

May 13, 1881.

Treaty between the United States of America and Madagascar of Peace, Friendship and Commerce. Concluded at Antananarivo May 13, 1881; ratification advised by the Senate February 27, 1883; ratified by the President March 10, 1883; ratified by the Ambassadors of the Queen of Madagascar March 12, 1883; ratifications exchanged at Washington March 12, 1883; proclaimed March 13, 1883.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

Whereas a treaty of peace, friendship and commerce between the United States of America and the Kingdom of Madagascar was concluded and signed by their respective plenipotentiaries at Antananarivo, on the 13th day of May in the year one thousand eight hundred and eighty-one, which treaty in the English Malagasy languages is word for word as follows:

[*The following is the English version:*]

Preamble.

R. S. Pub. trea-
tics, 464.

Whereas a treaty of friendship and commerce between the Government of Madagascar and the Government of the United States of America was concluded on the fourteenth of February, 1867, at Antananarivo, the capital of Madagascar, under which the most friendly relations between the two have existed up to the present time; and whereas Her Majesty Ranavalomanjaka, Queen of Madagascar, and his Excellency James A. Garfield, President of the United States of America, are both desirous, for the good and welfare of their respective countries, to maintain the present friendly relations, and to expand the commerce between the two countries; to prevent as far as possible complications and disputes between their respective subjects and citizens, and to provide more definitely the manner of executing the obligations of the treaty and the adjustments of disputes that may arise in the future, the following articles of revision and addition to the treaty of the fourteenth of February, 1867, have been mutually agreed to and signed by Ravoninahitriariavo 15th Honor, Officer of the Palace, Chief Secretary of State for Foreign Affairs, on the part of the Government of Madagascar; and W. W. Robinson, United States Consul for Madagascar, on the part of the Government of the United States of America, on the thirteenth day of May (seventeenth of Alakaosy), eighteen hundred and eighty-one.

ARTICLE I.

Friendship.

The high contracting parties solemnly declare that there shall continue to be a firm, inviolate peace, and a true and sincere friendship existing between them and their respective heirs and successors forever without war.

ARTICLE II.

Dominion and
right of domicile.

1. The dominions of each contracting party, as well as the right of domicile of their inhabitants are sacred, and no forcible possession of territory shall ever take place in either of them by the other party, nor any domiciliary visits nor forcible entries be made to, or espionage of, the houses of either party against the will of the occupants, except as hereinafter provided in Article VI., sections 4 and 23.

2. The right of sovereignty shall in all cases be respected in the dominions of one government by the subjects or citizens of the other. Sovereignty, right of.

3. Citizens protegés of the United States of America will respect the Government of Ranavalomanjaka, and that of her heirs and successors, and will not interfere with the institutions of the country, nor meddle with affairs of Her Majesty's Government, unless employed by Her Majesty.

4. The dominions of Her Majesty the Queen of Madagascar shall be understood to mean the whole extent of Madagascar; and United States citizens and vessels shall not aid Her Majesty's subjects in rebellion, nor sell munitions of war to them, nor bring them help in warfare, or teach the art of war to them; and the same shall apply to rebels against the heirs and successors of Her Majesty within the dominions of Madagascar. United States citizens and vessels restricted from aiding rebellion, etc.

5. Citizens and protegés of the United States of America, while in Madagascar, shall enjoy the privilege of free and unmolested exercise of their respective Christian religious opinions and customs; new places of worship, however, shall not be built by them without permission of the Government of Madagascar. Christian religion.

6. Citizens and protegés of the United States of America while in Madagascar shall enjoy full and complete protection and security for themselves and their property equally with the subjects of Madagascar. Protection in right of person and property.

ARTICLE III.

1. According to the laws of Madagascar from all time, Malagasy lands cannot be sold to foreigners, and, therefore, citizens and protegés of the United States of America are prohibited from purchasing lands in Madagascar; but still they shall be permitted to lease or rent lands, houses, or storehouses for a term of months or years, mutually agreed upon between the owners and United States citizens, not exceeding twenty-five years for one term; but the lessee, or owner of the lease, at the expiration of a term, may, if he should wish to do so, and can agree with the lessor (proprietor of the land), renew the lease by periods not exceeding twenty-five years for any one term; and the conditions agreed upon by the parties for such renewals are to be inserted in the lease. Real estate. Leasehold.

