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POETRY.

From the N. Y. Knickerbocker.

THE LAST WISH.

It is related in the Biography of Wilson, the Ornithologist, that he expressed a wish, when conversing upon the subject of death, that when he died, he might be buried where the birds should come and sing over his grave.

In the wild forest shade,
Under some spreading oak, or waving pine,
Or old elm, festooned with the gadding vine,
Let me be laid:
In this dim, lonely grot,
No foot, intrusive, will disturb by dust;
But o'er me, songs of the wild bird shall burst—
Cheering the spot.

Not amidst charnel stones,
Or coffins dark, and thick with ancient mould—
With tattered pall, and fringe of cankered gold,
May rest my bones:
But let the dewy rose,
The snow-drop and the violet lend a perfume,
Above the spot, where in my grassy tomb,
I take repose.

Year after year,
Within the silver birch tree o'er me hung,
The chirping wren shall rear her callow young,
And the red robin, the green boughs among,
Shall build her dwelling near:
And ever, at the purple dawning of the day,
The lark shall chant a pealing song above,
And the shrill quail, when the eve grows dim and gray,
Shall pipe her hymn of love.

The black-bird and the thrush,
And golden oriole, shall flit around,
And waken with a mellow gust of sound,
The forest's solemn hush.
Birds from the distant sea,
Shall sometimes thither flock, on snowy wings,
And soar above my dust in airy rings,
Singing a dirge to me!

From the Gazette and Watchman.

MY FATHER'S AT THE HELM.

'Twas where the sea with awful roar,
A little bark assail'd;
And pallid fear's distracting power,
O'er each on board prevail'd.

Save one, the Captain's darling child,
Who steadfast viewed the storm;
And cheerful with composure smiled,
At dangers threatning form.

'Why sporting thus?' a seaman cried,
'While terrors overwhelm?'
'Why yield to fears,' the boy replied,
'My father's at the Helm!'

ELIZABETH.

From the "Romance of History."

GHERARDO.

Gherardo was the only son of the patrician Zani, and the most gallant youth of Venice. His love of military glory must have been great; for when the Doge, the incomparable Enrico Dandolo, invited him to follow his banner to the east, he was betrothed to Bianca Celsi, as distinguished for her beauty as he for his valor. Yet, on the threshhold of the hymenial temple, he did not hesitate; he would go where glory and his countrymen summoned him; when the Doge's exploits were achieved he would return to Venice, and, more deserving of her, lay the laurels at the feet of his young bride. He had been, he had prospered—Constantinople had witnessed his valour—and now returned, the piazzetta echoed with the name of Gherardo. He had received the embrace of his aged father without alarm at his tears—for overwrought joy will weep even as sorrow does; he had been pressed in the arms of the friends of his house and his infancy; and he now advanced to a gentler circle, composed of his female relatives and friends, who, stationed at a balcony, murmured the hero's name, and his welcome back to Venice. But, what meant the omission?—Bianca was not among them—Bianca, his spouse, was not there to welcome him with eye and tongue. His voice trembled as he hurriedly asked where she was. An inconsiderate and cruel voice in the crowd answered, "Bianca is no more! she sleeps with her fathers in the church of St. Theodore."

"No more!" moaned the young warrior, and his flushed face became pale as the monumental marble, and, but for his friends, he had fallen to the earth like one struck by lightning.

When he partially recovered from the first shock, he again raised his eyes to the ladies' balcony; she was indeed not there—where she must have been had life and love animated her. That absence confirmed the truth of the ill-omened voice; his eyes dropped despondingly to the earth, where, now in his youth and his glory, he could have wished to see a grave open for himself. His old father fell on his neck and wept aloud.

For some moments the mind of Gherardo wandered, and his soul was benumbed; but the sight of Alessio, the brother of Bianca, advancing through the crowd, recalled him to consciousness and anguish. "Is it even as they say?" cried he hoarsely, and stretching out his hand to his friend. Alessio grasped his hand with one of his, and, dashing away the tears from his averted face with the other, he replied, in a suffocated voice, "Alas! and alas! it is even so—Bianca expired yesterday and as the galley, your precursor, was appearing, my sister was on her road to the sepulchre!"

Such irremediable wo, where so much bliss was expected—such an awakening from all the ecstatic dreams and aspirations that had given him strength in battle, and cheered him over the tedious or stormy waves—such a return—such a welcome—such an end to all his fond and passionate hopes, was not to be supported. With a deep groan he swooned away, and the young hero, so lately the happiest among the happy—the most animated where all were animated, was borne, in a lifeless state, to the halls of his father.

