crew under the orders of the Inspector, when the latter will superintend the salvage up to the point where the work ceases to be one of public utility and becomes a matter of private interest.

44. Irrespective of the case of pressing necessity provided

for in the previous Article, if the removal of the hull or remains of a wrecked vessel is eventually considered urgent or necessary in the interests of the navigation, the owners, insurers, and other interested parties are bound to carry out and complete this work within the time fixed by the Inspector, otherwise the work will be undertaken as a matter of course by the authority charged with the execution of these Regulations, so far as it falls within the limits of Article 43 above mentioned.

45. All works undertaken by private individuals or companies with the object of effecting the salvage of wrecked vessels or their cargoes must be carried out under the superintendence of the authority charged with the execution of these Regulations.

These works may be forbidden if they are such as to hinder the navigation, and in the same way they may be continued or taken over by the above-mentioned authority acting *ex officio* in the event of their being abandoned or suspended, and this simply on notice being given by the Inspector to the parties concerned.

The vessel whose salvage has been effected by the officers of the authority charged with the superintendence of the river is liable for a sum sufficient to cover the expenses of salvage and those of keeping in repair the gear made use of.

Anchors, chains, and other articles abandoned by vessels navigating in the river, beyond the limits of a port, cannot be removed by any one without a written authority from the Inspector or the Sub-Inspectors, who in such cases give this authority and regulate the mode of recovery, as well as the destination of the articles abandoned.

#### CHAPTER 7. *Rules for the Discharge of Ballast.*

46. Vessels are strictly forbidden to throw their ballast into the bed of the river.

Ballast may be discharged on land at the places appointed by the local authorities as public depôts, or at points fixed by the officers charged with the river police, and described in a notice duly published.

The provisions of this Article apply equally to steamers throwing overboard their cinders and ashes.

47. To insure as far as possible the execution of the preceding provisions respecting the discharge of ballast, captains or masters must retain on board during the whole course of their voyage up river the certificate of the Captain of the Port of Sulina, showing the draught of water of vessels in ballast, as well as every other document referring to a discharge of ballast which may have been given to the vessel in the course of her

voyage. These certificates must be shown whenever they are asked for by the police officers.

#### CHAPTER 8. *On the Lighterage of the River Trade.*

48. Lighterage may be carried on by steam-boats, barges, sailing-vessels or lighters, of every kind.

#### CHAPTER 9. *On Towing.*

49. The towing trade is entirely free and open to steamers of all flags.

Towage may be carried on without hindrance and without any fresh formality or declaration by all the tug-boats employed on the river between Sulina and Ibraïla.

Owners or masters of tug-boats intended to ply only between Ibraïla and the Iron Gates must make a declaration in this sense to the Inspector of the Navigation, and inform him of the name of the vessel, her flag, and horse-power, as well as the date when she will commence towing.

Whereupon the Inspector shall, without delay, give the owner of the tug-boat a number which he must cause to be painted outside his vessel in white Arabic figures, 1 foot high, both on the port and starboard side, in a place where it can easily be seen.

50. When vessels or transports in tow moor or cast anchor, the tug-boats must not cast off the tow-rope till the vessels they are towing have come up to the wind or current and are in a fit position for anchoring.

51. When the captain of a tug-boat undertakes the towage of several vessels, transports, rafts, or floats of wood, for which the power of his engine is insufficient, and damage is caused in consequence or hindrance to the navigation, the captain is liable to the fine provided for offences against Article 18, in addition to the responsibility he incurs in respect of an action for damages which may have arisen from this cause.

52. The provisions of Articles 50 and 51 are binding on all vessels employed in towing others, whether habitually or occasionally.

In the event of the grounding or wreck of a vessel, transport, raft, or float of timber, which is being towed, the captain of the tug-boat when he continues his voyage must give notice of the accident to the first guard-boat of the Inspector's service that he meets.

As a general rule the tug-boat must not continue its voyage until it has been ascertained that the power of its engine is insufficient to set afloat again the vessel, transport, raft, or float of timber which has grounded.

The provisions of this Article apply to all steamers employed as tugs, whether habitually or occasionally.

CHAPTER 10. *On the Police of the Ports.*

53. No vessel may enter or leave a port without hoisting her national colours.

54. Captains must anchor at the places pointed out to them by the port authorities, and they must change their anchorage when required to do so by those authorities in cases of necessity.

55. During the whole period of vessels remaining at anchor, the yards must be braced fore and aft.

56. After letting-go the anchor, vessels must moor to the posts put up along the banks for this purpose, or to vessels which have already been moored. The vessel that is moored nearest to the shore must allow a passage over her deck to those moored outside her. Vessels must take in their booms and jibbooms, which must never be made use of for mooring boats.

57. Captains must, within 24 hours of their arrival, call at the Harbour-master's office and produce their ship's papers.

