

Državni zakonik

za

kraljevine in dežele v državnem zboru zastopane.

Kos XLIV. — Izdan in razposlan dne 14. oktobra 1871.

116.

Konzulski dogovor od 11. julija 1870,

mej avstrijsko-ogersko državo in mej združenimi državami severne Amerike.

(Sklenen v Washingtonu 11. julija 1870; Njegovo ces. in kralj. veličanstvo pritrdilo vanj na Dunaji 2. maja 1871, in v obojih pritrditvah izmenjen v Washingtonu 27. junija 1871).

Nos Franciscus Josephus Primus,
divina favente clementia Austriae Imperator;
 Apostolicus Rex Hungariae, Rex Bohemiae, Dalmatiae, Croatiae, Slavoniae, Galiciae, Lodomeriae et Illyriae; Archidux Austriae; Magnus Dux Cracoviae; Dux Lotharingiae, Salisburgi, Styriae, Carinthiae, Carnioliae, Bucovinae, superioris et inferioris Silesiae; Magnus Princeps Transilvaniae; Marchio Moraviae; Comes Habsburgi et Tirolis etc. etc.

Notum testatumque omnibus et singulis, quorum interest, tenore praesentium facimus:

Posteaquam a Nostro et a potentissimi Praesidis unitorum Statuum Americae Plenipotentiaro, eo fine, ut mutua jura, privilegia ac immunitates, nec non functiones et obligationes eorum, qui in Austro-Hungarico Imperio et in statibus unitis Americae munera consularia obeunt, clara et distincta ratione determinarentur; Conventio die undecima mensis Julii anni millesimi octingentesimi septuagesimi in civitate Washington inita et singnata est, tenoris sequentis:

The President of the United States of America, and His Majesty the Emperor of Austria, King of Bohemia etc. and Apostolic King of Hungary animated by the desire to define in a comprehensive and precise manner the reciprocal rights, privileges and immunities of the Consuls-General, Consuls, Vice-Consuls and Consular Agents (their Chancellors and Secretaries) of the United States of America and of the Austro-Hungarian Monarchy, and to determine their duties and their respective sphere of action have agreed upon the conclusion of a Consular Convention and for that purpose have appointed their respective Plenipotentiaries namely:

The President of the United States of America:

Hamilton Fish, Secretary of State of the United States;

And His Majesty the Emperor of Austria, Apostolic King of Hungary:

Charles Baron von Lederer, Knight of the Imperial and Royal Order of Leopold, and His Majesty's Envoy Extraordinary Minister Plenipotentiary in the United States of America,

who after communicating to each other their full powers, found in good and due form, have agreed upon the following Articles:

Article I.

Each of the High Contracting Parties shall be at liberty to establish Consuls-General, Consuls, Vice-Consuls or Consular Agents at the ports and places of trade of the other party, except those where it may not be convenient to recognize such officers, but this exception shall not apply to one of the High Contracting Parties, without also applying to every other Power.

Consuls-General, Consuls, and other Consular Officers appointed and taking office according to the provisions of this Article in one or the other of the two countries shall be

Njegovo Veličanstvo cesar avstrijski, kralj češki i.t.d. in apostolski kralj ogerski — ter prvosednik združenih držav severne Amerike, želječ, kar se najobširneje in najjasneje more, glavnim konzulom, podkonzulom in konzulskim opravnikom, kancelarjem ali tajnikom ustanoviti mejusobne pravice, opričine (privilegije) in svobode ter tudi njih opravila in dolžnosti, katere jih bodo zadevale ali v avstrijsko-ogerski državi ali v združenih državah severne Amerike, sklenila sta osnovati konzulsk dogovor in zato narekla vsak svojega pooblaščenca, namreč:

Njegovo cesarsko in kraljevsko apostolsko Veličanstvo:

gospoda Karla barona pl. Lederer-ja, viteza c. in kr. Leopoldovega redú, rekše svojega preizrednega poslanika in pooblaščenega ministra pri združenih državah severne Amerike;

prvosednik združenih držav:

Hamiltona Fish-a, državnega tajnika združenih držav,

katere sta izmenila v dobrem in dostojnem redu najdeni pooblastili ter mej saboj dogovorila naslednje člene:

Člen I.

