

GOVERNMENT NOTIFICATION.—No. 328.

The following Circular Despatch, accompanying a copy of a Treaty of Friendship, Commerce, and Navigation, between Her Majesty and the Republic of Equator, is published for general information.

By Command,

FREDERICK STEWART,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 28th August, 1886.

CIRCULAR (2).

DOWNING STREET,
16th July, 1886.

SIR,—I have the honour to transmit to you, for information and publication in the Colony under your Government, a copy of a Treaty of Friendship, Commerce, and Navigation, between Her Majesty and the Republic of the Equator, signed at Quito on the 18th of October, 1880, the ratifications of which were exchanged at Quito on the 19th of February last.

I have the honour to be,

Sir,

Your most obedient humble Servant,

GRANVILLE.

The Officer Administering the Government of
HONGKONG.

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

Signed at Quito, October 18, 1880.

[*Ratifications exchanged at Quito, February 19, 1886.*]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of the Equator, being desirous of extending and facilitating the relations of commerce between their respective territories and subjects and citizens, have resolved to conclude a Treaty for that purpose, and have named as their respective Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Frederic Douglas Hamilton, Esquire, Her Minister Resident to the Republic of the Equator;

And His Excellency the President of the Republic of Equator, General Cornelio E. Vernaza, Minister of 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:—

ARTICLE I.

There shall be perpetual friendship between the dominions and subjects of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, her heirs and successors, and the Republic of the Equator and its citizens.

ARTICLE II.

There shall be between all the dominions and possessions of the two High Contracting Parties reciprocal freedom of commerce and navigation. The subjects and citizens of each of the two Contracting Parties, respectively, shall have liberty freely and securely to come, with their ships and cargoes, to all places, ports, and rivers in the dominions and possessions of the other to which other foreigners are, or may be, permitted to come, and shall, throughout the whole extent of the dominions and possessions of the other, enjoy the same rights, privileges, liberties, favours, immunities, and exemptions in matters of commerce and navigation which are or may be enjoyed by native subjects or citizens generally.

ARTICLE III.

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 the Republic of the Equator, from whatever place arriving, and no other or higher duties shall be imposed on the importation into the dominions and possessions of the Republic of the Equator of any article the produce or manufacture of Her Britannic Majesty's dominions and possessions, from whatever place arriving, than are or shall be payable on the like article the produce or manufacture of any other foreign country; nor shall any prohibition be imposed on the importation of any article the produce or manufacture of the dominions and possessions of either of the two Contracting Parties into the dominions and possessions of the other, which shall not equally extend to the importation of the like articles being the produce or manufacture of any other country.

ARTICLE IV.

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.

ARTICLE V.

Goods, in respect of which import duties shall have been paid upon the importation thereof by a subject or citizen of either country at a port of the United Kingdom or the Republic of the Equator, shall not be liable to the payment of any further import duty, in the event of such goods being conveyed by sea to any other port of the United Kingdom or Republic; provided, always, that both in the United Kingdom and in the Republic of the Equator such reshipments shall have been made in conformity with the laws of the two countries respectively for the regulation of the coasting trade.

ARTICLE VI.

Equality of treatment in regard to ware-housing and to the transit trade, and also in regard to bounties, facilities, and drawbacks, shall be enjoyed by the subjects and citizens of the High Contracting Parties reciprocally.

ARTICLE VII.

All articles the produce or manufacture of the dominions and possessions of either of the Contracting Parties, or of any other country, which are or may be legally importable into the ports of the dominions and possessions of Her Britannic Majesty in British vessels, may likewise be imported into those ports in Equatorian 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 the produce or manufacture of the dominions and possessions of either of the Contracting Parties, or of any other country, which are or may be legally importable into the ports of the dominions and possessions of the Republic of the Equator in Equatorian 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 Equatorian 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 High Contracting Parties, on the exportation of any article which is or may be legally exportable therefrom, without distinction whether such exportation shall take place in British or in Equatorian vessels, and whatever may be the place of destination, whether a port of either of the Contracting Parties or of any third Power.

ARTICLE VIII.

No duties of tonnage, harbour, pilotage, light-house, 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 dominions and possessions of either country which shall not be imposed in the like cases on the vessels of other nations. 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.

ARTICLE IX.

It being understood that the general liberty of commercial communication conceded by both Contracting Parties to one another by the preceding Articles Nos. V, VI, and VII shall in no way extend to the coasting trade of the two respective nations.

ARTICLE X.

In all that regards the stationing, loading and unloading of vessels in the ports, basins, docks, roadsteads, harbours, or rivers of the dominions and possessions of the two countries, the same privileges and immunities shall be conceded which have been conceded to the most-favoured nation.

ARTICLE XI.