However, every renewal must be acknowledged at the time of making it before the proper authorities, as hereinafter provided in section 9 of this article for executing leases for lands and houses; and the same fee may be exacted.

2. United States citizens and protegés shall be permitted to build houses and magazines, of any material desired, on land leased by them, according to the agreement made with the owner; and when the lease contains a condition permitting the lessee to remove the buildings and fixtures so constructed by him, the same shall be removed within three months after the final expiration of the lease; otherwise they shall become the property of the owner of the land. Buildings and improvement under leases.

3. This privilege of leasing lands and building thereon by United States citizens and protegés shall not be construed as a right to build fortifications of whatever nature, nor to mine on the lands; and should any minerals be accidentally found on such lands, they are to be left to the disposition of Her Majesty's Government, and no agreement will be valid made between parties to avoid this clause relative to minerals. Fortifications. Minerals.

4. United States citizens and protegés who wish to lease tracts of unappropriated lands in Madagascar may lease of the Malagasy Government, under the same rules as provided above in this article, sections 1-3, for leasing lands of Her Majesty's subjects. Unappropriated lands.

5. United States citizens and protegés shall be allowed to hire laborers, not soldiers, and, if slaves, not without the permission of their masters. And if such hired laborers should desire to leave, they shall Hire of laborers, etc.

be at liberty to do so, and be paid up to the time of leaving on giving one month's previous notice.

Hired laborers,
right of service to
the government re-
served.

Skilled labor.

6. This notice, however, shall not be required from the Government of Madagascar, when Her Majesty the Queen shall have immediate and unexpected need of the services of such laborers; but the officers of the Government in taking such laborers for government service will avoid taking the skilled laborers—those who have become habituated to the special avocations in which they are employed—and the permanently employed servants, when the circumstances will admit. And the Queen calling such laborers for soldiers or other pressing Government service, shall be considered as the circumstances under which they may be taken without the notice, and paid up to the time of leaving.

The above restriction is intended to prevent the local authorities from taking such permanent laborers from their employers, but not to interfere with the right of Her Majesty the Queen of Madagascar to call them to government service when needed.

Mail carriers,
etc., protection of.

7. Mail carriers, and bearers of dispatches, and bearers of freight, as well as the servants and bearers of travelers employed by United States citizens and protégés, and provided with passports from the Malagasy Government, will not be taken away while en route, but must be permitted to finish their journeys. Nevertheless, such persons, if transgressing the law, will not be exempt from arrest even while on the journey.

Slaves.

8. Slaves shall be allowed to engage themselves with United States citizens and protégés for short periods, where their masters are far away, or where it is not known whether they are slaves or not, but if they are demanded by their masters they shall be allowed to leave, and be paid up to the time of leaving, without giving the one month's previous notice.

Contracts, exe-
cution of.

9. Contracts for renting or leasing lands or houses, or hiring laborers, shall be executed by leases for lands and contracts for labor in writing which shall be executed before the United States consular officer and the governor of the district where such consular officer resides, or instead of said governor such officer as he may delegate for such duty, who, when satisfied that the parties have the right to make the contract, shall approve it in writing signed by them, and sealed with their official government seals.

Approval.

Fees.

10. And for such service a fee not exceeding two dollars (\$2) may be exacted for each official seal. But when the period contracted for, for labor does exceed six months, procuring this official approval shall be optional with the parties.

Approval of con-
tracts to be made
without delay.

11. And the United States consular officer, as well as the governor of the district where such officer resides, or any other local officer that may be designated by the governor for that purpose, shall approve the same without delay, unless it be in the case of some unavoidable preventing circumstances, or on a day when official business is stayed by the Queen of Madagascar.

Tax, annual, on
leased lands.

12. On lands so leased by American citizens and protégés, the American lessee shall pay to Her Majesty an annual tax of two cents per English square acre upon lands for cultivation, and on town lands an annual tax of one-fourth cent per English square yard.

Taxes.

13. This tax shall not be considered as payment in whole or in part of other taxes which may be levied on such United States citizens and protégés, or the citizens and subjects of other nations residing in Madagascar and Malagasy subjects, not of any part of the export duty upon the productions of such lands, but as a special land tax.