58. Vessels at anchor in a port must always have a sufficient number of men on board, and ready to carry out any manœuvre that may become necessary.

59. The port boats, and those belonging to vessels in port, must carry a lantern if they move about at night.

60. Pitch and tar must not be heated on board vessels in port. A vessel cannot be fumigated without the authorization of the Harbour-master.

The captain of every vessel arriving with a cargo composed, wholly or in part, of petroleum, dynamite, gunpowder, blasting powder, or other explosive or inflammable matter, must make a declaration to the Police officers of the port before anchoring, and produce the authorization to import these goods with which he should be provided.

61. Vessels having petroleum or explosive or inflammable goods on board can only anchor in that part of the port which is appointed for this purpose by the Harbour-master, and they must carry a red flag at the fore masthead.

62. Every vessel anchored in a port must have its name painted where it can easily be seen.

Captains of vessels anchoring in a port must report to the Harbour-master, without delay, every case of collision or damage in which their vessels have been concerned, as well as any deaths that may have occurred on board.

63. The provisions of the present Regulations in respect of cables, lights, and towage, are equally applicable to the ports.

64. Before leaving a port, captains must call at the Harbour-

master's office to obtain their clearances, and to pay or deposit the amount of the fines they may have incurred in respect of the present Regulation.

65. Anchors, chains, and other articles abandoned in a port cannot be removed without the Harbour-master's authorization.

#### CHAPTER 11. *On Pilotage in the River.*

66. Pilotage in the river is optional.

67. In addition to the free exercise of pilotage, there shall be a special corps of licensed pilots for the benefit of vessels navigating on the river between the Iron Gates and Ibraila, should they desire to make use of their services. These pilots are placed under the authority of the Inspector, who grants them their licences as pilots. They must have these licences *visé* every year by the Inspector, otherwise they cease to be valid.

68. A tariff of pilotage dues shall be drawn up by the authority charged with the superintendence of the Regulations for the licensed pilots.

69. The Sub-Inspectors and Harbour-masters, each within the limits of their authority, decide disputes between the pilots and merchant captains when requested to do so.

70. Pilots must report to the Inspectorate or to the Harbour-masters offences committed in their presence. They are forbidden to have any interest, direct or indirect, in operations or undertakings for lighterage, the object of which is to get afloat a vessel that may have grounded while they were piloting her.

71. Licensed pilots who, through incompetency or with evil intent, have caused a collision, grounding, or wreck, shall be dismissed; without prejudice, however, to the civil action which the interested parties may bring against them in the competent Courts.

#### CHAPTER 12. *Of Offences.*

##### *Section (A).—Assessment of Fines.*

##### § 1. *Offences against the General Administration of the Navigation.*

72. Every offence against Article 18 may be punished by a fine of from 5 fr. to 50 fr.

##### § 2. *Offences in respect of the River Police.*

73. Every offence against any of the provisions of Articles 28, 29, and 30, the second paragraph of Article 41, Article 42, and the fourth paragraph of Article 49, may be punished by a fine of from 5 fr. to 30 fr.

74. Every offence against Article 45 may be punished by a fine of from 5 fr. to 40 fr.

75. Every offence against any of the provisions of Articles 11, 13, 19, 20, 34, 36, 38, 40, and 47, against the provisions contained in the third paragraph of Article 49, or against those contained in the second paragraph of Article 52, may be punished by a fine of from 5 fr. to 50 fr.

76. Every offence against the provisions of Article 25 may be punished with a fine of from 5 fr. to 60 fr.

77. Every offence against Article 35 may be punished by a fine of from 5 fr. to 80 fr.

78. Every offence against the provisions of Articles 26 and 27 may be punished by a fine of from 10 fr. to 80 fr.

79. Every offence against the provisions of Articles 21, 24, 31, and 37 may be punished by a fine of from 5 fr. to 100 fr.

80. Every offence against the provisions of Articles 22, 23, 32, 33, and 50 may be punished by a fine of from 10 fr. to 100 fr.

### § 3. *Offences in respect of the Police of the Ports.*

81. Every offence against any of the provisions of Articles 53, 55, 56, 57, 58, and 62 may be punished by a fine of from 5 fr. to 20 fr.

82. Every offence against Article 65 may be punished by a fine of from 5 fr. to 40 fr.

83. Every offence against Article 59 may be punished by a fine of from 5 fr. to 50 fr.

84. Every offence against Article 64 may be punished by a fine of from 5 to 100 fr.

85. Every offence against the provisions of Articles 60 and 61 may be punished by a fine of from 5 fr. to 200 fr.

### § 4. *Offences committed by Licensed Pilots.*

86. Every offence against the provisions of Article 70 may be punished by a fine of from 5 fr. to 50 fr.

### § 5. *Abusive Language and Assaults.*

87. Every instance of offensive or abusive language, and every threat used to the police of the navigation acting in the performance of their duty, as well as offensive or abusive language in respect of the authority from whom these officers derive their authority, may be punished by a fine of from 5 fr. up to a maximum of 50 fr.