Vsakej obéh visokih pogodnih strank bode na izvolji, glavne konzule, konzule in podkonzule ali konzulske opravnike postavljati po primorskih pristaniščih in trgovskih mestih óne stranke, — samo po tistih krajih ne, koder se ne bi zdelo primerno take sanovnike (opravilnike) pripoznati; a ta izimek ne bode mogel zadeti nobene obéh pogodnih strank, razen če se enako raztegne tudi na vse druge države.

Glavni konzuli, konzuli in konzulski uradniki, kateri bodo po določilih tega člena v kakej deželi obojnih držav služili in uradovali, smejo po vsem krogu svojega okraja, v kate-

free to exercise the right accorded them by the present Convention throughout the whole of the district for which they may be respectively appointed.

The said functionaries shall be admitted and recognized respectively upon presenting their credentials in accordance with the rules and formalities established in their respective countries.

The exequatur required for the free exercise of their official duties shall be delivered to them free of charge and upon exhibiting such exequatur they shall be admitted at once and without interference by the authorities, federal or state, judicial or executive, of the ports, cities and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted.

Article II.

The Consuls-General, Consuls, Vice-Consuls and Consular Agents, their Chancellors, and other Consular Officers, if they are citizens of the State which appoints them, shall be exempt from military billetings, from service in the military or the national guard and other duties of the same nature and from all direct and personal taxation, whether federal, state or municipal, provided they be not owners of real estate and neither carry on trade nor any industrial business.

If however, they are not citizens of the State which appoints them or if they are citizens of the State in which they reside, or if they own property, or engage in any business there that is taxed under any laws of the country, then they shall be subject to the same taxes, charges and assessments as other private individuals.

They shall moreover enjoy personal immunities except for acts regarded as crimes by the laws of the country in which they reside.

If they are engaged in commerce personal detention can be resorted to in their case, only for commercial liabilities and then in accordance only with general laws applicable to all persons alike.

rega so po imeni postavljeni, opravljati svojo s tem dogovorom jim pripoznano oblast.

Rečeni uradniki bodo na obeh straneh pripuščeni in pripoznani, kadar vsak svoja služabna pisma pokaže, kakor ukazujejo obojih držav propisi in običaji.

Exequatur, potreben v svobodno izvrševanje njih opravil, izdajal se jim bode zastonj, in kakor pokažejo ta exequatur, pripusté jih pristanska, mestna ali krajna oblastva v mestu, kjer bodo konzulski opravniki sedež imeli ali v njih uradnem okraji bivajoča, naj bodo zvezna, državna, sodna ali izvrševalna oblastva, takó in brez spotike, da uživajo posebne pravice vzajemno zagotovljene.

Člen II.

Glavni konzuli, konzuli, podkonzuli in konzulski opravniki, njih kancelarji in konzulski uradniki, če so državljani tiste države, katera jih je narekla, prosti bodo vojaškega nastanovanja in kontribucij, katere bi nakladala zveza kaki državi ali občinam, prosti službe v miliciji ali narodni straži in drugih podobnih dolžnosti, — po tem vseh ravni in osebnih zveznih, državnih ali občinskih davkov, z uvetom, da nimajo nepremične svojine in da ne trgujejo niti ne obrtujejo.

A če niso državljani tiste države, katera jih je postavila v službo, ali če so državljani tiste države, kjer stolujejo, ali kadar imajo ondi nepremično svojino ali zaslužek, ki je po deželskih postavah pod davkom, služni bodo istim davščinam, bremenom in nakladom, kakoršnim drugi zasebniki.

Vrhu tega uživajo osebno svoboščino, izimši tista dejanja, ki jih postave v deželi, kjer stolujejo, mej hudodelstva vrstijo.

Ako so trgovci, smejo se osebno zapreti samo zaradi trgovskih dolžnosti in sicer po občnih, vsacemu veljajočih postavah.

Article III.

Consuls-General, Consuls, and their Chancellors, Vice-Consuls and Consular Officers, if citizens of the country which appoints them shall not be summoned to appear as witnesses before a Court of Justice, except when pursuant to law, the testimony of a Consul may be necessary for the defence of a person charged with crime.

In other cases the local Court when it deems the testimony of a Consul necessary shall either go to his dwelling to have the testimony taken orally, or shall send there a competent officer to reduce it to writing, or shall ask of him a written declaration.

Article IV.

