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MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 158 Press Mis

Dated 3-6- 19 1863

Not to be folded or roughly handled

No. 6. Read the following Despatch from the Right Honorable Sir C. WOOD, Bart., Secretary of State for India; to His Excellency the Honorable the Governor in Council, Fort Saint George, dated India Office, London, 30th April 1863, No. 4.

I transmit herewith, for the information of your Excellency's Government, a printed copy of a Treaty of Friendship, Commerce and Navigation, between Her Majesty and the Republic of Salvador.

TREATY of Friendship, Commerce and Navigation, between Her Majesty and the Republic of Salvador.

Signed at Guatemala, October 24, 1862.

[*Ratifications exchanged at London, April* 16, 1863.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Salvador, being desirous to maintain and improve the relations of good understanding which happily subsist between them, and to promote the commercial intercourse between their respective subjects and citizens, have deemed it expedient to conclude a Treaty of Friendship, Commerce and Navigation, and have for that purpose named as their respective Plenipotentiaries, that is say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, George Benvenuto Mathew, Esquire, Her Majesty's Minister Plenipotentiary to the Republics of Central America.

And His Excellency the President of the Republic of Salvador, Senor Doctor Don Mariano Padilla, Knight of the Royal American Order of Isabel la Católica;

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:

ARTICLE I.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland recognizes the sovereignty and independence of the Republic of Salvador: Consequently there shall be a perfect, firm, and inviolable peace and sincere friendship between Her Britannic Majesty and the Republic of Salvador, throughout the whole extent of their Possessions and Territories, and between their subjects and citizens respectively, without distinction of persons or places.

ARTICLE II.

The two High Contracting Parties being desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the subjects or citizens of each may frequent all the coasts and countries of the other, and reside therein, and shall have the power to purchase and hold all kinds of property which the laws of the country may permit any foreigners, of whatever nation to hold, and to engage in all kinds of trade, manufactures, and mining, upon the same terms with native subjects or citizens. They shall enjoy all the privileges and concessions in these matters which are or may be made to the subjects or citizens of any country: and shall enjoy all the rights, privileges, and exemptions, in navigation, commerce, and manufactures, which native subjects or citizens do or shall enjoy, submitting themselves to the laws there established, to which native subjects or citizens are subjected.

The ships of war and post-office packets of each Contracting Party, respectively, shall have liberty to enter into all harbours, rivers, and places within the Territories of the other, to which the ships of war and packets of other nations are or may be permitted to come; to anchor there, and to remain and refit, subject always to the laws of the two countries respectively.

The High Contracting Parties further engage that neither will grant any favour to any other nation, in respect of commerce and navigation, which shall not immediately become common to the other Contracting Party.

ARTICLE III.

The High Contracting Parties agree that, in regard to the coasting trade, the ships, subjects, and citizens, of each shall enjoy, in the Dominions and Territories of the other, the same privileges, and shall be treated in all respects in the same manner, as national vessels, and as native subjects and citizens.

Govt Gazette Press.

ARTICLE IV.

The Contracting Parties likewise agree, that whatever kind of produce, manufacture, or merchandise can be from time to time lawfully imported into the British Dominions in British vessels, may also be imported in vessels of the Republic of Salvador; and that no higher or other duties upon the vessel or upon her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and in like manner, that whatever kind of produce, manufacture, or merchandise can be from time to time lawfully imported into the Republic of Salvador in its own vessels, may be also imported in British vessels; and that no higher or other duties upon the vessel or upon her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other.

And they further agree, that whatever may be lawfully exported or re-exported from the one country in its own vessels to any foreign country, may in like manner be exported or re-exported in the vessels of the other country; and that the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in British vessels, or in vessels of the Republic of Salvador.

ARTICLE V.

No higher or other duties shall be imposed on the importation into the British Dominions of any article the growth, produce, or manufacture of the Republic of Salvador, and no higher or other duties shall be imposed on the importation into the Republic of Salvador of any article the growth, produce, or manufacture of the British Dominions, than are or shall be payable on the same or the like article being the produce or manufacture of any other foreign country. Nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any article to the Territories of the other, than such as are payable on the exportation of the same or the like article to any other foreign country.

No prohibition shall be imposed upon the importation of any article the growth, produce, or manufacture of the Territories of either of the two Contracting Parties into the Territories of the other, which shall not equally extend to the importation of the same; or the like article being the growth, produce, or manufacture of any other country; nor shall any prohibition be imposed on the exportation of any article from the Territories of either of the two Contracting Parties to the Territories of the other, which shall not equally extend to the exportation of the same or the like article to the Territories of all other nations.

ARTICLE VI.

The subjects and citizens of one of the Contracting Parties shall enjoy, in the Dominions, Possessions, and Territories of the other, equality of treatment with native subjects and citizens, or with the subjects and citizens of the most favoured nation, in regard to warehousing, transit, and re-export, and also in regard to bounties, facilities, and drawbacks.