Payment of land
tax.

14. This tax shall be paid once each year in the month which shall be fixed by the government for its payment; and the officer who shall be designated to receive such, shall upon reception of each tax give a receipt therefor, over his signature and official seal, mentioning the day, month and year on which it was received, and describing the land upon which the tax is paid, and for what year, as a proof of payment.

15. Such leases may be transferred; in which cases notice must be given to the government authority of Madagascar.

Transfer of leases.

16. Citizens and protegés of the United States of America who come to Madagascar must present a passport from their government, or from some consul, certifying their nationality; otherwise they are liable to be prohibited from residing in Madagascar.

Passports.

17. But after producing such passport, they shall be permitted to follow any occupation they wish; to print books or newspapers of a moral character, or any books or periodicals on literary, commercial, or scientific subjects, provided they are not of an unlawful character; but shall not be permitted to publish seditious criticisms upon Her Majesty's government.

Protection, rights, etc.
Printing.

18. United States citizens and protegés shall be permitted to pass with or without merchandise, with their bearers, baggage, carriers, and servants, through all parts of Madagascar which are under the control of a governor duly appointed by Her Majesty the Queen of Madagascar, with the exception of Ambohmianga, and Ambohmianambola, and Amparafaravats, which places foreigners are not permitted to enter; and, in fact, be entitled to all privileges of commerce or other business, calling or profession granted to the most favored nation, so long as they do not infringe the laws of Madagascar.

Right of travel restricted to certain districts.

Privileges of most favored nation extended.

19. The subjects of Her Majesty the Queen of Madagascar shall enjoy the same privileges in the United States of America.

Reciprocal rights of subjects of Madagascar.

ARTICLE IV.

1. Commerce between the people of the United States of America and Madagascar shall be perfectly free, with all the privileges under which the most favored nations are now, or may hereafter be trading.

Commerce.

2. Citizens of the United States of America shall, however, pay a duty not exceeding ten per cent. on both exports and imports in Madagascar, to be regulated by a tariff to be mutually agreed upon.

Duty on exports and imports.

3. No other duties, such as tonnage, pilotage, quarantine, or light-house dues shall be imposed in ports of either country on the vessels of the other, to which national vessels, or vessels of the most favored nations, shall not equally be liable.

Duty, etc., on vessels.

4. Until Her Majesty the Queen shall decide to collect all duties in money, the import duty on American goods may be paid in money or in kind, on each kind of goods, at the option of the owner or consignee, and according to a tariff that shall be agreed upon, not exceeding ten per cent.

Tariff duty, how payable.

5. This tariff of customs dues shall be drawn up by the United States consul and an officer delegated by Her Majesty's Government for the purpose; within three months after the exchange of the ratification of this treaty, and shall be submitted to the two governments for approval; and the same shall be published within one year from the date of the exchange of the ratification of this treaty. And this tariff may be revised in the same way, in whole or upon any article or articles, at any time, upon the application of either government, should it be found rated too high or too low, in whole or upon any one article or articles of merchandise.

Tariff of customs dues, rates of, may be revised, etc.

6. In case any article of import or export should be inadvertently omitted from such tariff, the duty levied on such article shall be ten per cent. ad valorem until the proper tariff on the same shall be agreed upon.

Article not provided for to pay ten per cent. ad valorem.

7. United States citizens and protegés are not allowed to import munitions of war into Madagascar, except on orders from Her Majesty the Queen of Madagascar.

Munitions of war.

8. In regard to alcoholic liquors, the Malagasy Government may regulate the importation according to its pleasure; or prohibit the importation altogether; or limit the importation as required; may levy as high

Alcoholic liquors.

a duty as it may see fit, or make it a misdemeanor to sell or give such liquors to certain classes of its subjects.

Reserved control of importation of articles injurious, etc.

9. And should it be found at any time that any other articles of an injurious nature, tending to the injury of the health or morals of Her Majesty's subjects, are being imported, Her Majesty's Government shall have the right to control, restrict or prohibit the importation in like manner, after giving due notice to the United States Government.

Timber and cows.

10. Prohibited from export by the laws of Madagascar are timber and cows. Timber, however, may be exported by Her Majesty the Queen of Madagascar, or by her order.