All vessels which according to British law are to be deemed British vessels, and all vessels which according to Equatorian law are to be deemed Equatorian vessels, shall, for the purposes of this Treaty, be deemed British and Equatorian vessels respectively.

ARTICLE XII.

The High 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 of each country shall be placed in all respects by the other on the footing of the most favoured nation.

ARTICLE XIII.

The subjects or citizens of each of the Contracting Parties shall have, in the dominions and possessions of the other, the same rights as native subjects or citizens in regard to trade-marks and designs of every description applicable to articles of manufacture.

ARTICLE XIV.

It shall be free for each of the two High 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 exercise whatever functions, and enjoy whatever privileges, exemptions, and immunities are, or shall be granted there to Consuls of the most favoured nation.

ARTICLE XV.

The subjects or citizens of each of the two High Contracting Parties, conforming 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, ware-houses, shops, and premises, which may be necessary for them.
3. They may carry on their commerce by wholesale or retail, 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, licences for residence or establishment, nor in respect of their commerce or industry, to any taxes, whether general or local, nor to imposts or obligations of any kind whatever, other or greater than those which are or shall be imposed upon native subjects.

ARTICLE XVI.

The citizens of the Equator shall enjoy in all the dominions and possessions of Her Britannic Majesty complete and unlimited liberty of conscience, and shall exercise their religion publicly or privately in their own dwelling-houses, or in the chapels or places of worship, appointed for that purpose in conformity with the system of toleration established in the dominions and possessions of Her Britannic Majesty.

The subjects of Her Britannic Majesty residing in the dominions shall enjoy the most perfect and entire security of conscience, without account of their religious belief, provided that this takes place with due respect to the established laws, usages, and customs.

essions of the Equator
ng annoyed or disturbed on
corum due to Divine worship,

They shall have entire liberty to bury their dead, in accordance with the religious ceremonies practised in their country, in the sepulchres and cemeteries already established, or which may be hereafter established and appointed for that purpose, and the sepulchres of the dead, in conformity with the old and existing practice, shall not be profaned in any wise nor upon any account; subjecting themselves, however, with regard to the places of burial, to the laws for the preservation of public health which are or may be in vigour in the Equator.

ARTICLE XVII.

The subjects and citizens of each of the two High 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 charges and functions whatever, as well as from all contributions, whether pecuniary or in kind, imposed as a compensation for personal service; and, finally, from forced loans and military exactions or requisitions.

In regard, however, to judicial and municipal charges and functions, those shall be excepted which are consequent upon the possession of real property or of a lease; and in regard to military exactions and requisitions, those which all subjects of the country are or shall be liable to as landed proprietors, or as farmers, or as tenants or occupiers of public-houses, or houses of a similar character.

ARTICLE XVIII.

The subjects and citizens of each of the two Contracting Parties in the dominions and possessions of the other shall be at full liberty to acquire, possess, and dispose of every description of property which the laws of the country may permit any foreigners, of whatsoever nation, to acquire and possess. They may acquire and dispose of the same, whether by purchase, sale, donation, exchange, marriage, testament, succession *ab intestato*, or in any other manner, under the same conditions as are established by the laws of the country for all foreigners. 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 same manner and in the same legal forms as subjects or citizens of the country. In the absence of heirs and representatives the property shall be treated in the same manner as the like property belonging to a subject 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 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 if sold, freely, and without being subjected on such exportation to pay any duty as foreigners, or any other or higher duties than those to which subjects of the country are liable under similar circumstances.

If any subject or citizen of either of the two High Contracting Parties shall die without will or testament in any of the territories, dominions, or settlements of the other, the Consul-General or Consul of the nation to which the deceased belonged, or the representative of such Consul-General or Consul, in his absence, shall have the right to nominate curators to take charge of the property of deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased; giving proper notice of such nomination to the authorities of the country.

ARTICLE XIX.

The dwellings, manufactories, warehouses, and shops of the subjects and citizens of each of the two High 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: If there should be occasion to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, such measure shall be executed only in conformity with the legal warrant or order, in writing, of a Tribunal, or of the competent authority:

The subjects and citizens 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. They shall enjoy, in this respect, the same rights and privileges as subjects or citizens of the country, 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.

ARTICLE XX.

Any ship of war or merchant-vessel of either of the High 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 High 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 their owners, or their agents, when claimed by them from the officers, British or Equatorian, as the case may be, who are by the laws or Government of their respective countries entrusted with the protection, preservation, and custody of shipwrecked property; and if there are no such owners or agents on the spot, then the same shall be delivered by the above-named officers to the British or Equatorian Consul-General, Consul, or Vice-Consul, 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 water, 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.

ARTICLE XXI.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the High 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 merchant-vessels of their respective countries.

ARTICLE XXII.