It was long ere he returned to life and reason; and oh! how dreadful was his return to the latter! He would have given the world for some opiate or drug capable of repelling thought and recollection. He closed his eyes to the gay light of the sun—he would have shut out its rays forever! He was deaf to the assiduous advice and consolations of his friends, who thronged about him—he was mute too, and asked not a single question as to the malady or decease of his bride. Was it not enough to know, that she was forever torn from him—dead!—what mattered the mode or the circumstances that had led to such a fearful result? At last he spoke, but it was only to request his father that he might be left alone. The afflicted signior, with words of affectionate conpolence, and prayers that his son would raise his thoughts to the contemplation of that Being in whose hands were life and death, and to whose omnipotent will it was his duty to submit, left the room with tears, and was followed by all the company. When, in the silence and solitude of his own chamber, Gherardo looked around him, he felt more than ever the extent of his loss. He rose from the couch on which he had been reclining, and advanced to a curtained recess at the end of the room: he drew the curtains—the sight was a cruel one!—There was the *talamo*, or splendid nuptial bed his friends had prepared and decorated for his return—there, on the rich velvet and the flowing silk, were the embroidered rose wreaths, mixed with the laured crowns, and the initials of his name entwined with those of the name of his Bianca. And hungry death was feeding on her roses; and her name, in the mouths of men, had become a note of wo—in his ear a sound of despair! He threw himself on the ground at the bed's foot, and, burying his burning face in his hands, gave vent for the first time to a copious flood of tears.

As thus he lay, humbled in the dust, with all his thoughts in the dark and narrow grave, the sun shone brightly on Venice, and her thronging thousands, replete with joy, sang their songs of triumph, and shouted the names of their gallant warriors and the captains of their galleys. It could not be that *his* should be forgotten; for who had borne himself more bravely than he? and as a crowd passed his paternal abode, their united voices proclaimed, "Gherardo! long life and glory to Gherardo, the soldier of St. Mark!" The sounds struck his ears, but *now* they could elicit only a bitter smile.

The passing hours did not restore tranquillity to the bereft bridegroom; but, as the shades of night descended, a wild idea—an uncontrollable impulse, invaded him. "And shall my fond eyes obtain not a last glance of that being of love and beauty? Shall my Bianca," reasoned the passionate youth (if such movement of the feelings can be called reason?) "my betrothed, be consumed by vile worms, and I not see the loveliness she must have carried to the grave? She died but yesterday—she must still be beautiful!—Yes! I will see her once again! I will once again press those lips though they be cold—cold!"

At a late hour, he secretly left his father's house for the well-known church—alas! he was to have been married there! A handful of gold gained over the *sacristano*, who unlocked the door of the temple and retired.—Gherardo stood alone a few paces from Bianca's tomb. A few lamps burned here and there, dimly, before the Virgin Mother and of the most conspicious saints; the moon shed an uncertain light through the painted glass of the lofty and narrow Gothic windows; but away among the massy columns, and through the long aisles of the church, there fell the obscurity of "the valley of the shadow of death;" and sounds there were none, save the fast-coming sighs of the hapless lover. The hour, the spot, the awful stillness, were all calculated to overpower the mind with indescribable emotion: the age was one of extreme superstition, and our young soldier's philosophy had not taught him to rise superior to the popular credence; the state of his feelings too—and nothing is more imaginative or creative of ideal horrors than a certain stage of grief—contributed to delude the senses; and as the cressets trembled, and the moonlight, strangely coloured by the stained glass through which it passed, gleamed now brighter, and now fainter—now resting on this object of some—what grotesque architecture of the church, now on that, he saw, or fancied, the spirits of the departed rising one, by one, & mournfully waving their hands, as if warning him against a sacrilegous intrusion on the regions of the dead. Through the postern door, by which he had entered, and which the sacristano had left ajar, there suddenly blew a gust of the fresh night-breeze, that, moaning among the columns, and over the hollow marble pavement of the church, sounded in his ear like a voice, but not of earth—like the united lamentations of sad or guilt burdened spirits. He clung to one the pillars for support, and was for some moments incapable of motion. His natural courage and the intenseness of the feeling and purpose that had brought him thither, soon, however, came to his aid, and he strode with hasty steps to the capella, or lateral recess of the temple, beneath which was the tomb of his bride's family. Here, in this deep recess, the moon could not shed a beam; but he was guided to the door of the sepulchre by a lamb that flickered on the altar of the capella.