Ports of entry.

11. Ports of Madagascar, where there is no military station under the control of a governor duly appointed by Her Majesty the Queen of Madagascar, must not be entered by United States vessels for purposes of trade; should they do so, they will be treated as smugglers.

Robberies, etc.; damages; special permits.

12. And Her Majesty's Government will not be responsible for damage by robbery of, or other malfeasance to United States citizens or protégés in districts where there are no governors, nor other officers or soldiers duly appointed by Her Majesty's Government, should such United States citizens go into such districts without special permits.

Landing duty—paid goods at United States ports.

13. Goods which have been duly entered and duties paid thereon at a regular port of entry, may be carried to other ports in United States coasting vessels and landed without further payment, on presentation of invoices of the same, duly certified by the chief collector of customs at the port of entry, showing that the duties have been paid.

Smuggling; penalty.

14. Vessels entering Malagasy ports which are not ports of entry for the purpose of trade, will be seized; the masters and crews will be treated as smugglers, and the vessel and cargo will be confiscated.

Forged passports, etc.; penalty.

15. It is further agreed between the high contracting parties that the offering of a forged passport or one surreptitiously obtained, for entry of goods at any of Her Majesty's ports, or being in any manner knowingly concerned in such fraudulent passports or invoices, either by making, or buying, or selling the same, or by offering to enter goods by means of the same, shall be considered a felony, and the person or persons found guilty of such an offense, whether American or Malagasy, shall be punished by imprisonment or fine or both according to the aggravation of the offence, as hereinafter provided by Article VI.; and this in addition to the penalty for smuggling when goods have been smuggled, or attempt has been made to smuggle, by means of such fraudulent passports or invoice.

Fraudulent invoices, etc.

Vessels of war.

16. United States vessels of war shall be permitted to enter freely into the military ports, rivers, and creeks situated in the dominions of Her Majesty the Queen of Madagascar, to make repairs and to provide themselves, at a fair and moderate price, such supplies, stores and provisions as they may from time to time need, including timber for necessary repairs, without payment of duty.

Coaling station privileges, etc.

17. On account of Her Majesty the Queen of Madagascar's desire to facilitate communications between the United States and Madagascar and thereby to advance commerce between the two countries, the United States Government and United States private steamship companies are hereby granted the privilege to land and deposit coal for the use of United States Government and private steamers at Tamatave or Mojanga, or both, on land designated by the governor for that purpose, and to take the same away again from time to time for the use of such steamers, without payment of duties or harbor charges of any kind; but a nominal rent for five cents a ton shall be paid per annum as rent for the land on which it may be stored. This privilege shall continue until coal of Madagascar production in sufficient quantity for such steamers can be bought. But should any of the vessels bringing such coal, or any of the steamers taking the same away, bring goods to sell at such port, or take goods from the same, such vessel must pay the same duty and harbor charges as other merchant vessels except on the

Traffic in coal.

coal. And should any of such coal be sold in Madagascar, duty must be paid on the quantity so sold.

ARTICLE V.

1. The contracting parties may appoint consular officers of any or of all grades to reside in the dominions of the other, and such consular officers shall be granted all the rights and privileges granted to functionaries of like grades of the most favored nations, as witnesses of the good relations existing between the two nations, and to regulate and protect commerce. Consular officers.

2. The President of the United States of America may send a diplomatic officer of any grade to reside in Madagascar who shall enjoy the rights and privileges provided by international law for his grade. Diplomatic officers.

3. The Queen of Madagascar shall have the like privilege of sending a diplomatic officer of any grade to the United States of America, and he shall enjoy there likewise all the rights and privileges of his grade established by international law.

ARTICLE VI.

1. Citizens and protégés of the United States of America, who enter Madagascar, and subjects of Her Majesty the Queen of Madagascar, while sojourning in the United States of America, are subject to the laws of trade and commerce in the respective countries. Laws of trade and commerce.

2. In regard to civil rights, whether of person or property, of citizens and protégés of the United States of America, where disputes or differences shall arise between them, or in cases of criminal offenses committed by them upon each other, they shall be under the exclusive civil and criminal jurisdiction of their own consuls, duly invested with the necessary powers. Civil rights.