In cases of assault on the person of the agents of the police, whether actually committed or attempted, while they are in the performance of their duty, the maximum of the fine may be



raised to 200 fr. without prejudice to a prosecution before the competent authority.

*Section (B).—Rules for the Infliction of Fines.*

88. Breaches of the Regulations occasioned by circumstances over which the offender has no control are not liable to fines.

89. The maximum of a fine may be doubled in the event of a repetition of the offence.

It shall be considered a repetition if the same offence is again committed within the space of a year.

90. Independently of the fines to which they are sentenced, offenders may be prosecuted in the competent Courts for the recovery of the damages to which they are civilly liable.

91. Captains and masters are responsible for the offences committed by their crews.

92. In every case the vessel, tug-boat, or lighter, on board of which an offence has been committed, becomes the subject of a lien for the payment of the fine, and may be arrested by the police of the river to meet this payment.

93. The Sub-Inspectors and Harbour-masters take cognizance of offences committed within the limits of their jurisdiction against the provisions of the present Regulations, and they pronounce, in the first instance, the fines to be inflicted in respect of these offences.

Their sentences are notified through the Harbour-master of the port where the vessel may be, or, if outside a port, then directly by the Sub-Inspector.

They may also be communicated validly through the Consular officer of the nation whose flag the vessel flies.

94. The amount of the fines is paid into the cash-chest of the common authority.

95. Appeals against sentences of first instance pronounced by the police officers must be laid before the Mixed Commission within three months from the date of these sentences being communicated.

In cases of appeal the fine must be deposited provisionally in the cash-chest of the Commission, where it remains as a deposit till the case is decided.

An appeal will not be received after the expiration of three months from the date when the sentence was communicated; the amount of the fine is then definitely placed to the credit of the Mixed Commission.

### III.—EXECUTION AND SUPERINTENDENCE OF THE REGULATIONS.

96. The execution of the present Regulations is placed under the authority of a Commission called the "Mixed Commission of the Danube," in which Austria-Hungary, Bulgaria,

Roumania, and Servia shall each be represented by one Delegate. The presidency of this Commission shall devolve on the Delegate of Austria-Hungary.

A member of the European Commission of the Danube, appointed for a period of six months, according to the alphabetical order of the States, shall take part in the work of the Mixed Commission, and shall enjoy, during this time, all the rights that appertain to the other members of this Commission.

The States that are already represented on the Mixed Commission shall not be included in the alphabetical roster above alluded to.

In order that the member of the European Commission may be in a position to take part in the deliberations of the Mixed Commission, the latter shall send him a statement of the proposed work one month before the opening of each session.

The European Commission may, when they consider it advisable, require, through the medium of their member, information from the Mixed Commission respecting such of the decisions of that Commission as may affect liberty of navigation.

97. The powers of the Mixed Commission shall have a duration equal to those of the European Commission, and the constitution and powers of the Mixed Commission shall, in case of need, be modified in any way that may become necessary with the reservation of the coexistence of the two Commissions.

98. The Mixed Commission shall hold two ordinary sessions every year, the dates of which shall be fixed in such a manner as to avoid the Mixed Commission and the European Commission meeting simultaneously.

Their decisions shall be arrived at by a majority of votes.

They shall themselves decide upon the interior Regulations regarding the order of their work; as also upon the special instructions to be addressed to their officers in respect of the working of the present Regulations on such points as have not been determined by the Regulations themselves. The Commission shall in their first session proceed to appoint the officers mentioned in Article 101 under the Nos. 1, 2, and 4.

Nevertheless, the interior Regulations and the instructions of a general character and of the nature of Regulations (such, for instance, as those treated in Article 9 of the Public Act of the 2nd November, 1865, relative to the navigation at the mouths of the Danube\*) shall be previously communicated to the European Commission, and shall not be put in force till that Commission is satisfied that they are framed in accordance with the principles which have formed the basis of the present Regulations.

99. The cost of administration shall be at the charge of the

\* See Vol. 12. Page 888.

States represented in the Mixed Commission. They shall contribute in the following proportions:—

Austria-Hungary, four-tenths; Roumania, four-tenths; Bulgaria and Servia, each one-tenth.

At the second ordinary meeting the Mixed Commission will fix its budget for the following year.

The contributions of the different States shall be made half-yearly, in advance. Fines levied in respect of offences against the present Regulations shall be paid into the cash-chest of the Mixed Commission, to be applied to the requirements of the service.