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall be at liberty to place over the chief entrance of their respective offices, the arms of their nation with the inscription: „Consulate-General“, „Consulate“, „Vice-Consulate“ or „Consular-Agency“ as may be.

They shall also be at liberty to hoist the flag of their country on the Consular edifice, except when they reside in a city where the Legation of their Government may be established.

They shall also be at liberty to hoist their flag on board the vessel employed by them in port for the discharge of their duty.

Article V.

The Consular Archives shall be at all times inviolable and under no pretence whatever, shall the local authorities be allowed to examine or seize the papers forming part of them.

Article VI.

In the event of incapacity, absence or death of Consuls-General, Consuls, Vice-Con-

Člen III.

Glavni konzuli, konzuli in njih kancelarji, podkonzuli in konzulski uradniki, ako so državljani tiste države, katera jih postavlja v službo, ne smejo se klicati pred sodišče, razen kadar bi po postavodavstvu spričevalo konzulovo bilo potrebno v obrambo take osebe, katera je kacega hudodelstva okrivljena.

Razen teh slučajev pojde ali samo krajevno sodno oblastvo, kadar bi se mu zdelo treba kake sodne povedbe, v njih stanovanja, da jih ustno dovpraša, ali odpravi k njim zategadelj pristojnega uradnika, ali bode zahtevalo od njih pismenega izrecila.

Člen IV.

Glavni konzuli, konzuli, podkonzuli in konzulski opravniki smejo nad vnanjim dotičnim vhom konzulskega urada pritrditi ščit z grbom svojega naroda in z enim, potrebi ustrezajočim napisom, izmej naslednjih: „Glavno konzulstvo“, „Konzulstvo“, „Podkonzulstvo“ ali „Konzulsko opravništvo.“

Še se jim privoljuje, na konzulskem poslopji razprostréti svoje dežele zastavo, ako ne stolujejo v tistem mestu, kjer poslaníštvo njih vlade.

Svojo zastavo smejo tudi razprostréti na ladiji, s katero se po pristanišči vozijo, svoja opravila izvršujóč.

Člen V.

Konzulski arhivi so vsekdar nepovredni, ter z nikakoršno pretvezo nij krajevnim oblastvom privoljeno, preiskovati ali odvezemati listine, k njim spadajoče.

Člen VI.

Kadar bi kaj oviralo glavne konzule, konzule ali podkonzule, kadar bi jih ne bilo domá,

suls their Consular Pupils, Chancellors or Secretaries, whose official character may have been previously made known to the respective authorities in the United States or in the Austro-Hungarian Empire, shall be admitted at once to the temporary exercise of the Consular functions, and they shall for the duration of it, enjoy all the immunities, rights, and privileges conferred upon them by this Convention.

Article VII.

Consuls-General and Consuls, shall have the power to appoint Vice-Consuls and Consular Agents, in the cities, ports and towns within their Consular districts, subject however to the approbation of the Government of the country where they reside.

These Vice-Consuls and Consular Agents may be selected indiscriminately from among citizens of the two countries or from foreigners and they shall be furnished with a Commission issued by the appointing Consul, under whose orders they are to be placed.

They shall enjoy the privileges and liberties stipulated in this Convention.

To Vice-Consuls and to Consular Agents who are not citizens of the State which appoints them, the privileges and immunities specified in Article II shall not extend.

Article VIII.

Consuls-General, Consuls, Vice-Consuls or Consular Agents of the two countries may, in the exercise of their duties apply to the authorities within their district, whether federal or local, judicial or executive, in the event of any infraction of the treaties and Conventions between the two countries also for the purpose of protecting the rights of their countrymen.

Should the said authorities fail to take due notice of their application, they shall be at liberty in the absence of any diplomatic representative of their country to apply to the Government of the country where they reside.

ali kadar bi odmrli, tedaj se tisti konzulski vajenci, kancelarji in tajniki, kateri so dotičnim oblastvom na Avstrijsko-Ogerskem ali v združenih državah že poprej bili predstavljeni v imenovanem svojstvu (lastnosti), précej pripusté v opravilo konzulskega uradovanja, ter v tem času uživajo svobode in predstva, katera jim podaje ta dogovor.

Člen VII.

Glavni konzuli in konzuli morejo, s prihrambo privolitve od vlade tiste dežele, kjer stolujejo, nareči podkonzule in konzulske opravnike po mestih, pristaniščih in krajih svojega konzulskega okraja.

