

GOVERNMENT NOTIFICATION.—No. 354.

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

By Command,

FREDERICK STEWART,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 11th September, 1886.

CIRCULAR (2).

DOWNING STREET,
21st July, 1886.

SIR,—I have the honour to transmit to you, for publication in the Colony under your Government, a copy of a Treaty of Friendship, Commerce, and Navigation between Her Majesty and the Oriental Republic of the Uruguay, signed at Monte Video on the 13th of November, 1885, the ratifications of which were exchanged at Monte Video on the 22nd of May 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 Oriental Republic of the Uruguay.

Signed at Monte Video, November 13, 1885.

[Ratifications exchanged, at Monte Video, May 22, 1886.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Oriental Republic of the Uruguay, being desirous of maintaining and strengthening friendly relations, and of promoting commercial intercourse between the dominions of Her Britannic Majesty and the territories of the Republic, have resolved to conclude a Treaty of Friendship, Commerce, and Navigation, and have named as their Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Wm. Gifford Palgrave, Esq., Minister Resident in the Oriental Republic of the Uruguay;

And His Excellency the President of the Oriental Republic of the Uruguay, His Excellency Dr. Manuel Herrera y Obes, his Minister and Secretary of State for the Department 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.

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 and navigation of each country shall be placed, in all respects, by the other on the footing of the most favoured nation.

ARTICLE II.

The produce and manufactures of, as well as all goods coming from, the dominions and possessions of Her Britannic Majesty, which are imported into Uruguay, and the produce and manufactures of, as well as all goods coming from Uruguay, which are imported into the dominions and 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. No other or higher duties shall be levied in Uruguay on the exportation of any goods to the dominions and possessions of Her Britannic Majesty, or in the dominions and possessions of Her Britannic Majesty on the exportation of any goods to Uruguay, 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 Uruguay, and Uruguayan citizens in the dominions and possessions of Her Britannic Majesty, shall enjoy most-favoured-nation treatment.

In the event of any changes being made in Uruguayan laws, Customs Tariff, or regulations, sufficient notice shall be given in order to enable British subjects to make the necessary arrangements for meeting them.

ARTICLE III.

British ships and their cargoes shall, in Uruguay, and Uruguayan vessels and their cargoes shall, in the dominions and 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 the law of Uruguay, are to be deemed Uruguayan vessels, shall, for the purpose of this Treaty, be respectively deemed British or Uruguayan vessels.

The coasting trade is excepted from the stipulations of the present Treaty, and remains subject to the respective laws of the two countries.

ARTICLE IV.

The subjects or citizens of each of the Contracting Parties shall be permitted to reside permanently or temporarily in the dominions or possessions of the other; and to occupy and hire houses and warehouses for purposes of commerce, whether wholesale or retail. They shall also 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 natives of the country. Their heirs and legal representatives 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 natives 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 natives of the country. In every case the subjects or 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 different from that to which natives of the country are liable under similar circumstances.

ARTICLE V.

The dwellings, manufactories, warehouses, and shops of the subjects or citizens 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. Except under the conditions and with the forms prescribed by the laws for natives of the country, such dwellings and premises shall be exempt from search or domiciliary visit, and books, papers, or accounts shall be exempt from examination or inspection.

The subjects or 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, without other conditions, restrictions, or taxes beyond those imposed on natives 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 VI.

- The subjects or citizens of each of the Contracting Parties in the dominions and possessions of the other shall be exempted from billeting and from all compulsory military service whatever, whether in the army, navy, or national guard or militia. They shall likewise be exempted from all 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 of any kind.

ARTICLE VII.

The subjects or citizens of either of the two Contracting Parties residing in the dominions and possessions of the other shall enjoy, in regard to their houses, persons, and properties, the protection of the Government in as full and ample a manner as native subjects or citizens.