100. The officers mentioned below shall perform their duties, each within the limits assigned to him, under the orders of the Mixed Commission, that is to say:—

- (1.) An Inspector.
- (2.) Sub-Inspectors.
- (3.) Harbour-masters, in so far as their duties are connected with the river-way.
- (4.) A secretary and subordinate officers.

101. The officers mentioned in the preceding Article shall be chosen from among competent persons. They shall be appointed and paid as follows:—

The Inspector, as well as the Secretary and subordinate officers, shall be appointed and paid by the Mixed Commission.

The Sub-Inspectors and Harbour-masters shall be appointed and paid by the respective Riverain States, who will inform the Mixed Commission of their appointment, or of their being replaced.

The above-mentioned officers, with the exception of the Sub-Inspectors and Harbour-masters, may be dismissed by the Mixed Commission.

102. The Inspector, being in charge of the management, must see that the provisions of the present Regulations are strictly observed, and that they are uniformly applied.

In this respect he is considered as the immediate superior of the Sub-Inspectors and Harbour-masters.

103. The left bank of the Danube between the Iron Gates and Ibraila shall be divided into four sections for the purposes of inspection—

The first shall extend from the Iron Gates to Beket, inclusive;

The second from Beket to Simnitza, inclusive;

The third from Simnitza to Calarash-Silistria;

The fourth, which includes both banks of the river, from Calarash-Silistria to Ibraila, exclusive of this last port.

The right bank shall be divided into three sections, of which—

The first shall extend from the Iron Gates to the mouth of the Timok;

The second, from the Timok to Nicopolis, inclusive;

The third, from Nicopolis to Silistria, inclusive.

The residence of each of the Sub-Inspectors shall at a future date be fixed by the Riverain States, in concert with the Mixed Commission.

104. The Riverain States will give the Mixed Commission and its officers all the assistance they may require in the execution of their task.

105. The ports or trading places which are situated within the limits of each of the sections of the river, and for which the Riverain States shall have appointed Harbour-masters, in conformity with the provisions of the present Regulations, shall not be comprised within the jurisdiction of the Sub-Inspectors of the Section. These ports or trading places shall be placed under the superintendence of the Harbour-masters, who, in so far as their action on the river-way is concerned, are subordinate to the Inspector, and must obey his instructions.

For the purposes of the present Regulations, the word "port" shall be held to apply to all that part of the river which is comprised between two straight lines drawn at right angles to the bank at the upper and lower boundaries of the said ports or trading places and carried out to the mid-channel.

If the opposite bank belongs to the same State, the port shall be held to comprise also that part of the river situated beyond the mid-channel, between two lines carried across to the said bank, always provided that on the said bank there is not a port or trading place for which a separate Harbour-master has been appointed.

Vessels traversing the waters of a port in the course of navigation, without stopping at this port, are not subject to the jurisdiction of the Harbour-masters; the Inspector and the Sub-Inspectors are alone competent to take action in respect of such vessels.

106. The special prerogatives of the judicial police of the river shall be exercised by the Sub-Inspectors and the Harbour-masters, each within the district assigned to him for superintendence, and appeals shall lie to the Mixed Commission, whose decisions are final.

If, in the exercise of their duties, Sub-Inspectors become aware of offences committed beyond the limits of their district, they shall take note of these offences, and report them to the competent Sub-Inspector.

107. The Mixed Commission shall sit at Giurgevo.

108. Articles 1, 2, 3, 6, 7, 8, 9, and 10, as well as Articles 96 to 108 inclusive, can only be modified by agreement between the Powers interested. The other Articles cannot be modified by the Mixed Commission without the consent of the European Commission of the Danube.

PROTOCOLS *on the Exchange of the Ratifications of the Treaty of 10th March, 1883, respecting the Navigation of the Danube (Reservations of Russia and Turkey respecting Bulgaria). London, August, October, 1883.*

(Translation.) *Protocol.\* August 21, 1883.*

THE Signatory Powers of the Treaty signed at London the 10th March, 1883, relative to the navigation of the Danube, having agreed that the exchange of the ratifications of the said Treaty should be effected at London by means of a single instrument by each Power, the Undersigned, duly authorized to that effect, met at the Foreign Office to deposit the said ratifications.

The said ratifications were produced by the Representatives of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c., and of His Majesty the German Emperor, King of Prussia, &c.

And having been examined and found in good and due form and correct, the deposition of these instruments was duly recorded.

In faith whereof the Undersigned have signed the present Protocol, and have affixed thereto the seal of their arms.

Done at London, the 21st August, 1883.

(L.S.) GRANVILLE.

EDMOND FITZMAURICE.

(L.S.) L. PLESSÉN.

(Translation.) *Protocol. August 24, 1883.*

THE Signatory Powers of the Treaty signed at London the 10th March, 1883, relative to the navigation of the Danube, having agreed that the exchange of the ratifications of the said Treaty should be effected at London by means of a single instrument by each Power, the Undersigned, duly authorized to that effect, met at the Foreign Office to deposit the said ratifications.