Ti podkonzuli in konzulski opravniki se utegnejo izbirati brez razločka izmed državljanov obeh dežel ter tudi izmed inostrancev, in postavilni dekret dobivajo od konzula, kateri jih nareče, pod čegar povelji tudi bodo.

Naj uživajo opričine (privilegije) in svoboščine, ustanovljene s tem dogovorom.

A takim podkonzulom in konzulskim opravnikom, ki niso podložniki tiste države, katera jih nareče, ne pritezajo se oprostítve in svoboščine, zagotovljene v členu II.

Člen VIII.

Glavni konzuli, konzuli in podkonzuli ali konzulski opravniki obeh držav morejo, svoje uradne oblasti izvršujóč, obračati se do oblastev svojega uradnega okoliša, naj si bodo zvezna ali državna, sodna ali izvrševalna oblastva, ob vsaki povredbi mej obema deželama ustanovljenih pogodeb in dogovorov, ali v obrambo pravic svojim državljanom.

Ako bi se oménjena oblastva ne ozirala na njih pritožbe, na izvoljo jim je dano, če nij kacega diplomatičnega zastopnika njihove dežele, obrniti se do državne ali zvezne vlade tiste dežele, v kateri stolujejo.

Article IX.

Consuls-General, Consuls, Vice-Consuls or Consular Agents of the two countries, also their Chancellors, shall have the right to take at their office, at the residence of the parties, or on board ship the depositions of the Captains and crews of vessels of their own nation, of passengers on board of them of merchants, or any other citizens of their own country.

They shall have the power also to receive and verify conformably to the laws and regulations of their country:

1st Wills and bequests of their countrymen and all such acts and contracts between their countrymen as are intended to be drawn up in an authentic form and verified.

2nd Any and all acts of agreement entered upon between citizens of their own country and inhabitants of the country where they reside.

All such acts of agreement and other instruments, and also copies thereof when duly authenticated by such Consul-General, Consul, Vice-Consul, or Consular Agent under his official seals, shall be received in Courts of Justice as legal documents or as authenticated copies, as the case may be and shall have the same force and effect as if drawn up by competent public officers of one or the other of the two countries.

Consuls-General, Consuls, Vice-Consuls, or Consular Agents of the respective countries shall have the power to translate and legalize all documents issued by the authorities or functionaries of their own country, and such papers shall have the same force and effect in the country where the aforesaid officers reside, as if drawn up by sworn interpreters.

Article X.

Consuls-General, Consuls, Vice-Consuls or Consular Agents shall be at liberty to go on board the vessels of their nation admitted to entry either in person, or by proxy and to examine the Captain and crew, to look into the register of the ship to receive declarations with reference to their voyage, their destina-

Člen IX.

Glavni konzuli, konzuli, podkonzuli ali konzulski opravniki obeh držav, ter tudi njih kancelarji imajo pravico, v svojih pisarnicah, v stanovanji dotičnih strank in na ladijah prevzemati izrečila (deklaracije), katera bi utegnili podajati kapitani mostva na ladijah svojega naroda, popotniki, trgovci in vsi državljani njih dežele.

Enako bodo po svoje dežele zakonih in propisih imeli pravico, sprejemati in poverjevati:

1. Naročila poslednje volje svojih državljanov ter vse druge, teh se dotikajoče civilno-pravne čine (akte) in dogovore, katerim se hoče dati pristna oblika in poverilo.

2. Pogodbena pisma, napravljena mej njihovimi državljani in mej ljudmi tiste dežele, kjer stolujejo.

Vse te pogodbe in pisma ter njih prepise, katere taki glavni konzuli, podkonzuli ali konzulski opravniki prav potrdijo in z uradnim pečatom naudarijo, sprejemala bodo sodišča, kakoršen bode slučaj, ali za postavna pisma ali za potrjene prepise, in ta pisma s prepisi bodo imela isto moč in veljavnost, kakor bi jih bili naredili pristojni javni opravniki katere izmej obeh dežel.

Obojni glavni konzuli, konzuli, podkonzuli ali konzulski opravniki morejo vsakovrstna pisma od oblastev ali opravnikov svoje dežele prelagati in legalizovati, in taki prelogi bodo po deželi, kjer oni stolujejo, imeli isto krepot in veljavnost; kakor da so jih napravili te dežele priseženi tolmači.