In like manner the subjects or citizens of each Contracting Party shall enjoy in the dominions and possessions of the other full liberty of conscience, and shall not be molested on account of their religious belief; and such of those subjects or citizens as may die in the territories of the other Party shall be buried in the public cemeteries, or in places appointed for the purpose, with suitable decorum and respect.

The subjects of Her Britannic Majesty residing within the territories of the Oriental Republic of the Uruguay shall be at liberty to exercise in private and in their own dwellings, or within the dwellings or offices of Her Britannic Majesty's Minister, Consuls, or Vice-Consuls, or in any public edifice set apart for the purpose, their religious rites, services, and worship, and to assemble therein for that purpose without hindrance or molestation.

The same stipulations shall be observed in regard to the citizens of the Oriental Republic of the Uruguay within the territories of Her Britannic Majesty.

ARTICLE VIII.

The subjects or citizens of each of the Contracting Parties shall have, in the dominions and possessions of the other, the same rights as natives, or as subjects or citizens of the most favoured nation, in regard to patents for inventions, trade-marks, and designs, and the protection of industrial property, upon fulfilment of the formalities prescribed by law.

ARTICLE IX.

Each of the Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents to reside respectively in towns or ports in the dominions and possessions 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.

ARTICLE X.

In the event of any subject or citizen of either of the two Contracting Parties dying without will or testament, in the dominions and possessions of the other Contracting Party, the Consul-General, Consul, or Vice-Consul of the nation to which the deceased may belong, or, in his absence, the representative of such Consular officer, may, so far as the laws of each country will permit, take charge of the property which the deceased shall have left, for the benefit of his legal representatives, until an executor or administrator be named.

ARTICLE XI.

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.

ARTICLE XII.

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 continue their voyage, without paying any dues other than such as would be payable in a similar case by a vessel of the most favoured nation. 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 within the territory 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 out of the ship, 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 Uruguayan 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 vessel of the most favoured nation.

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 vessel of the most favoured nation.

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.

ARTICLE XIII.

For the better security of commerce between the subjects of Her Britannic Majesty and the citizens of the Oriental Republic of the Uruguay, 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 said Contracting Parties who may be residing in the dominions or territories of the other, or who may be established there, in the exercise of any trade or special employment, shall have the privilege of remaining, and continuing such trade or employment, without any manner of interruption, in full enjoyment of their liberty and property, so long as they behave peacefully and commit no offence against the laws; and their goods, property, 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 goods, property, and effects belonging to native subjects or citizens. Should they, however, prefer to leave the country, they shall be allowed to make arrangements for the safe keeping of their goods, property, and effects, and to dispose of them, and to liquidate their accounts; and a safe-conduct shall be given them to embark at the ports which they shall themselves select.

ARTICLE 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—

India.
The Dominion of Canada.
Newfoundland.
New South Wales.
Victoria.
South Australia.
Western Australia.
Queensland.
Tasmania.
New Zealand.
The Cape.
Natal.

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 in the Oriental Republic of the Uruguay to the Uruguayan Minister for Foreign Affairs within two years from the date of the exchange of the ratifications of the present Treaty.

The Treaty shall apply in the case of such Colonies or foreign possessions from the date when this notice is given to the Uruguayan Minister for Foreign Affairs.

ARTICLE XV.

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 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.

ARTICLE XVI.

The present Treaty shall continue in force during ten years, counted from the day of the exchange of the ratifications; and in case neither of the two Contracting Parties shall have given notice, twelve months before the expiration of the said period of ten 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.

ARTICLE XVII.

The present Treaty shall be ratified by Her Majesty the Queen of Great Britain and Ireland and by his Excellency the President of the Oriental Republic of the Uruguay, and the ratifications shall be exchanged at Montevideo as soon as possible.

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

Done at Montevideo, this thirteenth day of November, one thousand eight hundred and eighty five.

(L.S.) WM. GIFFORD PALGRAVE.

(L.S.) MAN^L. HERR^A. Y OBES.