The said ratifications were produced by the Representatives of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c., and of His Majesty the Emperor of All the Russias, &c.

And having been examined and found in due form and correct, the deposition of these instruments was duly recorded.

Before proceeding to the exchange of ratifications, the Representative of His Majesty the Emperor of All the Russias made the following declaration :—

\* Similar Protocols signed the same day with the Representatives of Austria, France, and Italy.

“ Considering that the question treated by the Conference at its meeting of the 7th March, concerning the relations between the Principality of Bulgaria and the Suzerain Power, does not come within the programme of the three points which alone were brought before that Assembly, and of which alone it was called upon to take cognizance, the Imperial Government of Russia cannot recognize as obligatory the conclusions which the Conference has thought itself enabled to draw up in this respect beyond the limits of its legal competence; and the Russian Government continues, in consequence, to regard the question as an open one—reserving explicitly to itself full and entire liberty of opinion upon the principle involved therein.”

The Representative of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, President of the Conference, whilst stating that he had nothing to add upon this subject to the observations made by him at the meeting of the 7th March, took note of the reserve expressed by the Representative of Russia, which is inserted in the present Protocol, engaging to bring it to the knowledge of the other Signatory Powers of the Treaty.

In faith whereof the Undersigned have signed the present Protocol, and have affixed thereto the seal of their arms.

Done at London, the 24th August, 1883.

(L.S.)

GRANVILLE.

EDMOND FITZMAURICE.

(L.S.)

MOHRENHEIM.

(Translation.)

*Protocol.*

*October 25, 1883.*

THE Signatory Powers of the Treaty signed at London the 10th March, 1883, relative to the navigation of the Danube, having agreed that the exchange of the ratifications of the said Treaty should be effected at London by means of a single instrument by each Power, the Undersigned, duly authorized to that effect, met at the Foreign Office to deposit the said ratifications.

The said ratifications were produced by the Representatives of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c., and of His Majesty the Emperor of the Ottomans, &c.

And having been examined and found in good and due form and correct, the deposition of these instruments was duly recorded.

Before proceeding to the exchange of the ratifications, the Representative of His Majesty the Emperor of the Ottomans made the following declaration:—

“ Considering that the Conference lately assembled at London was competent to pronounce upon the reserves of the

Sublime Porte concerning the nomination of the Bulgarian Delegate to the Mixed Commission, from the fact that that question, inseparable from the Regulations drawn up at Galatz and which instituted the said Commission, came within the programme of the three points of which the Commission was called upon to take cognizance, and of which the second had for its object the confirmation of the aforesaid Regulations; considering, consequently, that the opinion of the Imperial Government of Russia, expressed in the Declaration inserted in the Protocol of the 24th August last, recording the exchange of the ratifications of the Treaty of the 10th March between Great Britain and Russia, cannot in anywise invalidate the competence of the Conference in this respect, the Sublime Porte declares that it understands that the ratification of the said Treaty by the High Contracting Parties implies that of the right, recognized as appertaining to the Sublime Porte by the Conference at its meeting of the 7th March, of approving the nomination of the Bulgarian Delegate to the Mixed Commission, a right the insertion of which in the Protocol of that meeting has, according to the unanimous declaration of the Conference, the same efficacy as if it formed a part of the Treaty itself; and that thenceforward the Sublime Porte maintains, as a consequence of the sanction given to that Treaty by His Imperial Majesty the Sultan, that the Bulgarian Delegate, whose nomination will be approved by the Sublime Porte, shall represent the Ottoman Empire upon the Mixed Commission, and shall duly keep the Imperial Government informed of the acts and deliberations of that Commission, his vote being decisive only in so far as it is in conformity with the instructions and meets with the approbation of the Sublime Porte."

The Representative of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, President of the Conference, whilst stating that he had nothing to add upon this subject to the observations made by him at the meeting of the 7th March, took note of the reserve expressed by the Representative of His Majesty the Emperor of the Ottomans, which is inserted in the present Protocol, engaging to bring it to the knowledge of the other Signatory Powers of the Treaty.

In faith whereof the Undersigned have signed the present Protocol, and have affixed thereto the seal of their arms.

Done at London, the 25th October, 1883.

(L.S.)	GRANVILLE.
	EDMOND FITZMAURICE.
(L.S.)	MUSURUS.

BRITISH NOTIFICATION, *respecting Customs Duties imposed on British Goods imported into Turkey. London, April 10, 1883.\**

Board of Trade, Whitehall Gardens,  
April 10, 1883.

