



The Tarborough Press,

BY GEORGE HOWARD,

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[BY AUTHORITY.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION:

WHEREAS, a General Convention of Peace, Friendship, Commerce, and Navigation between the United States of America and the Peru-Bolivian Confederation was concluded and signed at Lima, on the thirtieth day of November, one thousand eight hundred and thirty-six; which Convention is word for word as follows:

General Convention of Peace, Friendship, Commerce and Navigation between the United States of America and the Peru-Bolivian Confederation.

The United States of America and the Peru-Bolivian Confederation desiring to make firm and permanent the peace and friendship which happily subsist between them; have resolved to fix, in a clear, distinct, and positive manner, the rules which shall, in future, be religiously observed between the one and the other, by means of a treaty, or general convention of peace, friendship, commerce, and navigation.

For this desirable purpose, the President of the United States of America has conferred full powers on Samuel Larned, Charge d'Affaires of the said States near the Government of Peru; and the Supreme Protector of the north and south Peruvian States, President of the Republic of Bolivia, entrusted with the direction of the foreign relations of the Peru-Bolivian Confederation, has conferred like powers on John Garcia del Rio, Minister of State in the Department of Finance of the north Peruvian State; who, after having exhibited to each other their respective full powers, found to be in due and proper form, and exchanged certified copies thereof, have agreed to the following articles, to wit:

Art. I. There shall be a perfect, firm and inviolable peace, and sincere friendship, between the United States of America and the Peru-Bolivian Confederation, in all the extent of their respective territories and possessions, and between their people and citizens, respectively, without distinction of persons or places.

Art. II. The United States of America and the Peru-Bolivian Confederation desiring to live in peace and harmony, as well with each other as with all the nations of the earth, by means of a policy frank, and equally friendly with all, engage, mutually, not to concede any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party to this treaty; who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

Art. III. The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality with the most favored nation, mutually agree that the citizens of each may frequent with their vessels, all the coasts and countries of the other, and may reside and trade there in all kinds of produce, manufactures, and merchandise, not prohibited to all; and shall pay no other higher duties, charges or fees, whatsoever, either on their vessels or cargoes, than the citizens or subjects of the most favored nation are, or shall be obliged to pay on their vessels or cargoes; and they shall enjoy, respectively, all the rights, privileges, and exemptions, in navigation and commerce, which the citizens or subjects of the most favored nation do or shall enjoy; they submitting themselves to the laws, decrees, & usages there established, to which such citizens or subjects are of right subjected.

But it is understood that the stipulations contained in this article do not include the coasting trade of either of the two countries; the regulation of this trade being reserved by the parties, respectively, according to their own separate laws.

Art. IV. It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage, themselves, their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, as to the purchase of their returns, unloading, loading, and sending off of their vessels. The citizens of neither of the contracting parties shall be liable to any embargo, nor to be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without being allowed therefore a sufficient indemnification. Neither shall they be called upon for any forced loan, or occasionally contributions; nor be subject to military service on land or sea.

Art. V. Whenever the citizens of either of the contracting parties shall be forced to seek refuge, shelter, or relief, in the rivers, bays, ports, and dominions of the other, with their vessels, whether of war, (public or private,) of trade, or employed in the fisheries, through stress of weather, want of water or provisions, pursuit of pirates or enemies, they shall be received and treated with humanity; & all favor and protection shall be given to them, in the repairing of their vessels, procuring of supplies, and placing of themselves in a condition to pursue their voyage, without obstacle or hindrance.

Art. VI. All ships, merchandise, and effects belonging to citizens of one of the contracting parties, which may be captured by pirates, whether on the high seas, or within the limits of its jurisdiction, and may be carried or found, in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals; it being understood that the claim should be made within the term of two years, by the parties themselves, their attorneys, or the agents of their respective Governments.

Art. VII. Whenever any vessel belonging to the citizens of either of the contracting parties shall be wrecked, founder, or suffer damage, on the coasts, or within the dominions of the other, all assistance and protection shall be given to the said vessel, her crew, and the merchandise on board, in the same manner as is usual and customary with vessels of the nation where the accident happens, in like cases; and it shall be permitted to her, if necessary, to unload the merchandise and effects on board, with the proper precautions to prevent their illicit introduction, without exacting, in this case, any duty, impost, or contribution, whatever, provided the same be exported.

Art. VIII. The citizens of each of the contracting parties shall have power to dispose of their personal effects within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal effects, whether by testament or *ab intestato*, and may take possession thereof, either themselves, or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said effects are shall be subject to pay in like cases. And if, in the case of real estate, the said heirs should be prevented from entering into possession of the inheritance on account of their character as aliens, there shall be granted to them the term of three years in which to dispose of the same, as they may think proper, and to withdraw the proceeds, which they may do without obstacle, and exempt from all charges, save those which are imposed by the laws of the country.