Hurried, breathless, he laid his hand upon that door; massy, and bound with heavy iron and with bronze, it required a great effort to open it—it receeded; but as it turned on its unwilling hinges, it produced a hoarse rumbling sound that echoed like thunder in the vault beneath, and caused him to start back with trembling limbs and cold sweat on his brow. Again, however, desperation—love—the determination to see the lifeless form of his beloved, conquered his awe and the repuganance for disturbing the peace of the the grave; yet he paused ere he plunged into the horrible, palpable obscurity that lay beyond the door of the tomb, and, crossing himself, murmured a prayer to the blessed Virgin who saw his wo, and might pity or pardon his sacrilegious audicity.

He then rushed down a few steps, through a short dark passage,—and, himself like a spectre, entered the narrow chamber of death. A lamp, beneath a crucifix, burned at the head of the avello, or sarcophagus of Bianca, and a grated window, near the roof of the vault, admitted the rays of the moon, that fell almost perpendicularly on that cold white marble. He grasped at once the heavy cover of the coffin—had he hesitated, he might have been effectually detered from completing his sad, wild enterprize. His nervous arms removed the weight, and then his eyes rested on the shrouded form of his Bianca, whose head was enveloped in a veil of pure white, and her "decent limbs composed" beneath an ample white robe. His brain reeled at the sight—and the lamp which he had grasped fell from his hand. When he recovered strength to proceed, the light from the grated window fell full in the open coffin: and, as his trembling hands withdrew the veil, a clear broad ray of the moon illumed the face of his lovely bride. * * *

And could this be death?—Why even thus she looked when life and love coursed through her young veins!—even thus, when after a day of joy she slept a balmy sleep, a night of peace! And were not the long loose tresses crossed on her innocent, bosom the same as erst—and the pale smooth brow, and the broad eyelids, with their long black fringes, and the cherub mouth, with lips slightly apart, as if smiling in some blissful dream? "No! this cannot be death!" cried Gherardo, deliriously: "she sleeps—she only sleeps!—Oh wake! in pity wake, my Bianca—my love—my wife!" He was silent for a moment, and gazed on her beautiful moonlit countenance, as if expecting she would really rise at his passionate adjuration. "Bianca!" continued he; "my own Bianca! why dost thou slumber thus!—dost thou await the warm kisses of thy lover to awaken thee! I give them thee!" and throwing himself across the marble coffin he pressed his quivering lips to hers. But how did his whole soul rush of his mouth when he fancid he felt the breath of life on those pale lips! He pressed them again—if it was a delusion, it continued—for the mildest, the most subdued of breathings, seemed to pass from her lips to his. He raised her from the sarcophagus—he placed his hand on her heart—and language has no power to paint his emotions, when he felt—plainly felt that heart palpitate beneath his hand! Another moment her eyes opened, while a low murmur escaped her lips. Gherardo clasped her wildly in his embrace, and leaned for support against the sarcophagus, where, as they stood, mute, motionless, and pale, almost like statues in the moonlight, it would have been difficult to tell which of the two, or whether both, had not been awakened from the sleep of death.

The chronicler's tale is told. The ignorance of the physicians, and the immediate sepulture after death, in the south, had consigned Bianca to the grave, from which the passion and impetuosity of her lover saved he so opportunely. The fair Venetian passed almost at once from the marble sarcophagus to the nuptial bed of silk and velvet.—The church, where the echoes of her funeral dirge might almost seem yet to linger, pealed with the notes of her hymenials: and her bridal coronet of white roses was supplied by the tree that furnished flowerss for her funeral.

From the Genesee Farmer.

FENCE POSTS.

In a late number of the Farmer, I recommended the cultivation of the locust, believing it to be the most valuable timber for fence posts. Since I penned that, and have been led to the conclusion, that by the use of strong alkalies, several kinds of timber abounding in our country may be rendered durable in the ground.

An intelligent farmer of Cayoga county informed me, that when he entered on his farm, about thirty years ago, there stood on it a building which had been used as a potashery, and against which lay a large quantity of leached ashes. On removing it, within a few years, he found that one of the posts, on the side next the ashes, was of *lassiwood*, and, to use his own expression, as sound as when put in.

In building our fine packet ships, the spaces between the timber & ceiling and outer blanks, are filled with salt, it having been ascertained to render the wood imperishable. In article, page 91, of 1st vol. of the Farmer, it is stated, that "the Shakers at Union village have been in the habit of making oak posts as durable as locusts, by a very simple and easy process.—This is merely to bore a hole in that part of the post, which will be just at the surface of the earth, with such a slope as will carry it just below the surface; and fill it with salt."