3. Neither shall the Malagasy authorities interfere in differences or disputes between United States citizens and protégés and the citizens or subjects of any third power in Madagascar. Differences and disputes.

4. But the Malagasy police may, whenever a United States citizen or protégé shall be discovered in the act of committing a crime against any person, of whatever nationality, or breach of the peace in any manner, whether by making unlawful disturbance in the streets and public places, or in any manner breaking the published laws of Madagascar, arrest such offender without process and take him immediately before the proper United States consular officer, who will take such action in the case as the circumstances, the laws of the two countries, and the stipulations of this treaty require. Arrests for crime, etc.

5. The Malagasy Government will supply to each United States consular officer residing in Madagascar, within six months after the exchange of the ratification of this treaty, one or more printed copies of all laws, decrees, or customs having the force of law which affect in any way, directly or indirectly, foreigners sojourning in Madagascar, in their rights and privileges, either of person or property, for the information of United States citizens sojourning in Madagascar. Laws, decrees, etc., affecting foreigners.

6. And in like manner, whenever any change shall be made in such laws or decrees, or new ones be promulgated, touching the interests of such persons, a like printed copy of the same shall be furnished to each said United States consular officers, at least one month before such change, or new law, or decree shall take effect; and when any such change, or new law, or decree, touches or changes the regulations of the custom-house, or duties to be paid, or the laws in regard to exports and imports, the said copies of such new laws and decrees shall be so furnished at least six months before taking effect against United States citizens. Changes in laws, etc.; notice to be furnished consuls, etc.

7. All disputes and differences arising between citizens and protégés of the United States of America and subjects of Madagascar, and all Disputes and differences between

- citizens of both governments to be tried by "mixed courts."
- criminal offences committed by such citizens and protégés against said subjects of Madagascar, and all criminal offences committed by the subjects of Madagascar against the citizens and protégés of the United States of America, as well as all infringement of the laws of Madagascar by the United States citizens and protégés, shall be investigated, tried, and adjudged by "mixed courts," as follows:
- Courts.** 8. The chief United States diplomatic officer, when there shall be one in Madagascar, or when there is no such officer residing in the kingdom, the chief or senior United States consular officer, and a Malagasy officer, duly appointed by Her Majesty the Queen of Madagascar for that purpose, shall constitute a "mixed superior court," which shall be "a court of record," and may hold its sittings at Antananarivo, the capital of Madagascar, or at Tamatave, according as the circumstances of the business of the court may require.
- "Mixed superior court," how organized.
- Jurisdiction.** 9. This superior court shall have both original and appellate jurisdiction; that is, actions may be commenced and decided in it, and it may also try cases appealed from the inferior courts herein provided for, as follows:
- Inferior mixed court.** 10. There shall be one inferior mixed court in each United States consular and each United States consular agent's district in Madagascar. Such courts shall consist of the United States consular officer of the district and a Malagasy officer appointed by Her Majesty's Government for the purpose, for each district.
- Jurisdiction.** 11. The inferior courts shall have original jurisdiction of civil cases where the sum claimed does not exceed five hundred dollars (\$500) or imprisonment for more than one year, or both, as will be more fully explained in the "Code of Rules" of proceedings for the mixed courts, hereinafter provided for.
- Appeals.** 12. Appeals from the superior mixed courts may be taken to either of the two governments, at the option of the party appealing, in the manner provided in said "Code of Rules."
- Trials.** 13. In the trial of actions in these courts, the native judge shall preside and have the prevailing voice in the decisions when United States citizens or protégés are the plaintiffs, and vice versa when they are defendants, that is, when subjects of the Queen are the plaintiffs the United States (consular or diplomatic) officer, as the case may be, shall preside and have the prevailing voice in the decisions.
- Presiding judge.** 14. But the presiding judge shall in every case counsel with and give due weight to the opinions of the associate judge before giving decisions.
- Bribery and corruption.** 15. It is agreed by the high contracting parties that any attempt to influence the decision of these judges, or any one of them, in a case on trial, or to be decided by them, except by arguments in open court, shall be considered a misdemeanor; and that the offering a bribe to any one of them in money or other object of value or favor, for the purpose of influencing his decision, shall be considered a felony, and that the person proved guilty of either of these offences shall be punished by the government to which he belongs, according to the grade of his crime. And if it shall be proved that a judge of these courts, of either nationality, shall have received a bribe to influence his decision in any case, he shall be dismissed from his office of judge, and otherwise punished according to the laws of his own nation for such malfeasance.
- Penalty.**
- Code of rules.** 16. It is further agreed that within six months after the exchange of the ratification of this treaty, that the chief diplomatic or consular officer of the United States, who shall be at the time residing in Madagascar, and one or more officers to be selected by Her Majesty's Government, shall meet and together draw up a "Code of Rules" of proceedings for these mixed courts, which code, when so drawn and signed by said officers, shall be forwarded by them to their respective governments for approval; and when approved by both governments shall be considered a part of this treaty, duly ratified as such. And this treaty, including said code of rules, together with international law, and the laws of the