Art. IX. Both the contracting parties solemnly promise and engage to give their special protection to the persons and property of the citizens of each other, of all classes and occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice, for their judicial recourse, on the same terms as are usual and customary with the natives or citizens of the country in which they may be; for which purpose they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases that may concern them; and, likewise, at the taking of all evidence and examinations that may be exhibited in the said trials.

And, to render more explicit, and make more effectual, the solemn promise and engagement herein before mentioned, under circumstances to which one of the parties hereto has heretofore been exposed, it is hereby further stipulated and declared, that all the rights and privileges which are now enjoyed by, or may hereafter be conferred on, the citizens of one of the con-

tracting parties, by or in virtue of the Constitution and Laws of the other, respectively, shall be deemed and held to belong to, and adhere in, them, until such rights and privileges shall have been abrogated or withdrawn by an authority constitutionally or lawfully competent thereto.

Art. X. It is likewise agreed, that perfect and entire liberty of conscience shall be enjoyed, by the citizens of both the contracting parties, in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country.

Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying-grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

Art. XI. It shall be lawful for the citizens of the United States of America and of the Peru-Bolivian Confederation, to sail with their ships, with all manner of liberty and security; no distinction being to be made who are the proprietors of the merchandise laden therein, from any port or places whatever, to the ports and places of those who are now, or hereafter shall be, at enmity with either of the contracting parties.

It shall likewise be lawful for the citizens aforesaid to sail with the ships & merchandise before mentioned, & to trade, with the same liberty and security, from the places, ports, and havens of those who are enemies of both, or of either party, without any opposition of disturbance whatsoever; not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of one power, or under that of several. And it is hereby stipulated, that free ships shall give freedom to goods; and that every thing shall be deemed to be free and exempt, which shall be found on board of the ships belonging to the citizens of either of the contracting parties, altho' the whole lading, or any part thereof, should appertain to the enemies of either; goods contraband of war being always excepted. It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board of a free ship, with this effect, that, although they be enemies to both or either of the parties, they shall not be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemy: Provided, however, and it is hereby further agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognise this principle; but if either of the contracting parties shall bear war with a third, and the other be neutral, the flag of the neutral shall cover the property of those enemies whose Governments acknowledge this principle, and not that of others.

Art. XII. It is likewise agreed, that in cases where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, in virtue of the above stipulation, it shall always be understood that the neutral property found on board of such enemy's vessel shall be held and considered as enemy's property, and as such, shall be liable to detention and confiscation, except such property as was put on board such vessels before the declaration of war, or even afterwards, if it were done without the knowledge of such declaration; but the contracting parties agree, that six months having elapsed after the declaration, their citizens shall not be allowed to plead ignorance thereof. On the contrary if the flag of the neutral does not protect the enemy's property on board; in this case, the goods and merchandise of the neutral, embarked in such enemy's ship, shall be free.

Art. XIII. This liberty of navigation and commerce shall extend to all kinds of merchandise by excepting only those which are distinguished by the name of contraband, or prohibited goods; under which name shall be comprehended, 1st, cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuses, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades and bombs; powder, matches, balls, and all other things belonging to the use of these arms; 2dly, bucklers, helmets, breastplates, coats of mail, infantry belts, and clothes made up in a military form, and for a military use; 3dly, cavalry belts, and horses with their furniture; 4thly, and generally, all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly for the purposes of war, either by sea or land.

Art. XIV. All other merchandise and things not comprehended in the articles of contraband, explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce; so that they may be carried and transported in the freest manner

by both the contracting parties, even to places belonging to an enemy, excepting only those places which are, at that time, besieged or blockaded; and to avoid all doubt in this particular, it is declared, that those places only are besieged or blockaded, which are actually attacked by a force capable of preventing the entry of the neutral.

Art. XV. The articles of contraband, of those before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation; but the rest of the cargo and the ship shall be left free, that the owners may dispose of them as they see proper. No vessel of either of the contracting parties shall be detained on the high seas, on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless, indeed, the quantity of such articles be so great, and of so large a bulk, that they cannot be received on board the capturing vessel without great inconvenience; but in this, and all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

Art. XVI. And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after being warned of such blockade or investment, by the commanding officer of a vessel forming part of the blockading forces, she shall attempt to enter; but she shall be permitted to go to any other port or place the master or supercargo shall think proper. Nor shall any vessel of either party, that may have entered into such port or place, before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting it, with her cargo; nor if found therein before or after the reduction and surrender, shall such vessel, or her cargo be liable to seizure, confiscation, or any demand on the score of redemption or restitution; but the owners thereof shall be allowed to remain in the undisturbed possession of their property. And if any vessel, having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established, and attempt to depart, she shall be subject to being warned by the blockading forces to return to the port blockaded and discharge the said cargo; and if, after receiving said warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences to which a vessel attempting to enter a blockaded port, after being warned off by the blockading forces would be liable.

