

*Madagascar*¹

COMMERCE

Treaty signed at Antananarivo February 14, 1867

Senate advice and consent to ratification January 20, 1868

Ratified by the President of the United States January 24, 1868

Ratified by Madagascar July 7, 1868

Ratifications exchanged at Antananarivo July 7, 1868

Entered into force July 7, 1868

Proclaimed by the President of the United States October 1, 1868

*Superseded March 12, 1883, by treaty of May 13, 1881*²

15 Stat. 491; Treaty Series 197

TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND OF HER MAJESTY THE QUEEN OF MADAGASCAR

Between Rainimaharavo, chief secretary of state, 16 vtra., Adriantsitohaina, 16 vtra., Rafaralahibemalo, head of the civilians, on the part of the government of her Majesty the Queen of Madagascar, and Major John P. Finkelmeier, the commercial agent of the U.S. for Madagascar, on the part of the government of the U.S. of America, all duly authorized to that effect by their respective governments, the following articles of a commercial treaty have this day been drawn up and signed by mutual agreement:

ARTICLE I

Her Majesty Rasoherina Manjaka, Queen of Madagascar, and his Excellency Andrew Johnson, President of the United States of America, both desirous, for the good and welfare of their respective countries, to enter into a more close commercial relation and friendship between the subjects of her Majesty and the people of the United States, hereby solemnly declare that

¹ Certain agreements between the United States and France were, or are, applicable also to Madagascar; See *ante*, vol. 7, p. 763, FRANCE.

² TS 198, *post*, p. 746.

peace and good friendship shall exist between them and their respective heirs and successors forever without war.

ARTICLE II

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 or forcible entries be made to the houses of either party against the will of the occupants. But whenever it is known for certain, or suspected, that transgressors against the laws of the kingdom are in certain premises, they may be entered in concert with the United States consul, or, in his absence, by a duly authorized officer, to look after the offender.

The right of sovereignty shall in all cases be respected in the dominions of one government by the subjects or citizens of the other. Citizens of the United States of America shall, while in Madagascar, enjoy the privilege of free and unmolested exercise of the Christian religion and its customs. New places of worship, however, shall not be builded by them without the permission of the government.

They shall enjoy full and complete protection and security for themselves and their property, equally with the subjects of Madagascar; the right to lease or rent land, houses, or storehouses for a term of months or years mutually agreed upon between the owners and American citizens; build houses and magazines, on land leased by them, in accordance with the laws of Madagascar for buildings; hire laborers not soldiers, and if slaves, not without permission of their masters.

Should the Queen, however, require the services of such laborers, or if they should desire, on their own account, to leave, they shall be at liberty to do so, and be paid up to the time of leaving, on giving previous notice.

Contracts for renting or leasing land or houses or hiring laborers may be executed by deeds signed before the United States consul and the local authorities. They also shall be permitted to trade or pass with their merchandise through all parts of Madagascar which are under the control of a governor, duly appointed by her Majesty, with the exception of Ambohimanga, Ambohimambola, and Amparafaravato, which places foreigners are not permitted to enter, and, in fact, be entitled to all privileges of commerce granted to other favored nations.

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

ARTICLE III

Commerce between the people 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. Citizens 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 mutually agreed upon, with the following exceptions: Munition of war, to be imported by the Queen of Madagascar into her dominions, or by her order. Prohibited from export by the laws of Madagascar are munition of war, timber, and cows. No other duties, such as tonnage, pilotage, quarantine, 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.

Ports of Madagascar where there is no military station under the control of a governor must not be entered by United States vessels.

ARTICLE IV

Each contracting party may appoint consuls, to reside in the dominions of each other, who shall enjoy all privileges granted to consuls of the most favored nations, to be witness of the good relationship existing between both nations, and to regulate and protect commerce.

ARTICLE V

Citizens of the United States who enter Madagascar, and subjects of her Majesty the Queen of Madagascar while sojourning in America, are subject to the laws of trade and commerce in the respective countries. In regard to civil rights, however, whether of person or property, of American citizens, or in cases of criminal offences, they shall be under the exclusive civil and criminal jurisdiction of their own consul only, duly invested with the necessary powers.

But should any American citizen be guilty of a serious criminal offence against the laws of Madagascar, he shall be liable to banishment from the country.

All disputes and differences arising within the dominions of her Majesty, between citizens of the United States and subjects of Madagascar, shall be decided before the United States consul, and an officer, duly authorized by her Majesty's government, who shall afford mutual assistance and every facility to each other in recovering debts.

ARTICLE VI

No American vessel shall have communication with the shore before receiving pratique from the local authorities of Madagascar; nor shall any subject of her Majesty the Queen be permitted to embark on board an American vessel without a passport from her Majesty's government.

In cases of mutiny or desertion, the local authorities shall, on application, render all necessary assistance to the American consul to bring back the deserters and to re-establish discipline, if possible, among the crew of a merchant vessel.

ARTICLE VII

In case of a shipwreck of an American 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, her Majesty engages to order the governor to grant every assistance in his power to secure the property and to restore it to the owner or to the United States consul, if this be not impossible.

ARTICLE VIII

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 ratifications be exchanged within six months from date of ratification, at Antananarivo.

Should it, at any future time, seem desirable, in the interest 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.

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 this day.

SUPPLEMENTARY ARTICLE TO § II

P. S.—Should there be any business of the Queen requiring the services of such laborers, they shall be permitted to leave without giving previous notice. The sentence in article II, stating that previous notice must be given, refers only to laborers leaving on their own account.

J. P. FINKELMEIER [SEAL]

RAINIMAHARAVO [SEAL]

Chief Secretary of State 16 vtra.

ANDRIANTSITOHAINA 16 vtra.

RAFARALAHIBEMALO

Head of the Civilians

ANTANANARIVO, 14th February, 1867.