THE Board of Trade have received a letter from the Secretary of State for Foreign Affairs, stating that the Porte has declined to accede to a proposal made by Her Majesty's Embassy that the Tariff of December 7, 1861, should remain in force after the 30th day of September next, pending further commercial negotiations between Great Britain and Turkey, and that it is understood that after that date the Porte proposes to levy Customs duties at the rate of 8 per cent. *ad valorem* on British goods imported into Turkey.

BRITISH ORDER IN COUNCIL, *for the execution of the Slave Trade Declaration with Turkey of March 3, 1883. Osborne, August 23, 1883.*

*At the Court at Osborne House, Isle of Wight, the 23rd day of August, 1883.*

PRESENT : THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.    Marquis of Hartington.    Lord Steward.

WHEREAS a Declaration between Great Britain and Turkey, amending the Convention of the 25th January, 1880, between Her Majesty and the Sultap for the Suppression of the Slave Trade, was signed at Constantinople on the 3rd day of March, 1883, in the following terms, that is to say :—

[See Page 1069.]

And whereas by an Act passed in the 37th year of Her Majesty's reign, cap. 88, intituled "The Slave Trade Act, 1873,"† it was, amongst other things, provided that "where any Treaty in relation to the Slave Trade is made after the passing of that Act, by or on behalf of Her Majesty with any foreign State, Her Majesty may, by Order in Council, direct that as from such date, not being earlier than the date of the Treaty, as may be specified in the Order, such Treaty shall be deemed

\* "London Gazette," April 10, 1883.

† See Vol. 14. Page 717.



to be an existing Slave Trade Treaty within the meaning of the Act;" and it was further provided that thereupon (as from the said date, or if no date should be specified as from the date of such Order) all the provisions of the Act should apply and be construed accordingly;

And whereas it is expedient that the said Declaration should be brought within the operation of "The Slave Trade Act, 1873;"

And whereas an Order in Council for the purpose of carrying out that object was passed on the 19th day of July last, and it is expedient that the said Order in Council should be repealed, and a fresh Order in Council issued in lieu thereof;

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:—

The Order in Council of the 19th of July last, which purported to bring the said Declaration within the operation of "The Slave Trade Act, 1873," is hereby repealed.

The said Declaration of the 3rd day of March, 1883, shall, from the day of the date of the said Declaration, be deemed to have been and to be an existing Slave Trade Treaty within the meaning of the said "Slave Trade Act, 1873."

And the Lords Commissioners of Her Majesty's Treasury, the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein, as to them may respectively appertain.

C. L. PEEL.

## UNITED STATES,

*ACT of Congress of the United States, to repeal the Discriminating Duties on Goods produced East of the Cape of Good Hope.*

[No. 70.]

[May 4, 1882.\*]

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 2501 of the Revised Statutes of the United States, which reads as follows:—"There shall be levied, collected, and paid on all goods, wares, and merchandize of the growth or produce of the countries east of the Cape of Good Hope (except wool, raw cotton, and raw silk, as reeled from the cocoon, or not further

\* Amended by Act of December 23, 1882. See Page 1096.

advanced than tram, thrown, or organzine), when imported from places west of the Cape of Good Hope, a duty of 10 per centum *ad valorem* in addition to the duties imposed on any such article when imported directly from the place or places of their growth or production," be and the same is hereby repealed from and after the 1st day of January, 1883.

Approved, May 4, 1882.

*ACT of Congress of the United States, to regulate Immigration; so far as relates to Alien Convicts.*

[No. 195.]

[August 3, 1882.]

SEC. 4. THAT all foreign convicts except those convicted of political offences, upon arrival, shall be sent back to the nations to which they belong and from whence they came. The Secretary of the Treasury may designate the State Board of Charities of any State in which such Board shall exist by law, or any Commission in any State, or any person or persons in any State whose duty it shall be to execute the provisions of this section without compensation. The Secretary of the Treasury shall prescribe regulations for the return of the aforesaid persons to the countries from whence they came, and shall furnish instructions to the Board, Commission, or persons charged with the execution of the provisions of this section as to the mode of procedure in respect thereto, and may change such instructions from time to time. The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessels in which they came.

Approved, August 3, 1882.

*ACT of Congress of the United States, respecting Discriminating Duties on goods produced East of the Cape of Good Hope.*

[No. 3.]

[December 23, 1882.]

AN Act to amend the Act entitled "An Act to repeal the Discriminating Duties on goods produced East of the Cape of Good Hope," approved May 4, 1882.\*

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Act entitled "An Act to repeal the Discriminating Duties on goods produced East of the Cape of Good Hope," approved May 4, 1882, be, and the same is hereby, amended so as to read as follows:

\* See Page 1095.