ARTICLE VII.

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 the Government, public functionaries, corporations, or establishments of whatever kind, shall be imposed in the ports of either country upon the vessels of the other country, which shall not be equally imposed in the like cases on national vessels.

ARTICLE VIII.

In order to prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the preceding Articles are, to their full extent, applicable to British vessels and their cargoes arriving in the ports of Salvador, and reciprocally to the vessels of the said Republic and their cargoes arriving in British ports, whether they proceed from the ports of the country to which they respectively belong, or from the ports of any other foreign country, and, in either case, no discriminating duty shall be imposed or collected in the ports of either country on the said vessels or upon their cargoes, whether such cargoes shall consist of native or of foreign produce or manufacture.

ARTICLE IX.

All vessels which, according to the laws of Great Britain, are to be deemed British vessels and all vessels which, according to the laws of the Republic of Salvador, are to be deemed vessels of that Republic, shall, for the purposes of this Treaty, be deemed British vessels, and vessels of Salvador respectively.

ARTICLE X.

It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other subjects or citizens of both countries, to manage, by themselves or agents, their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandize, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being, in all these cases, to be treated as subjects or citizens of the country in which they reside or are conducting their business, and to be subject to the laws of that country.

Proceedings of the Madras Government, Political Department,
3rd June 1863.

ARTICLE XI.

Whenever the citizens of either of the Contracting Parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or Dominions of the other, with their vessels, whether merchant or of war, public or private, thro' stress of whether, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, and all favor and protection shall be given to them for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE XII.

If any ship of war or merchant-vessel of either of the High Contracting Parties should be wrecked on the coasts of the other, such ship or vessels or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof if sold, shall be faithfully restored to the owners, upon being claimed by them or by their duly authorized agents; and if there are no such owners or agents on the spot, then the said ships, or parts of ships, furniture, appurtenances, goods, and merchandise, or the proceeds thereof if sold, as well as all the papers found on board such wrecked ship or vessel, shall be delivered to the British Consul or Vice-Consul, or to the Consul or Vice-Consul of the Republic of Salvador, in whose district the wreck may have taken place, upon being claimed by him, and on his giving a receipt or acknowledgment for the same; and upon payment by such Consul, Vice-Consul, owners, or agents, of only the expenses incurred in the preservation of the property, and of the salvage and other expenses which would have been payable in the like case of a wreck of a national vessel. The charge for such salvage or other expenses shall be made and settled immediately, subject to such right of appeal on the part of the person paying the same as may exist in the respective countries. The goods and merchandise saved from the wreck shall not be subject to duties, unless cleared for consumption; in which case they shall be liable only to the same duties as if they had been imported in a national vessel.

ARTICLE XIII.

The subjects and citizens of either of the two Contracting Parties in the Territories of the other shall be at full liberty to acquire, possess, and dispose of, whether by purchase, sale, donation, exchange, marriage, testament, succession *ab intestato*, or in any other manner whatever, every description of property which the laws of the country may permit any foreigners, of whatsoever nation, to hold. Their heirs and representatives may succeed to and take possession of such property, either in person or by agents acting on their behalf, in the ordinary form of law, in the same manner as subjects or citizens of the country; and in the absence of such heirs and representatives, the property shall be treated in the same manner as the like property belonging to a subject or citizen of the country under similar circumstances.

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 or citizens of the country. In every case the subjects and citizens of the Contracting Parties shall be permitted to export their property, or the proceeds thereof—British subjects from the Territory of Salvador; and Salvador citizens from the British Territory, freely, and without being subjected on such exportation to pay any duty as foreigners, and without having to pay any other or higher duties than those to which subjects or citizens of the country are liable.

ARTICLE XIV.

Both Contracting Parties promise and engage formally to give their special protection to the persons and property of the subjects or citizens of each other, of all occupations, who may be in the Territories subject to the jurisdiction of one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice, for their judicial recourse, on the same terms which are usual and customary with the native subjects or citizens of the country; for which purpose they may either appear in proper person, or employ, in the prosecution or defence of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions or sentences of the tribunal in all cases which may concern them and shall enjoy in such cases all the rights and privileges accorded to native subjects or citizens.

ARTICLE XV.

In the event of any subject or citizen of either of the two Contracting Parties dying without will or testament in the Dominions or Territories of the other Contracting Party, or in the absence of lawful heirs or representatives, the Consul-General, Council, or Acting Consul of the nation to which the deceased may belong, shall, so far as the laws of each country will permit, have the right, after a duly made and attested inventory has been signed by him to take possession and charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, giving immediate notice of the death to the authorities of the country.

Govt Gazette Extn.

ARTICLE XVI.