For the better security of commerce between the subjects of Her Britannic Majesty and the citizens of the Republic of the Equator, it is agreed that, if at any time any interruption of friendly intercourse or any rupture should unfortunately take place between the two Contracting Parties, the subjects or citizens of either of the two Contracting Parties residing upon the coast shall be allowed six months, and those residing in the interior a year, to wind up their accounts and dispose of their property; and a safe-conduct shall be given them to embark at the port which they shall themselves select. All 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 special employment, shall have the privilege of remaining and continuing such trade or employment therein, without any manner of interruption, in full enjoyment of their liberty and property, as long as they behave peaceably and commit no offence against the laws: and their goods and effects, of whatever description they may be, whether in their own custody, or intrusted 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 XXIII.

The present Treaty of Commerce and Navigation, when ratified, shall be substituted for the Treaty of Friendship, Commerce, and Navigation concluded between the High Contracting Parties at Quito on the 3rd day of May, 1851. It shall remain in force for ten years from the date of the exchange of the ratifications, and further, until the expiration of twelve months after either of the High Contracting Parties shall have given notice to the other of its intention to terminate the same, each of the High Contracting Parties reserving to itself the right of giving such notice to the other at the expiration of the first nine years, or at any time afterwards.

ARTICLE XXIV.

The present Treaty shall be ratified, and the ratifications shall be exchanged at Quito in eight months from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Quito, the eighteenth day of October, in the year of our Lord one thousand eight hundred and eighty.

(L.S.) FRE^c. DOUGLAS HAMILTON.

(L.S.) CORNELIO E. VERNAZA.

Protocol.

HAVING met in the Ministry for Foreign Affairs of Ecuador, the Undersigned, Christian William Lawrence, Esq., Her Britannic Majesty's Minister Resident, and J. Modesto Espinosa, Minister for Foreign Affairs, authorized by their respective full powers, found in good and due form, in discussing the exchange of the ratifications of the Treaty of Friendship, Commerce, and Navigation, signed in Quito on the 18th of October, 1880, and approved by Her Britannic Majesty and by the Congress of Ecuador, have agreed to the present Protocol:

1. The stipulations of the aforesaid Treaty shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, with the exception of those hereinafter named, that is to say:

- “ The Dominion of Canada,
- New South Wales,
- Victoria.
- Tasmania.

2. A paper shall be drawn up in which, after comparing the English and Spanish texts, the errors which had been made in copying them shall be corrected.

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

Done at Quito, the seventeenth day of July, one thousand eight hundred and eighty-five.

(L.S.) C. W. LAWRENCE.

Protocol.

ON account of the disappearance from their respective archives of the Declaration signed on the 11th November, 1880, for the better understanding of the XVth Article of the Treaty of Friendship and Commerce celebrated on the 18th October, of the same year, the Undersigned, Plenipotentiaries of Her Britannic Majesty and of Ecuador, having ascertained the terms of said Declaration from official notes and a duly authorized copy, agree to ratify it, reproducing it in the following terms:—

“ The Plenipotentiaries of Her Britannic Majesty and of Ecuador declare:

“ That the usages, customs, and ceremonies referred to in the third paragraph of the XVth Article of the Treaty made by them must be understood as applying solely to the interior of the cemeteries which British subjects possess or may acquire, that is to say, that said ceremonies shall not take place except within the walls of the Pantheons or places of burial.”

(Signed) “ CORNELIO E. VERNAZA.

“ FEDERICO DOUGLAS HAMILTON.”

In witness whereof the present Protocol was signed in Quito on the 21st day of July, 1885.

(L.S.) C. W. LAWRENCE.

(L.S.) J. MODESTO ESPINOSA.

GOVERNMENT NOTIFICATION.—No. 329.

The following Particulars and Conditions of Sale of Crown Land by Public Auction, to be held on the spot, on Monday, the 13th day of September, 1886, at 5 P.M., are published for general information.

By Command,

FREDERICK STEWART,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 28th August, 1886.

Particulars and Conditions of the letting by Public Auction Sale, to be held on Monday, the 13th day of September, 1886, at 5 P.M., by Order of His Excellency the Officer Administering the Government of Two Lots of Crown Land, in the Colony of Hongkong, for a term of 75 Years.

PARTICULARS OF THE LOTS.

No. of Sale.	Registry No.	LOCALITY.	Boundary Measurements.				Contents in Square ft.	Annual Rent.	Upset Price.
			N.	S.	E.	W.			
			feet.	feet.	feet.	feet.	\$	\$	
1	Rural Building Lot No. 45.	The Peak Road,.....	131	160	{ 90 } { 64 }	90	15,300	40	160
2	„ 46.	Mount Kellett Road,.....	120	120	120	120	14,400	34	150