With the exception of the red cedar, which is found on the islands and shores of our lakes, we have no timber that will remain sound in the ground many years, unless measures are taken to neutralize the acid contained in the wood, in the part buried in the earth. It appears, by the above statements, that the ley of wood ashes, and salt, have that effect; and we have reason to believe that lime would answer the same purpose. But which will answer best can only be obtained by experiment. Query—Does not the ley, salt, and lime, drive out and occupy the place of the natural moisture? I believe it to be a fact, well established, that seasoned posts are more durable than green ones, and conclude the reason is, that there is much less of the acid remaining.

I will now propose to the readers of the Farmer, that those of us who have leisure and opportunity, should make the following experiment: Procure sound oak, chestnut, or white cedar posts, and when they are well seasoned, divide them into three parts. Of that part to be put in the ground, let one-third be in strong brine, and one third in lime-water, a sufficient length of time to neutralize the acid. Or, if this be attended with too much trouble, set one-third with leached ashes, to within six inches of the surface, then strong ashes—let one-third have salt applied, as done by the Shakers, and the other surface to be set with lime from the surface to the depth of six inches, for it is at the surface of the ground that posts decay. By such an experiment, in addition to the benefit to ourselves, we should have the pleasing reflection that we have rendered one to the country at large.

I should be sorry if the above suggestion should divert the attention of any of our farmers from the cultivation of the locust, my only object in penning this being to inform them how to supply themselves with durable posts until their locusts shall have obtained a proper size.

Several writers for the Farmer have asserted that posts last much longer if the end which was upwards when growing be put in the ground. I consider this worthy of further experiment.

ONTARIO.

From Goodsell's Genesee Farmer.

BLIGHT OF PEAR TREES.

In one of your numbers which is not before me, you notice the general opinions of the cause of the decay of Pear trees by what is commonly termed fire blight.

I have seen many opinions on the subject, but none that I believe to be the true cause, which I attribute to the bursting of the sap vessels. I will give the proofs in support of my opinions.

About twenty five years since I bought a lot in Hartford, Connecticut, on which there were two large pear trees. They had been neglected, and wanted pruning, but appeared in good health, although they grew but moderately, in consequence of the earth being very hard and sterile about them. I loosened the earth about them, and manured them very late in September, and in March next pruned them faithfully, and the growth through the spring, was very strong and rapid. During the most vigorous part of their growth, I found them attacked by what is termed *fire blight*.—Limbs that were in full vigor one day were blighted the next. My first apprehension was, that they were stung, or bored by some poisonous insect, but on examination, and dissection, I found in all cases, by help of a strong magnifying glass, that the sap vessels, were turned of a dark chestnut color longitudinally, since which time, I have seen many circumstances that have confirmed my opinion.

A gentleman in Hartford purchased a farm in the vicinity, on which was a large pear orchard, which had long been in bearing; the ground was convered with green sward which had been pastured for many years. The trees were in good health.—He ploughed a part of it, and put it in a high state of cultivation. The trees grew very rapid, were attacked, as the others above mentioned, and some of them entirely destroyed, while those which were in that part which remained in grass were entirely free.

In the garden where I am now there are twelve large pear trees of different sorts, which when I came here five years since, were in good health. The garden was in a neglected state, the soil was worn out.—I put it in a high state of cultivation, the trees grew rapidly and were all attacked with the blight, and I was obliged to take the rich earth away from them and replace it with poor soil, which saved them all with the loss of a few limbs, and they are now doing well.

From the above it will be seen that the cause is a sudden change from a stunted to a rapid growth, and the sap vessels not being as elastic as in other trees, burst and destroy the tree, but may be easily prevented by care being taken, not to increase the growth too rapidly.

Other trees are affected in a degree in the same manner. The quince is liable next to the pear.

NATHAN. RUGGLES.

New Haven, (Ct.) Feb. 27, 1834.

BY AUTHORITY.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS, A General Convention of Peace, Amity, Commerce and Navigation, between the United States of America and the Republic of Chile, was concluded and signed by their Plenipotentiaries, in the City of Santiago, on the sixteenth day of May, in the year of our Lord, one thousand eight hundred and thirty-two; and WHEREAS an additional and explanatory Convention was concluded and signed in the same City, by the Plenipotentiaries of the two Parties, on the first day of September, one thousand eight hundred and thirty-three, which Conventions are, word for word, as follows:

General Convention of Peace, Amity, Commerce and Navigation, between the United States of America and the Republic of Chile.

In the name of God, Author and Legislator of the Universe.

The United States of America, and the Republic of Chile, desiring to make firm and lasting the friendship and good understanding which happily prevails between both nations, have resolved to fix, in a manner; clear, distinct and positive, 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 and friendship, commerce and navigation.