Člen X.

Glavni konzuli, konzuli, podkonzuli ali konzulski opravniki smejo, kadar se jim privoli svobodno občenje (praktika), sami hoditi ali odbrane ljudi pošiljati na ladije svojega naroda, izpraševati kapitana in mostvo, pregledovati ladijne liste, sprejemati njih poročila o potovanji, o mestu, kamor so namenjeni,

tion, and the incidents of the voyage, also to draw up manifests, lists of freight, to assist in dispatching their vessels and finally to accompany the said Captains or crews before the Courts and before the administrative authorities, in order to act as their interpreters or Agents in their business transactions or applications of any kind.

The judicial authorities and Custom House officials shall in no case proceed to the examination or search of merchant vessels, without previous notice to the Consular authority of the nation to which the said vessels belong, in order to enable them to be present.

They shall also give due notice to Consuls, Vice-Consuls or Consular Agents in order to enable them to be present at any depositions or statements to be made in Courts of law, or before local magistrates by Captains or persons composing the crew, thus to prevent errors or false interpretations which might impede the correct administration of justice.

The notice to Consuls, Vice-Consuls or Consular Agents shall name the hour fixed for such proceedings, and upon the non-appearance of the said officers or their representatives, the case shall be proceeded with in their absence.

Article XI.

Consuls, Vice-Consuls or Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation. They shall have therefore the exclusive power to take cognisance of and to settle all differences which may arise at sea or in port between Captains, Officers and crews in reference to wages and the execution of mutual contracts, subject in each case to the laws of their own nation.

The local authorities shall in no way interfere except in cases, where the differences on board ship are of a nature to disturb the peace and public order in port or on shore, or when persons other than the officers and crew of the vessel are parties to the disturbance.

ter o tem, kar se jim je pripetilo ob vožnji, izdajati manifeste (popise naklada) in pospeševati odpravo njih ladij, ter poslednjič, oménjene kapitane in moštvo spremljati k sodiščem in upravnim oblastvom te dežele, da jim bodo za tolmače in opravnike ob poslih, s katerimi se bavijo, ali ob prošnjah, katere imajo na umu.

Sodni uradniki ter tudi colnijski uradniki in organi ne smejo nikakor trgovinskih ladij razgledovati ali preiskovati, če tega poprej ne naznanijo konzulskemu oblastvu tistega naroda, katerega so ladije, da se rečeno oblastvo more pridružiti razgledovanju.

Takisto bodo o pravem času dajali vedeti konzulom, podkonzulom ali konzulskim opravnikom, da bodo pričujoči, kadar bi pred sodišči in krájevnimi upravnimi oblastvi kaj izrekli kapitani in ljudje njihovega moštva, ter da bodo tako odvrčali vsako zmoto ali vsako krivo tolmačenje, ki bi utegnilo ovire delati natančnemu pravosodju.

V ta namen konzulom, podkonzulom ali konzulskim opravnikom poslano povabilo naj tenko pové uro, in ko bi zamudili sami priti ali poslati koga v svoje zastopanje, razpravljalo se bode tudi brez njih.

Člen XI.

Konzuli, podkonzuli ali konzulski opravniki so edini zato, da skrbé za notranji red na trgovinskih ladijah svojega naroda. Samo njih delo bode torej, poslušati in reševati vsakovrstne prepire, ki se na morji ali v pristanu pripeté mej kapitani, ladijnimi častniki (oficirji) in pomorščaki, a posebno tiste, ki merijo na mezdo in izpolnitev mejusobno prevzetih dolžnosti, ob vsacem slučaju držéč se zakonov svoje domače dežele.

Krájevna oblastva se smejo samo tedaj vtikati, ako bi neredi na ladiji bili taki, da bi mir in javni red motili na deželi ali v pristanu, ali ako bi se teh neredov udeležili drugi ljudje, kateri niso niti ladijni častniki niti pomorščaki.

Except as aforesaid the local authorities shall confine themselves to the rendering of forcible assistance if required by the Consuls, Vice-Consuls or Consular Agents and shall cause the arrest, temporary imprisonment and removal on board his own vessel of every person whose name is found on the muster rolls or register of the ship or list of the crew.

Article XII.