“That Section 2501 of the Revised Statutes of the United States, which reads as follows:—‘There shall be levied, collected, and paid on all goods, wares, and merchandize of the growth or produce of the countries east of the Cape of Good Hope (except wool, raw cotton, and raw silk, as reeled from the cocoon, or not further advanced than tram, thrown, or organzine), when imported from places west of the Cape of Good Hope, a duty of 10 per centum *ad valorem* in addition to the duties imposed on any such article when imported directly from the place or places of their growth or production,’ be, and the same is hereby, repealed from and after the 1st day of January, 1883; and all such goods as may be in public store or warehouse on the 1st day of January, 1883, or on shipboard in port, shall be subject to no other duty than if imported after that day.’ ”

Approved, December 23, 1882.

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## URUGUAY.

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DECREE of the Government of the Uruguay, opening the Navigable Rivers to Foreign Commerce. Monte Video, October 10, 1853.\*

(Translation.)

Monte Video, October 10, 1853.

THE Provisional Government of the country being of opinion, that the best means of consolidating public peace is the development of national wealth:

Being further of opinion that the foundation of the country's prosperity is to be found in the most complete liberty of trade, has agreed to the following, and decrees:—

ART. 1. The navigable rivers of the country are open to the ships and the commerce of all nations.

2. Foreign ships navigating the rivers in question are subject to the same police and Customs regulations as national ships.

3. Let this be communicated, published, and be recorded by the proper Department.

LAVALLEJA.

ZUVILLAGA.

JUAN C. GOMEZ.  
LORENZO BATTLE.  
SANTIAGO SAYAGO.

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\* This Decree received the sanction of the Uruguyan Chambers, June 17, 1854.

## VENEZUELA.

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VENEZUELAN DECREE, *approving the Claims Convention with Great Britain of September 21, 1868,\* and the Awards of the Mixed Commission appointed under that Convention. Caracas, June 14, 1873.*

(Translation.)

THE Congress of the United States of Venezuela :

An examination having been made of the Convention of the 21st of September, 1868, upon adjustments of claims of British subjects against Venezuela, of the diary of the Mixed Commission which it appointed, of the total of the sums recognized by it, and of the note of the Citizen Minister of Foreign Relations of the present Government, in which, under date of the 24th of April last, he submits the said Convention and its results to the approbation of the Congress ;

Decrees :

The Congress approves the Convention of the 21st of September, 1868, celebrated between the Government of the Republic and that of Her Britannic Majesty for the adjustment of the pending claims of British subjects against the Republic, and it approves the awards of the Mixed Commission, which in fulfilment of the above-mentioned Convention, judged and determined the said claims, all of them amounting to the sum of 312,587 pesos and 2 cents, or 250,069 venezolanos (hard dollars) and 61 cents.

Given in the Palace of the Legislative Body in Caracas on the 10th of June, 1873, 10th year of the Law and 15th of the Federation.

ANTONIO L. GUZMAN, *President of the Chamber of the Senate.*

MANUEL MA. DIAZ, *President of the Chamber of Deputies.*

BRAULIO BARRIOS, *Senator Secretary.*

NICANOR BOLET PERAZA, *Deputy Secretary.*

The Federal Palace in Caracas, on the 14th of June, 1873, 10th year of the Law and 15th of the Federation.

Let it be executed.

FRANCISCO L. ALCANTARA,

JESUS MA. BLANCO, *Minister of Foreign Relations.*

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\* See Vol. 12. Page 1009.

VENEZUELAN DECREE, *recognizing the British and French Claims admitted in 1865 and 1867. Carácas, May 23, 1876.*

(Translation.)

THE Congress of the United States of Venezuela, considering:

1. That the arrangements which the Federal Executive celebrated with the Legations of Great Britain and France, for claims in 1865 and 1867, were not submitted to the approbation of the Congress until the year 1874;

2. That this has given cause that the respective Governments should have judged and alleged that the agreements indicated are definitive; and

3. That the considerations which the illustrious American adduces upon the matter in his Message of the 24th of March last, are of great weight and merit attention;

Decreases:

Art. 1. The Executive Power is authorized to incorporate with the amount of the claims which are at present being liquidated with the product of part of the revenue applied to the payment of foreign claims according to the Law of the 30th November, 1872, those that were recognized in 1865 and 1867, through the exchange of notes between the Ministry of Foreign Relations and the Chargés d'Affaires of Great Britain and France respectively.

2. This example can in no case be alleged as a precedent which ought to be followed, for in future an agreement celebrated by the Executive will not be reputed valid and definitive which has not received the approbation of Congress, through the medium of the three discussions in each Chamber, according to the Constitution.

Given in Carácas, in the Palace of the Federal Legislative Body, the 16th of May, 1876, 13th year of the Law and 18th of the Federation.

J. C. HURTADO, *President of the Senate.*

R. ANDUEZA PALACIO, *President of the Chamber of Deputies.*

BRAULIO BARRIOS, *Senator Secretary.*

NICANOR BOLET PERAZA, *Deputy Secretary.*

Federal Palace in Carácas, on the 23rd of May 1876, 13th year of the Law and 18th of the Federation.

