

## GOVERNMENT NOTIFICATION.—No. 258.

The following Circular Despatch and its enclosure, is published for general information.

By Command,

FREDERICK STEWART,  
*Colonial Secretary.*

Colonial Secretary's Office, Hongkong, 1st June, 1889.

CIRCULAR (2)

DOWNING STREET,  
29th March, 1889.

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 United States of Mexico, signed at Mexico on the 27th of November, 1888, the ratifications of which were exchanged at Mexico on the 11th of February last.

I have the honour to be,

Sir,

Your most obedient humble Servant,

KNUTSFORD.

The Officer Administering the Government of  
HONGKONG.

Treaty of Friendship, Commerce, and Navigation between Her Majesty and the  
United States of Mexico.

*Signed at Mexico, November 27, 1888.*

*[Ratifications exchanged at Mexico, February 11, 1889.]*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the United States of Mexico, 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 Mexican 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; Sir Spenser St. John, Knight Commander of St. Michael and St. George, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty in Mexico;

And his Excellency the President of the United States of Mexico, Señor Senador Don Emilio Velasco, ex-Minister Plenipotentiary of Mexico in France, &c., &c., &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:—

ARTICLE I.

There shall be perfect peace and sincere friendship between the United Kingdom of Great Britain and Ireland and the United States of Mexico. The High Contracting Parties shall use their best endeavours that this friendship and good understanding may be constantly and perpetually maintained.

ARTICLE II.

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.

ARTICLE III.

The produce and manufactures of the dominions and possessions of Her Britannic Majesty which are imported into the United States of Mexico, and the produce and manufactures of Mexico 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 Mexico 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 Mexico, 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, re-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 Mexico, and Mexican 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 Mexican laws, Customs Tariff or Regulations, sufficient notice shall be given, in order to enable British subjects to make the necessary arrangements for meeting them.

The Mexican authorities shall, moreover, deal equitably with all cases arising from unintentional ignorance of any of the changes above mentioned.

#### ARTICLE IV.

British ships and their cargoes shall, in Mexico, and Mexican 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 ships and cargoes of the most favoured nation.

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 Mexico, are to be deemed Mexican vessels, shall, for the purposes of this Treaty, be respectively deemed British or Mexican vessels.

For the same purpose shall be considered as ports of each of the Contracting Parties those which are, or hereafter may be, declared open by the respective Governments for import or export trade.

The two Contracting Parties agree to consider, as a limit of their territorial waters on their respective coasts, the distance of 3 marine leagues reckoned from the line of low water mark. Nevertheless, this stipulation shall have no effect, excepting in what may relate to the observance and application of the Custom-house Regulations and the measures for preventing smuggling, and cannot be extended to other questions of civil or criminal jurisdiction, or of international maritime law.

#### ARTICLE V.

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, as far as the laws of each country will permit. 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.

The citizens or subjects of each one of the Contracting Parties, who may be residing, temporarily or permanently, in the dominions and possessions of the other, are subject to the laws of the country where they reside, especially to those which determine the rights and obligations of foreigners, on the same conditions as those of the citizens or subjects of the most favoured nation.

#### ARTICLE VI.

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.

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 natives of the country.

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 VII.

The subjects or citizens 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 likewise be exempted from all contributions, whether pecuniary or in kind, imposed as a compensation for personal service, and, finally, from forced loans, and from charges, requisitions, and war contributions, unless imposed on real property, when they shall pay them equally with nationals.

## ARTICLE VIII.

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 the subjects or citizens of the most favoured nation.

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.

## ARTICLE IX.

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, trademarks, and designs, upon fulfilment of the formalities prescribed by law.

## ARTICLE X.

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, each one of them reserving the right of excepting those places where it may not appear convenient to admit them whenever this exception is extended to the Consular functionaries of all other nations.

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.

The archives and official papers of Consular functionaries shall be respected as inviolable, without the authorities of the country being able, on any account, to seize them, or take note of their contents.

## 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 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 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 within the period fixed by the laws of the country; and such 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.

## ARTICLE XIII.

For the better security of commerce between the subjects of Her Britannic Majesty and the citizens of the United States of Mexico, 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, or 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 Mexico to the Mexican Minister for Foreign Affairs within two years from the date of the exchange of the ratifications of the present Treaty.

## 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 United States of Mexico, and the ratifications shall be exchanged at Mexico as soon as possible.

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

Done, in two originals, at the City of Mexico, the twenty-seventh day of November, one thousand eight hundred and eighty-eight.

(L.S.) SPENSER ST. JOHN.

(L.S.) EMILIO VELASCO.