Consuls-General, Consuls, Vice-Consuls or Consular Agents shall have the power to cause the arrest of all sailors or all other persons belonging to the crews of vessels of their nation who may be guilty of having deserted on the respective territories of the High Contracting Powers, and to have them sent on board or back to their native country.

To that end they shall make a written application to the competent local authority, supporting it by the exhibition of the ship's register and list of the crew, or else, should the vessel have sailed previously, by producing an authenticated copy of these documents showing that the persons claimed really do belong to the ship's crew.

Upon such request the surrender of the deserter shall not be refused.

Every aid and assistance shall moreover be granted to the said Consular authorities for the detection and arrest of deserters, and the latter shall be taken to the prisons of the country and there detained at the request and expense of the Consular authority until there may be an opportunity for sending them away.

The duration of this imprisonment shall not exceed the term of three months, at the expiration of which time, and upon three days notice to the Consul, the prisoner shall be set free and he shall not be liable to re-arrest for the same cause.

Should, however, the deserter have committed on shore an indictable offence, the

Ob vseh drugih slučajih krájevna oblastva ne bodo imela drugega posla nego konzulom, podkonzulom ali konzulskim opravnikom na njih uprosbo dajati krepko dejanjsko podporo, da se prime ter na ladijo odpravi ali začasno v ječo odvêde vsak v ladijni imenik vpisani človek.

Člen XII.

Glavni konzuli, konzuli in podkonzuli ali konzulski opravniki smejo tiste pomorščake ter tudi vse druge na katero ime koli mej moštvo na ladiji svojega naroda spadajoče ljudi, ki so na ozemljiji katere izmed obeh visokih pogodnikov ubegnili, dajati prijemati in vračevati ali na ladijo ali v domovino.

Za tega delj naj se bodo pismeno obračali do pristojnih krájevskih oblastev, ter naj, vpoloživši ladijne zapisnike ali imenik, ali, ako bi ladija bila že odplula, pristen prepis teh pisem, dokažejo, da zahtevane osebe spadajo res mej moštvo na ladiji.

Tako opravičenej prošnji se izročba ubegnencev ne sme kratiti.

Vrhu tega naj se rečenim konzulskim oblastvom naklanja vsaka pomoč in podpora, da se poišče in primejo ubegnenci, katere je zapreti v deželne ječe ter ujeti na zahtevanje in ob troških konzulskega oblastva dotlej držati, dokler se mu ne ponudi prilika, da jih dalje odpravi.

Tak zapor ne sme trpeti čez tri mesece, in kadar ta doba mine, izpusti se jetnik, o čemer je konzulu tri dni poprej poročiti, ter se z istega uzroka ne sme novič zapirati.

A če je ubegnenec na suhem storil kaznilno dejanje, svobodno je krajevemu oblastvu,

local authorities shall be free to postpone his extradition until due sentence shall have been passed and executed.

The High Contracting Parties agree that seamen, or other individuals forming part of the ship's crew, who are citizens of the country in which the desertion took place, shall not be affected by the provisions of this Article.

Article XIII.

In all cases where no other agreement to the contrary exists between owners, freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter the respective ports voluntarily or by stress of weather, shall be settled by the Consuls-General, Consuls, Vice-Consuls or Consular Agents of their respective nation, provided no interests of citizens of the country where the said functionaries reside, nor of citizens of a third power are concerned.

In that case, and in the absence of a friendly compromise between all parties interested, the adjudication shall take place under supervision of the local authorities.

Article XIV.

In the event of a vessel belonging to the Government or owned by a citizen of one of the two Contracting States, being wrecked or cast on shore upon the coast of the other, the local authorities shall inform the Consuls-General, Consuls, Vice-Consuls or Consular Agents of the district of the occurrence, or if such Consular Agency does not exist, they shall communicate with the Consul-General, Consul, Vice-Consul or Consular Agent of the nearest district.

All proceedings relative to the salvage of American vessels wrecked or cast on shore in Austro-Hungarian waters, shall be directed by the United States Consuls-General, Consuls, Vice-Consuls or Consular Agents also all proceedings relative to the salvage of Austro-Hungarian vessels, wrecked or cast on shore in American waters, shall be directed by

izročbo odložiti, dokler sodišče ne izreče sodbe, in dokler se ta sodba s polna ne izvrši.

Visoka pogodnika sta se dogovorila o tem, da pomorščaki ali drugi mej moštvo na ladiji spodajoči ljudje, ki so tiste dežele, kjer ubegnejo, bodo izneti iz določil tega člena.