Art. XVII. To prevent all kinds of disorder and irregularity in the visiting and examining of the ships and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war, public or private, shall meet a neutral of the other contracting party, the first shall remain at the greatest distance compatible with the possibility and safety of making the visit, under the circumstances of wind and sea, and the degree of suspicion attending the vessel to be visited, and shall send one of her small boats, with no more men than those necessary to man it, for the purpose of executing the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment; in respect of which, the commanders of said armed vessels shall be responsible, with their persons and property; for which purpose, the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the injuries and damages they may commit. And it is expressly agreed, that the neutral party shall in no case be required to go on board of the examining vessel, for the purpose of exhibiting the ship's papers, nor for any other purpose whatever.

Art. XVIII. To avoid all vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the contracting parties, they have agreed, and do agree, that, in case one of them should be engaged in war, the ships and vessels of the other must be furnished with sea-letters, or passports, expressing the name, property, and burden of the ship, as also the name and place of residence of the master or commander thereof, in order that it may thereby appear that the said ship really and truly belongs to the citizens of one of the parties. They have likewise agreed, that such ships, being laden, besides the said sea-letters or passports, shall be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed; so that it may be known whether any contraband or prohibited goods are on board of the same;

which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites the said vessel may be detained, to be adjudged by the competent tribunals, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, or to be satisfied or supplied by testimony entirely equivalent, in the opinion of said tribunals; to which ends, there shall be allowed a sufficient term of time for its procurement.

Art. XIX. And it is further agreed, that the stipulations above expressed relative to the visiting and examining of vessels, shall apply to those only which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Art. XX. It is moreover agreed, that, in all cases, the established courts for prize causes, in the country to which the prize may be conducted, shall alone take cognizance of them. And whenever such tribunal or court, of either party, shall pronounce judgment against any vessel, goods, or property, claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives in which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel or property, without any excuse or delay, he paying the legal fees for the same.

Art. XXI. Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque, for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under pain of being treated as a pirate.

Art. XXII. If, at any time, a rupture should take place between the two contracting nations, and (which God forbid) they should become engaged in war with each other, they have agreed, and do agree now, for then, that the merchants, traders, & other citizens of all occupations, of each of the two parties residing in the cities, ports, and dominions of the other, shall have the privilege of remaining and continuing their trade and business therein, and shall be respected and maintained in the full and undisturbed enjoyment of their personal liberty and property, so long as they behave peaceably and properly, and commit no offence against the laws. And in case their conduct should render them suspected of malpractices, and, having thus forfeited this privilege, the respective Governments should think proper to order them to depart, the term of twelve months, from the publication or intimation of this order therefore, shall be allowed them, in which to arrange and settle their affairs, and remove with their families, effects, and property; to which end, the necessary safe conduct shall be given to them, and which shall serve as a sufficient protection until they arrive at the designated port, and there embark.—But this favor shall not be extended to those who shall act contrary to the established laws. It is, nevertheless, to be understood, that the persons so suspected may be ordered, by the respective Governments, to remove forthwith into the interior, to such places as they shall think fit to designate.

Art. XXIII. Neither the debts due from individuals of the one nation, to the individuals of the other, nor shares, nor money, which they may have in public funds, nor in public or private banks, shall ever, in any event of war or national difference, be sequestered or confiscated.

Art. XXIV. Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, they have agreed, and do agree, to grant to their envoys, ministers, and other public agents, the same favors, immunities, and exemptions, as those of the most favored nation do or shall enjoy; it being understood, that whatever favors, immunities, or privileges the United States of America, or the Peru-Bolivian Confederation, may find it proper to grant to the envoys, ministers, and public agents of any other power, shall, by the same act, be granted and extended to those of the contracting parties, respectively.

Art. XXV. To make more effectual the protection which the United States of America & the Peru-Bolivian Confederation, shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice-consuls, in all the ports open to foreign commerce; who shall enjoy, within their respective consular districts, all the rights, prerogatives, and immunities of the consuls and vice-consuls of the most favored nation; each contracting party however, remaining at liberty to except those ports and places in which the admission and res-