For this most desirable object, the President of the United States of America, by and with the advice and consent of the Senate thereof, has appointed, and conferred full powers on John Hamm, a citizen of said States, and their Charge d'Affairs near the said republic; and his excellency the President of the republic of Chile has appointed Senor Don Andres Bello, a citizen of the said republic.

And the said plenipotentiaries, after having mutually produced and exchanged copies of their full powers, in due and proper form, have agreed upon and concluded the following articles, videlicet.

ARTICLE I.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the republic of Chile, in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

ARTICLE II.

The United States of America and the republic of Chile, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually, not to grant any particular favor to other nations in respect of commerce and navigation, which shall not, immediately, become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional. It is understood, however, that the relations and conventions which now exist, or may hereafter exist, between the republic of Chile and the republic of Bolivia, the federation of the Centre of America, the republic of Columbia, the United States of Mexico, the republic of Peru, or the United Provinces of the Rio de la Plata, shall form exceptions to this article.

ARTICLE III.

The citizens of the United States of America may frequent all the coasts and countries of the republic of Chile, and reside and trade there, in all sorts of produce, manufactures, and merchandise, and shall pay no other or greater duties, charges, or fees, whatsoever, than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees, and usages there established, and to which are submitted the citizens and subjects of the most favored nations.

In like manner the citizens of the republic of Chile may frequent all the coasts and countries of the United States of America, and reside and trade there, in all sorts of produce, manufactures and merchandise, and shall pay no other or greater duties, charges, or fees, whatsoever, than the most favored nation is or shall be obliged to pay, and they shall enjoy all the rights, privileges, and exemptions in commerce and navigation, which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees, and usages, there established and to which are submitted the citizens and subjects of the most favored nations. But it is understood, that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

ARTICLE 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 ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale and retail, as with respect to the loading, unloading, and sending off their ships, they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the citizens or subjects of the most favored nation.

ARTICLE V.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ARTICLE VI.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other, with their vessels, whether of merchant or of war, public or private, through stress of weather, pursuit of pirates, or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE VII.

All the ships, merchandise and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, 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 well understood, that the claim should be made within the term of one year by the parties respective governments.

ARTICLE VII.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects without exacting for it any duty, impost, or contribution whatever, until they may be exported, unless they be destined for consumption in the country.

ARTICLE IX.

The citizens of each of the contracting parties shall have power to dispose of their personal goods 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 goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein the said goods are, shall be subject to pay in like cases: and if, in the case of real estate, the said heirs, would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from any other charges than those which may be imposed by the laws of the country.

ARTICLE. X.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all 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 which are usual and customary, with the natives or citizens of the country in which they may be: for which they may employ in defence of their rights such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in al 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 which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

ARTICLE XI.

It is likewise agreed that the most perfect and entire security 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 or suitable places, and shall be protected from violation or disturbance.

ARTICLE XII.

It shall be lawful for the citizens of the United States of America and of the republic of Chile to sail with their ships, with all manner of liberty and security, no distinction being made, who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are 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 and merchandise before mentioned, and to trade with the same liberty and security from the places, ports and havens, of those who are enemies of both or either party, without any opposition or 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 the one power, or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that every thing shall be deemed to be free and exempt, which shall be found on board the ships belonging to the citizens of either of the contracting parties although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either, they are not to be taken out of that free ship unless they are officers or soldiers, and in the actual service of the enemies: Provided, however, and it is hereby 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 the principle; but if either of the two contracting parties should be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

ARTICLE XIII.

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

ARTICLE XIV.

This liberty of commerce and navigation shall extend to all kinds of merchantdises, excepting those only which are distinguished by the name of contraband, and under this name of contraband, or prohibited goods, shall be comprehended—

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms;

2d. Bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in the form and for a military use.

3d. Cavalry belts, and horses with their furniture. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared and formed, expressly, to make war by sea or land.

ARTICLE XV.

All other merchantdise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects 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 billigerent force capable of preventing the entry of the neutral.

ARTICLE XVI.

The articles of contraband, before enumerated and classified which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation; leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations 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 the quantity be of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this and in 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.

ARTICLE XVII.

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 warning of such blockade or investment from any officer commanding a vessel of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded, or invested, by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof; 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, she shall be subject to be warned by the blockading forces, to return to the port blockaded, and discharge the said cargo; and, if after receiving the said warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port, after being warned off by the blockading forces.

ARTICLE XVIII.

In order to prevent all kinds of disorder in the visiting and examination 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 with a neutral of the other contracting party, the first shall remain the greatest distance compatible with making the visit, un-

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