Člen XIII.

Kjer koli ne brani kak mej ladijnimi gospodarji, nakladniki in zavarovalci ukrenen dogovor, ondi pokvare (havarije), ki se ladijam obeh dežel pripeté na morji — bodi si, da radovoljno priveslajo v obojna pristanišča, ali da so se tja prignane utekle — devali bodo v red glavni konzuli, konzuli, podkonzuli ali konzulski opravniki njihovega naroda, če niso pokvár udeleženi državljani te dežele, kjer oménjeni opravniki stolujejo, ali državljani kake druge države.

Ob tem slučajih, ali kadar se udeleženci z lepa ne morejo pogoditi, pokvare dene krájevno oblastvo v red.

Člen XIV.

Kadar ladija, ki je svojina vlade ali kacega državljana katere izmej obeh visokih pogodnih držav, razbije se ali nasede v pobrežji óne države, krájevna oblastva to nesrečo naznanijo glavnemu konzulu, konzulu, podkonzulu ali konzulskemu opravniku uradnega okraja, ali če tacega nij, tedaj glavnemu konzulu, konzulu, podkonzulu ali konzulskemu opravniku, ker je najbliže tistega kraja, kjer se je nezgoda pripetila.

Vsa v otetbo ameriških ladij, katere bi se razbile ali bi nasedle v vodah avstrijsko-ogerskega ozemlja, namenjena dela naj se izvršujejo pod vodstvom ameriških glavnih konzulov, konzulov, podkonzulov ali konzulskih opravnikov; a tudi avstrijsko-ogerski glavni konzuli, konzuli, podkonzuli ali konzulski opravniki bodo naopako vodili vsa dela v otetbo avstrij-

Austro-Hungarian Consuls-General, Consuls, Vice-Consuls or Consular Agents.

An interference of the local authorities in the two countries shall take place for the purpose only of assisting the Consular authorities, in maintaining order and protecting the rights of salvors not belonging to the crew, also for enforcing the regulations relative to the import or export of the merchandise saved.

In the absence and until the arrival of the Consuls-General, Consuls, Vice-Consuls or Consular Agents or their duly appointed delegates, the local authorities shall take all the necessary measures for the protection of persons and preservation of the property saved from the wreck.

No charges shall be made for the interference of the local authorities in such cases except for expenses incurred through salvage and the preservation of property saved, also for those expenses which under similar circumstances, vessels belonging to the country where the wreck happens would have to incur.

In case of a doubt concerning the nationality of the wrecks, the local authorities shall have exclusively the management and execution of the provisions laid down in the present Article.

The High Contracting Parties also agree that all merchandise and goods not destined for consumption in the country in which the wreck takes place, shall be free of all duties.

Article XV.

Consuls-General, Consuls, Vice-Consuls and Consular Agents also Consular Pupils, Chancellors and Consular Officers shall enjoy in the two countries all the liberties, prerogatives immunities and privileges granted to functionaries of the same class of the most favored nation.

sko-ogerskih ladij, katere bi se razbile ali bi nasedle v vodah ameriškega ozemlja.

Krájevna oblastva se v obeh deželah vti-kajo samo toliko, da podpirajo konzulsko oblastvo, da hranijo red, da skrbé za korist otételjev, ne spadajočih k moštvu na ladiji, in da skrbé za izpolnjevanje tistih propisov, kateri se tičejo vvoza in izvoza otétega blaga.

Kadar glavnih konzulov, konzulov, pod-konzulov ali konzulskih opravnikov nij, ali dokler ne pridejo oni ali ta, kogar v ta namen odpošljó na sebe mesto, naj krájevna oblastva naredé vse, česar je treba v obrambo ljudém in v ohranilo tistih stvaríj, kar se jih je otélo iz razbite ladije.

Vtikanje krájevnih oblastev ob takih slu-čajih naj ne daje povoda, pobirati kakoršne troške koli, razen tistih, kar jih je bilo treba otímanju in hranilu otétih stvaríj, ter ónih troškov, kateri ob enacih slučajih zadevajo tudi ladije tiste dežele, na čegar pobrežji se je zgodila nesreča.

Ako bi se dvomilo, katerega naroda so razbite ladije, tedaj v tem členu oménjene naredbe spadajo samoedíno v področje krá-jevnega oblastva.