The subjects of Her Britannic Majesty residing in the Republic of Salvador, and the citizens of the Republic of Salvador residing in the Dominions of Her Britannic Majesty, shall be exempted from all compulsory military service whatsoever, whether by sea or land, and from all forced loans, or military exactions or requisitions; and they shall not be compelled, under any pretext whatsoever, to pay any ordinary or extraordinary charges, requisitions, or taxes, other or higher than those that are or may be paid by native subjects or citizens.

ARTICLE XVII.

It is agreed and covenanted that neither of the High Contracting Parties shall knowingly receive into, or retain in, its service, any subjects or citizens of the other Party who have deserted from the naval or military service of that other Party; but that, on the contrary, each of the Contracting Parties shall respectively discharge from its service any such deserters, upon being required by the other Party to do so.

And it is further agreed, that if any of the crew of any merchant vessel of either Contracting Party shall desert from such vessel within any port in the Territory of the other Party, the authorities of such port and Territory shall be bound to give every assistance in their power for the apprehension of such deserters, on application to that effect being made by the Consul of the Party concerned, or by the deputy or representative of the Consul; and any person knowingly protecting or harbouring such deserters shall be liable to punishment.

ARTICLE XVIII.

British subjects residing in the Territories of the Republic of Salvador shall enjoy the most perfect and entire liberty of conscience, without being annoyed, molested, or disturbed on account of their religious belief. Neither shall they be annoyed, molested, or disturbed in the proper exercise of their religion, in private houses, or in the chapels or places of worship destined for that purpose: Provided that in so doing they observe the decorum due to Divine worship, and the respect due to the laws of the country. Liberty shall also be granted to bury British subjects who may die in the Territories of the Republic of Salvador, in convenient and adequate places, to be appointed and established by British subjects for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulchres of the dead be disturbed in any wise or upon any account.

In like manner, the citizens of Salvador shall enjoy within the Dominions of Her Britannic Majesty a perfect and unrestrained liberty of conscience, and of exercising their religion within private houses, or in the chapels or places of worship destined for that purpose, agreeably to the laws of those Dominions.

ARTICLE XIX.

For the better security of commerce between the subjects and citizens of the two High Contracting Parties, it is agreed that if at any time any rupture, or any interruption of friendly intercourse should unfortunately take place between the two Contracting Parties, the subjects or citizens of either of them, established in the Territories of the other, who may reside upon the coasts, shall be allowed six months, and those who may reside in the interior a whole year, to wind up their accounts and to dispose of their property; and a safe conduct shall be given to them to embark at the port which they themselves shall select. The subjects or citizens of either of the two Contracting Parties who may be established in the Dominions or Territories of the other, in the exercise of any trade or other occupation or employment, shall be allowed to remain and continue in the exercise of the said trade or occupation, notwithstanding the interruption of friendship between the two countries, in the free enjoyment of their personal liberty and property, so long as they behave peaceably and observe the laws; and their goods and effects, of whatever description they may be, whether in their own custody or entrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like effects or property belonging to native subjects or citizens. In the same case, debts between individuals, public funds, and the shares of companies, shall never be confiscated, sequestered, or detained.

ARTICLE XX.

It shall be free for each of the two Contracting Parties to appoint Consuls for the protection of trade, to reside in the Dominions and Territories of the other Party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent.

The Diplomatic Agents and Consuls of each of the two High Contracting Parties in the Dominions or Territories of the other, shall enjoy whatever privileges, exemptions, and immunities are or shall be granted there to Agents of the same rank, belonging to the most favoured nation.

Proceedings of the Madras Government, Political Department,
3rd June 1863.

ARTICLE XXI.

The present Treaty shall remain in force for the term of twenty years from the day of the exchange of ratifications; and if neither Party shall notify to the other its intention of terminating the same, twelve months before the expiration of the twenty years stipulated above, the said Treaty shall continue binding on both Parties beyond the said twenty years, until twelve months from the time that one of the Parties may notify to the other its intention of terminating it.

ARTICLE XXII.

The present Treaty of Friendship, Commerce, and Navigation, shall be ratified; and the ratifications shall be exchanged at London as soon as possible within six months from this date.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto their respective Seals.

Done at Guatemala, the twenty-fourth day of October, in the Year of Our Lord one thousand eight hundred and sixty-two.

(L.S.) GEORGE B. MATHEW.
(L.S.) MARIANO PADILLA.

No. 7. ORDER THEREON, 3rd June 1863, No. 158.

Ordered to be published in the Fort Saint George Gazette.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd T. McMootry.

Govt Gazette Press.

Political Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
Despatch from the Right Hon'ble
the Secretary of State for India:
(Here enter 30 April 1863. No 4).

Order. 3 June 1863 No 158.

Ordered to be published in
the Fort St George Gazette.

To the Superintendent
Govt Gazette Press. } despd 10

Pol. 1863. *Department.*

No. 158

PROCEEDINGS OF GOVERNMENT.

Dated 3d June 1863.—

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