United States of America and of Madagascar, in so far as the latter can be made to harmonize, shall govern proceedings in these courts.

17. It is agreed that the said "Code of Rules" shall follow, in so far as the laws and present status of things in Madagascar will admit, the rules of proceedings in United States consular courts in Madagascar; that all attestations in the proceedings shall be made under the judicial oath or affirmation of civilized nations; and that the said code of rules shall define how actions shall be commenced and be conducted, the grades of offences and their punishments, under what circumstances arrests may be made, and the amount and manner of bail to be taken, the disposition to be made of fines collected, when, how, and to whom appeals may be taken, and all other matters necessary for the intelligent working of such courts. And shall also contain forms for writs and other processes, and a tariff of fees.

Scope of "code of rules."

18. In all cases of arrest permitted by this treaty now, and to be provided for the "Code of Rules", the prisoner shall be, during their detention, treated with all the humanity consonant with the laws of civilized nations. Her Majesty's Government will see that they are supplied with wholesome food and drink in sufficient quantity, and detained in healthy quarters, and that they are brought to trial in the shortest time possible consonant with the convenience of the prisoner.

Treatment of prisoners.

19. In cases of arrest of American citizens or protégés in the absence of a United States consular officer, or where no such officer resides, the authority causing the arrest shall immediately inform the nearest United States consular officer of the fact and of the circumstance of the case, and also cause the prisoner to be taken as soon as possible before the mixed court of which that nearest consular officer is a judge.

Notice of arrest of American citizens.

20. It shall be the duty of the court to encourage the settlement of controversies of a civil character by mutual agreement, or to submit the same to the decision of referees agreed upon by the parties. And in criminal cases, which are not of a heinous character, it shall be lawful for the parties aggrieved or concerned therein, with the assent of the court, to adjust the same among themselves upon pecuniary or other considerations.

Settlement of controversies, etc.

21. Her Majesty's Government will render all assistance in its power to United States citizens and protégés toward collecting their legal claims against Her Majesty's subjects; and United States consular officers will likewise render every assistance in collecting legal claims against United States citizens and protégés.

Collection of claims, etc.

22. Whenever it is known, or there is reason to believe, that transgressors against the laws, fugitives from justice are on the premises of United States citizens or protégés, such premises may be entered by the Malagasy police with the consent of the occupants, or against their consent in company with a United States Consular officer, or with his written order. In case of absence of such United States officers, or in places where no such officers reside, the police may make such entry by the order of the local authority, to look for the offender or stolen property; and the offender, if found, may be arrested, and all stolen property seized.

Search for fugitives from justice and stolen goods.

23. Murder and insurrection or rebellion against the Government of Madagascar with intent to subvert the same, shall be capital offence, and not bailable; and when a United States citizen shall be convicted by this court of either of those crimes he shall be banished the country and sent to the United States of America for a review of his trial and approval of his sentence and punishment. If a Malagasy subject be convicted by the court of the murder of a United States citizen or protégé he shall suffer such punishment as the Malagasy law awards for such crime when her Majesty, the Queen of Madagascar, shall have approved the judgment of the court.

Capital offences; trial, etc.

24. When a United States citizen shall have been convicted of several minor offences, showing him to be a turbulent and intractable

Minor offences. Penalty.

person, he shall, upon the request of the Government of Her Majesty the Queen, be banished the country.

ARTICLE VII.