Vrhu tega sta se visoka pogodnika dogo-vorila tako, da otéto blago in stvárí ne bodo pod nikakoršnim colom, če niso odločene, da se porabijo v deželi, na čegar pobrežji se ladija razbije.

Člen XV.

Glavni konzuli, konzuli, podkonzuli in konzulski opravniki, tudi konzulski vâjenci (elevi), kancelarji in konzulski uradniki už-i-vajo po obojnih deželah vsa tista oprostita, prednosti, svoboščine in opričine (privilegije), katere se priznavajo te vrste sanovnikom (opravilnikom) naroda največji pribojšek už-i-vajočega.

Article XVI.

In case of the death of a citizen of the United States in the Austrian-Hungarian Monarchy, or of a citizen of the Austrian-Hungarian Monarchy in the United States without having any known heirs or testamentary executors by him appointed, the competent local authorities shall inform the Consuls or Consular Agents of the State to which the deceased belongs, of the circumstance, in order that the necessary information may be immediately forwarded to the parties interested.

Article XVII.

The present Convention shall remain in force for the space of ten years from the date of the exchange of the ratifications, which shall be made in conformity with the respective Constitutions of the two countries, and exchanged at Washington, within the period of ten (10) months or sooner if possible.

In case neither of the Contracting Parties gives notice before the expiration of the said term of its intention not to renew this Convention; it shall remain in force a year longer, and so on from year to year, until the expiration of a year from the day, on which one of the parties shall have given such notice.

In testimony whereof the respective Plenipotentiaries have signed this Convention and hereunto affixed their respective seals.

Done, in duplicate, at Washington the eleventh day of July in the year of our Lord one thousand eight hundred and seventy.

(L. S.) **Hamilton Fish** m. p.

(L. S.) **Lederer** m. p.

Člen XVI.

Ako državljani avstrijsko-ogerske države v združenih državah ali državljani združenih držav v avstrijsko-ogerski državi umerje ter dedniki ali izvršniki njegove oporoke, katere si je postavil, niso znani, tedaj naj pristojni krajevni uradovi to zglasijo konzulom ali konzulskim opravnikom tiste države, katere je mrlič bil, da se potlej potrebno oznanilo mahoma pošlje dotičnim strankam.

Člen XVII.

Ta dogovor ostani veljaven deset (10) let od tistega dneva, ko se izmení obojna pritr-ditev, kar naj se po dotičnih ustavah obojnih dežel zgodi v Washingtonu, in to v deset (10) mesecih ali prej, ako se more.

Če nobena pogodnih stranek, predno mine rečena doba, ne oznani, da ne misli podaljšati dogovora, naj ostane veljaven še eno (1) leto dalje, in tako vedno od leta do leta, dokler se izvrši leto od tistega dne, ko ga bode katera pogodnih stranek odpovedala.

V potrdilo sta obojna pooblaščenca ta dogovor podpisala ter nanj udarila vsak svoj pečat.

V dvojnem prepisu se je to zgodilo v Washingtonu dne enajstega julija tisoč osem sto in sedemdesetega leta.

(L. S.) **Lederer** s. r.

(L. S.) **Hamilton Fish** s. r.

Nos visis et perpensis Conventionis hujus articulis illos omnes ratos confirmatosque habere profiteamur ac declaramus, verbo Nostro Caesareo et Regio promittentes, Nos omnia, quae in illis continentur, fideliter executioni mandatueros esse.

In quorum fidem majusque robur praesentes ratihabitionis Nostrae tabulas manu Nostra signavimus, sigilloque Nostro Caesareo et Regio adpresso muniri jussimus.

Dabantur Viennae die secunda mensis Maji, anno domini millesimo, octingentesimo septuagesimo primo, Regnorum Nostrorum vigesimo tertio.

Franciscus Josephus m. p.



Ferdinandus Comes a Beust m. p.

Ad mandatum Sacrae Caes. et Reg. Apost. Majestatis proprium:

Joannes Liber Baro a **Vesque-Püttlingen m. p.**

C. et R. Consiliarius aulicus et ministerialis.

Zgornji konzulski dogovor se privoljen v obeh zbornicah državnega zbora tukaj razglša.

Na Dunaji, dne 5. oktobra 1871.

Hohenwart s. r.

Schäffle s. r.