Let it be executed.

GUZMAN BLANCO.

JESUS MA. BLANCO, *Minister of Foreign Relations.*

SWISS NOTIFICATION of the Accession of Venezuela to the  
*Universal Postal Union of June 1, 1878. Berne, October 17,*  
 1879.

—  
*Berne, le 17 Octobre, 1879.*

EN conformité de l'Article XVIII de la Convention de Paris du 1<sup>er</sup> Juin, 1878,\* concernant l'Union Postale Universelle, le Conseil Fédéral Suisse a l'honneur d'informer son Excellence M. le Ministre des Affaires Étrangères d :

1. Que les États-Unis de Vénézuéla ont déclaré, par voie diplomatique, adhérer à cette Convention, et conséquemment aussi au Règlement d'Exécution y relatif, à partir du 1<sup>er</sup> Janvier, 1880.

2. Que, quant à la part contributive aux frais du Bureau International des Postes (Article 28 du Règlement d'Exécution précité), les États-Unis de Vénézuéla seront dans la 6<sup>me</sup> classe.

Pour ce qui concerne les équivalents de taxe, il est à remarquer que l'unité monétaire du Vénézuéla est le bolivar, lequel correspond exactement au franc et se divise en centimes, en sorte qu'il s'agit, en matière d'équivalent, uniquement de centimes de bolivar, au lieu de centimes de franc.

Le Conseil Fédéral Suisse saisit cette occasion pour renouveler à son Excellence les assurances de sa haute considération.

Au nom du Conseil Fédéral Suisse,

HAMMER, *Président de la Confédération.*

SCHIESS, *Chancelier de la Confédération.*

Son Excellence M. le Ministre des Affaires Étrangères

d

à

CONSTITUTION of the United States of Venezuela; so far as relates to Nationality; Naturalization; the Abolition of Slavery; Religion; the Power of declaring War; the Conclusion of Treaties, &c. *Caracas, April 27, 1881.*

(Translation.)

CHAPTER I.—Of Venezuelans.

ART. 5. Are Venezuelans—

(1.) All individuals born on Venezuelan territory, whatever may be the nationality of their parents.

(2.) The children of a Venezuelan father or mother who may have been born in a foreign country, and in the event of their

\* See Vol. 14. Page 1014.

residing in the country should express a wish to adopt the Venezuelan nationality.

(3.) Foreigners who shall have obtained letters of naturalization, and

(4.) Individuals who, having been born in any one of the Spanish American Republics, or in the Spanish Antilles, should establish their domicile on the territory of the Republic, and should manifest their desire to become Venezuelan citizens.

6. Those individuals who shall take up their residence and acquire letters of naturalization in a foreign country shall not forfeit thereby the Venezuelan nationality.

7. All Venezuelans of the male sex, and over 21 years of age, are eligible for public appointments, except in the cases provided for by this Constitution.

8. All Venezuelans are under the obligation of serving the nation in the manner prescribed by law, making the sacrifice of their property and of their lives, were such a course necessary for the defence of the country.

9. All Venezuelans shall, in all the States of the Union, enjoy the privileges and immunities inherent to their condition of citizens of the Federation; they shall, moreover, have the same duties as the natives and other individuals domiciled in the State.

10. Foreigners shall participate in all the civil rights common to Venezuelans; their lives and property shall enjoy the same security. They shall only appeal to diplomatic intervention in cases prescribed by law and public Treaties.

11. The law shall determine the privileges pertaining to the condition of foreigners, whether the same have established a permanent domicile, or their residence in the country be temporary.

### CHAPTER III.

#### *Of the Guarantees of Venezuelans.*

14. The nation secures to Venezuelans—

(5). Personal liberty; and therefore—

(a.) Recruiting by force for military service is abolished:

(b.) Slavery is proscribed for ever:

(c.) Slaves setting foot on Venezuelan territory are free.

(13.) Religious liberty.

### CHAPTER IV.—*Of the National Legislature.*

43. The National Legislature possesses the following attributes:—

(15.) To declare war and require the National Executive to initiate negotiations for the conclusion of peace.

(16.) To approve or reject Treaties and Diplomatic Conven-

tions; they may not be ratified or exchanged unless this clause be observed.

(25.) To allow or prohibit the admission of foreigners into the service of the Republic.

CHAPTER V.—*Of the General Power of the Federation.*

66. The President of the United States of Venezuela shall, with the deliberative vote of the Federal Council, possess the following attributes:—

(5.) To carry on negotiations and conclude Treaties with other nations, submitting the same to the National Legislature.

(9.) To declare war in the name of the Republic when Congress shall have decreed the same.





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