- Sanitary regulations. 1. No United States vessel shall have communication with the shore before receiving pratique from the local authorities of Madagascar and producing a "bill of health" from the port sailed from, signed by the Malagasy consul if there be one at that port; if none, then by the person duly authorized to give such bills of health.
- Passports. 2. Malagasy subjects shall not be permitted to embark on United States vessels without a passport from Her Majesty's Government.
- Mutiny; desertion. 3. In cases of mutiny on United States merchant vessels, or in cases of desertion from United States national or private vessels, the local authorities shall, on application, render all necessary assistance as far as is possible to the United States consular officer to bring back the deserter, or to restore discipline on board merchant vessels.
- Arrest of deserters. 4. When a United States consular officer shall ask the local authorities to arrest a deserter from a vessel, the police shall be directed to do their utmost to arrest promptly such deserter in the district. And if the consular officer suggest other places where the deserter may have secreted himself, the authorities shall give a written notice to the governor of such district pointed out, who shall in his turn do his utmost to find and arrest the deserter. And the result of such efforts, whether successful or otherwise, shall be promptly reported to the governor, who shall report to the consular officer.
- Fees and traveling expenses. 5. For the services required by this article for arresting deserters, if such deserters be arrested, a fee of three dollars (\$3) may be exacted for each deserter arrested, and five cents per English mile for the distance actually travelled by the police, and also such necessary expenses as may be incurred for food, ferrying, and imprisonment of the deserter.
- Failure of police to perform duty; penalty. 6. And if discovered that such police did not do their utmost they shall be punished by the governor; and if such police have done their utmost but without success, they will be none the less entitled to the expenses above stated, but not to the fee of three dollars (\$3).

ARTICLE VIII.

- Shipwreck, etc. 1. In case of a shipwreck of a United States vessel on the coast of Madagascar, or if any such vessel should be attacked or plundered in the waters of Madagascar, adjacent to any military station, the governor will do his utmost to urge the people to save life and to secure property and to restore it to the owners or to the United States consul, and if there be no consul nor owner in such district, an inventory of the goods rescued shall be made and the goods shall be delivered to the nearest United States consular officer, who shall give the governor a receipt for the same.
- Rescue of lives, etc. 2. The governor of the district shall take the names of the people engaged in saving such vessel, and designate those who rescue lives and those who save goods.
- Salvage. 3. And if such vessel be an abandoned one, then one-fourth of vessel and goods may be claimed for salvage.
- Vessels in distress. 4. And if a vessel be in distress, and the captain or crew demand help, such help shall be rewarded at the rate of twenty-five cents a day for soldiers and laborers, and one dollar a day for officers who superintend such help.
- Failure to ask assistance, etc. 5. And if any vessel be wrecked or in distress, and the captain or crew do not demand assistance, being in a situation to do so, and consequently the Malagasy do not save anything, the governor and people will not be responsible.
- Punishment for negligence, etc., in case of shipwreck. 6. However, in case the captain or crew demand assistance, or are in a situation where making such a demand is impossible, and it is known that the governor did not do his utmost to move the people to save

such vessel and cargo, he shall be punished according to the laws of Madagascar.

7. The same protection shall be granted to Malagasy vessels attacked or plundered in the waters of the United States of America.

Like protection, etc., to Malagasy vessels.

ARTICLE IX.

1. American goods may be landed in bond to be reshipped to other ports without payment of duties, under the following rules:

Landing of goods in bonds for reshipment, etc.

2. When it may be desired to so land goods to be reshipped to other ports, the owner of the goods, or the consignee, or master of the vessel, as the case may be, shall present to the local governor, or to the collector of customs, as the governor may direct, a correct invoice or manifest of the goods so landed, showing values by detail when there are goods of different kinds, or of different values, and quantities of each and the total value.

Invoice of goods, etc., landed.

3. The Malagasy customs officers shall verify by inspection the goods when landed with the invoice or manifest; then the owner, consignee, or master of the vessel, as the case may be, shall execute a bond payable to the governor or collector of customs, as may be directed by the local authority, conditioned to pay the established duties on such goods, or on such part of them as shall not have been reshipped within the period agreed upon, which period shall be mentioned in the bond as the date of its maturity. Then such goods may be stored on the premises of their owner or consignee, or in magazines rented by him for that purpose.

Inspection of goods; bond.

4. When he reships the goods, he will notify the party to whom this bond has been given to be present and again verify the goods with the invoice or manifest, when, if none are lacking, he will be entitled to the return of his bond, or if the goods or any part of them are lacking, he must pay the duty as established by Article IV. on such as are not found and reshipped, which will equally entitle him to receive back his bond.

Upon verification of reshipment, etc., bond to be returned.

ARTICLE X.

Her Majesty's Government desires the development of the dormant resources of the kingdom and the advancement of all the useful mechanical and agricultural industries therein, and thereby to promote the best interests of commerce and Christian civilization by adoption and application of such modern improvements and appliances as shall be suitable for such purposes and best adapted to the condition of Madagascar, and for the best interests of Her Majesty's people; and toward the accomplishment of these objects, should any United States citizens or protegés of good character, and possessing the requisite qualifications for the special business proposed, desire to engage in such industries in Madagascar by investment of capital or labor, or in teaching the people how to apply the modern improvements in the prosecution of the industries, their applications to the government will be favorably received and their propositions liberally entertained; and if they and the government can agree upon terms they will be permitted to engage in such avocations by contracts, grants, commissions or salaries.

Development of certain industries, etc.; investment of capital.

Permission to engage in business.

ARTICLE XI.

1. It is agreed between the high contracting parties that the levy of taxes on United States citizens, as hereinbefore provided for conditionally in Article III., section 13, shall never be at a higher rate than shall be levied upon Her Majesty's subjects for the same purposes and upon like values, except the special land tax hereinbefore provided for in Article III., section 12.

Taxes to be reciprocal; exception.

2. United States citizens and protegés shall not be deprived of any privileges relinquished by this treaty unless the same restrictions be

Privileges.

placed upon the citizens and subjects of all other foreign nations residing in Madagascar, but shall enjoy all the privileges that may be granted to the most favored nations.

3. And her Majesty's subjects while sojourning in the United States of America shall enjoy all the privileges conceded by the United States Government to the citizens or subjects of the most favored nation.

ARTICLE XII.

Exchange of ratifications.

1. The above articles of treaty made in good faith shall be submitted to both the Government of the United States of America and Her Majesty, the Queen of Madagascar, for ratification; and such ratification be exchanged within one year from date of ratification at Antananarivo.

Treaty may be altered, etc.

2. Should it at any future time seem desirable in the interests of either of the contracting parties to alter or add to the present treaty, such alterations or additions shall be effected with the consent of both parties.

Signatures.

3. Duplicate originals of this treaty, with corresponding text in the English and Malagasy languages, which shall be both of equal authority, have been signed and sealed at Antananarivo, Madagascar, on this 13th day of May (seventeenth of Alakaosy), one thousand eight hundred and eighty-one.

[SEAL.]

W. W. ROBINSON,
United States Consul for Madagascar.

[SEAL.]

RAVONINAHITRINIARIVO,
15 Voninahitra, Off. D. P. Lehiben' ny Mpanao Raharaha amy ny Vahiny.

Ratification.

In the name of Her Majesty Ranaivalomanjaka, Queen of Madagascar, and by Her Royal Command and authority, we, Her Majesty's duly empowered Ambassadors Plenipotentiary hereby ratify and confirm the within treaty and every part thereof. March twelfth, 1883.

[SEAL.]

RAVONINAHITRINIARIVO,
*15 Vtra O. D. P. Chief Secretary of State for Foreign Affairs,
Chief Ambassador of H. M. the Queen of Madagascar.*

RAMANIRAKA,
*14 Vtra O. D. P. Member of the Privy Council,
Ambassador of H. M. the Queen of Madagascar.*

Proclamation.

And whereas the said treaty has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington, on the twelfth day of March, in the year one thousand eight hundred and eighty-three:

Now, therefore, be it known that I, Chester A. Arthur, President of the United States of America, have caused the said treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness thereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this thirteenth day of March in the [SEAL] year of our Lord, one thousand eight hundred and eighty-three, and of the Independence of the United States of America, the one hundred and seventh.

CHESTER A. ARTHUR.

By the President,
FREDK. T. FRELINGHUYSEN,
Secretary of State.