

I T A L Y.

ITALY, 1868.

Feb. 8, 1868.

CONSULAR CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF ITALY, CONCLUDED AT WASHINGTON FEBRUARY 8, 1868; RATIFICATION ADVISED BY SENATE JUNE 17, 1868; RATIFIED BY PRESIDENT JUNE 22, 1868; RATIFICATIONS EXCHANGED AT WASHINGTON SEPTEMBER 17, 1868; PROCLAIMED FEBRUARY 23, 1869.

Contracting parties.

The President of the United States and His Majesty the King of Italy, recognizing the utility of defining the rights, privileges, and immunities of consular officers in the two countries, deem it expedient to conclude a consular convention for that purpose.

Accordingly, they have named :

Negotiators.

The President of the United States, William H. Seward, Secretary of State of the United States; His Majesty the King of Italy, the Commander Marcello Cerruti, &c., &c. ;

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

ARTICLE I.

Consular officers.

Each of the high contracting parties agrees to receive from the other Consuls General, Consuls, Vice-Consuls, and Consular Agents, in all its ports, cities, and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other Power.

ARTICLE II.

Exequaturs.

Consular officers, on the presentation of their commissions in the forms established in their respective countries, shall be furnished with the necessary exequatur free of charge, and on the exhibition of this instrument they shall be permitted to enjoy the rights, prerogatives, and immunities granted by this convention.

ARTICLE III.

Exemptions of consular officers. [See Article VIII.]

Consular officers, citizens or subjects of the State by which they are appointed, shall be exempt from arrest, except in the case of offences which the local legislation qualifies as crimes, and punishes as such ; from military billetings, from service in the militia or in the national guard, or in the regular army, and from all taxation, Federal, State, or municipal. If, however, they are citizens or subjects of the State where they reside, or own property, or engage in business there, they shall be liable to the same charges of all kinds as other citizens or subjects of the country, who are merchants or owners of property.

ARTICLE IV.

Exemption as witnesses.

No consular officer who is a citizen or subject of the State by which he was appointed, and who is not engaged in business, shall be compelled to appear as a witness before the courts of the country where he may reside. When the testimony of such a consular officer is needed, he

shall be invited in writing to appear in court, and if unable to do so, his testimony shall be requested in writing, or be taken orally, at his dwelling or office.

It shall be the duty of said consular officer to comply with this request, without any delay which can be avoided.

In all criminal cases contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to United States Consuls in Italy in the like cases.

ARTICLE V.

Consuls General, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their offices, or of their dwelling-houses, the arms of their nation, with this inscription, "Consulate, or Vice-Consulate, or Consular Agency," of the United States, or of Italy, &c., &c. And they may also raise the flag of their country on their offices or dwellings, except in the capital of the country, when there is a legation there.

Flags and inscriptions.

ARTICLE VI.

The consular offices and dwellings shall be at all times inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum. When, however, a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate.

Inviolability of consular offices, &c.

ARTICLE VII.

In the event of the death, incapacity, or absence of Consuls General, Consuls, Vice-Consuls, and Consular Agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Minister for Foreign Affairs in Italy, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives, and immunities granted to the incumbents.

Rights of acting consuls, &c.

ARTICLE VIII.

Consuls General and Consuls may, with the approbation of their respective Governments, appoint Vice-Consuls and Consular Agents in the cities, ports, and places within their consular jurisdiction. These officers may be citizens of the United States, Italian subjects, or other foreigners. They shall be furnished with a commission by the Consul who appoints them, and under whose orders they are to act. They shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Articles III and IV.

Vice-Consuls.

ARTICLE IX.

Consuls General, Consuls, Vice-Consuls, and Consular Agents, may complain to the authorities of the respective countries, whether Federal or local, judicial or local, judicial or executive, within their consular district, of any infraction of the treaties and conventions between the United States and Italy, or for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the Government of the country where they reside.

Complaints to local or national authorities.

ARTICLE X.

Depositions and
legal documents.

Consuls General, Consuls, Vice-Consuls, and Consular Agents may take at their offices, at the residence of the parties, at their private residence, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen or subject of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens and subjects of their country, and the citizens, subjects, or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which said consular officer may belong. Copies of such papers, and official documents of every kind, whether in the original, copy, or translation, duly authenticated and legalized, by the Consuls General, Consuls, Vice-Consuls, and Consular Agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Italy.

ARTICLE XI.

Settlement of
disputes between
masters and crews.

Consuls General, Consuls, Vice-Consuls, and Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captains, officers, and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. Neither the Federal, State, or municipal authorities or courts in the United States, nor any court or authority in Italy, shall on any pretext interfere in these differences, but shall render forcible aid to consular officers, when they may ask it, to search, arrest, and imprison all persons composing the crew whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls, addressed in writing to either the Federal, State, or municipal courts or authorities in the United States, or to any court or authority in Italy, and supported by an official extract from the register of the ship, or the list of the crew, and shall be held, during the whole time of their stay in the port, at the disposal of the consular officers.

Their release shall be granted at the mere request of such officers made in writing. The expenses of the arrest and detention of those persons shall be paid by the consular officers.

ARTICLE XII.

Disputes be-
tween officers of
vessels and passen-
gers.

[See U. S. Re-
vised Statutes,
Title 52, "REGU-
LATION OF STEAM-
VESSELS."]

In conformity with the act of Congress, (5 [3] March, 1855, "to regulate the carriage of passengers on steamships and other vessels,") all disputes and differences of any nature between the captains and their officers on one hand, and the passengers of their ships on the other, shall be brought to and decided by the circuit or district courts in the United States, to the exclusion of all other courts or authorities.

ARTICLE XIII.

Deserters from
vessels.

The respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents may arrest the officers, sailors, and all other persons making part of the crew of ships of war or merchant vessels of their nation who may be guilty, or be accused of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To that end, the Consuls of Italy in the United States may apply in writing to either the Federal, State, or municipal courts or authorities; and the Consuls of the United States in Italy may apply to any of the competent authorities and make a request in writing for the deserters, supporting

it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belonged to the said crew.

Upon such request alone, thus supported, and without the exaction of any oath from the consular officers, the deserters, not being citizens or subjects of the country where the demand is made at the time of their shipping, shall be given up. All the necessary aid and protection shall be furnished for the search, pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the consular officers until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, nor shall he be again arrested for the same cause.

ARTICLE XIV.

In the absence of an agreement to the contrary between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the respective countries where they reside. If, however, any inhabitant of the country, or citizen, or subject of a third Power shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

Damages suffered
at sea.

ARTICLE XV.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of Italy, and of Italian vessels wrecked upon the coasts of the United States, shall be directed by the Consuls-General, Consuls, and Vice-Consuls of the two countries respectively, and, until their arrival, by the respective Consular Agents, whenever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall immediately be informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

Salvage.

ARTICLE XVI.

In case of the death of a citizen of the United States in Italy, or of an Italian subject in the United States, without having any known heirs or testamentary executor by him appointed, the competent local authorities shall inform the Consuls or Consular Agents of the nation to which the deceased belongs, of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

Residents dying
intestate.

ARTICLE XVII.

The present convention shall remain in force for the space of ten (10) years, counting from the day 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 six (6) months, or sooner if possible.

Duration of con-
vention.

[See additional
article, p. 438.]

In case neither party gives notice, twelve (12) months after the expiration of the said period of ten (10) years, of its intention to renew this convention, it shall remain in force one (1) 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.

Signatures.

In faith whereof, the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Date.

Done in duplicate, at Washington, the eighth day of February, 1868, the ninety-second year of the Independence of the United States of America.

WILLIAM H. SEWARD. [SEAL.]
MARCELLO CERRUTI. [SEAL.]

ITALY, 1868.

March 23, 1868.

EXTRADITION CONVENTION WITH ITALY, CONCLUDED AT WASHINGTON MARCH 23, 1868; RATIFICATION ADVISED BY SENATE, WITH AMENDMENT, JUNE 17, 1868; RATIFIED BY PRESIDENT JUNE 22, 1868; RATIFICATIONS EXCHANGED AT WASHINGTON SEPTEMBER 17, 1868; PROCLAIMED SEPTEMBER 30, 1868.

Convention for the surrender of criminals between the United States of America and His Majesty the King of Italy.

Contracting parties.

The United States of America and His Majesty the King of Italy, having judged it expedient, with a view to the better administration of justice, and to the prevention of crimes within their respective territories and jurisdiction, that persons convicted of or charged with the crimes hereinafter specified, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their Plenipotentiaries:

Negotiators.

The President of the United States, William H. Seward, Secretary of State; His Majesty the King of Italy, the Commander Marcello Cerruti, Envoy Extraordinary and Minister Plenipotentiary;

Who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

ARTICLE I.

Extradition of criminals.

The Government of the United States and the Government of Italy mutually agree to deliver up persons who, having been convicted of or charged with the crimes specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime had been there committed.

Evidence of criminality.

ARTICLE II.

Extradition crimes.

Persons shall be delivered up who shall have been convicted of, or be charged, according to the provisions of this convention, with any of the following crimes:

1. Murder, comprehending the crimes designated in the Italian penal code by the terms of parricide, assassination, poisoning and infanticide.
2. The attempt to commit murder.
3. The crimes of rape, arson, piracy, and mutiny on board a ship, whenever the crew, or part thereof, by fraud or violence against the commander, have taken possession of the vessel.

4. The crime of burglary, defined to be the action of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the action of feloniously and forcibly taking from the person of another goods or money, by violence or putting him in fear.

5. The crime of forgery, by which is understood the utterance of forged papers, the counterfeiting of public, sovereign, or Government acts.

6. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank-notes, and obligations, and in general of any title and instrument of credit whatsoever, the counterfeiting of seals, dies, stamps, and marks of State and public administrations, and the utterance thereof.

7. The embezzlement of public moneys, committed within the jurisdiction of either party, by public officers or depositors.

8. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment. [See additional article, p. 438.]

ARTICLE III.

The provisions of this treaty shall not apply to any crime or offence of a political character, and the person or persons delivered up for the crimes enumerated in the preceding article shall in no case be tried for any ordinary crime, committed previously to that for which his or their surrender is asked. Political offenses not included.

ARTICLE IV.

If the person whose surrender may be claimed, pursuant to the stipulations of the present treaty, shall have been arrested for the commission of offences in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced. Retention of accused person to answer for local offenses.

ARTICLE V.

Requisitions for the surrender of fugitives from justice shall be made by the respective Diplomatic Agents of the contracting parties, or in the event of the absence of these from the country or its seat of Government, they may be made by superior consular officers. If the person whose extradition may be asked for shall have been convicted of a crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority, and of the latter by the Minister or Consul of the United States or of Italy, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, or of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States, or the proper executive authority in Italy, may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to law and the evidence, the extradition is due pursuant to the treaty, the fugitive may be given up according to the forms prescribed in such cases. Requisitions for extradition.
When fugitive convicted of crime.
When fugitive charged with crime.

ARTICLE VI.

The expenses of the arrest, detention, and transportation of the persons claimed, shall be paid by the Government in whose name the requisition shall have been made. Expenses of arrest and delivery.

ARTICLE VII.

Duration of convention. This convention shall continue in force during five (5) years from the day of exchange of ratifications; but if neither party shall have given to the other six (6) months' previous notice of its intention to terminate the same, the convention shall remain in force five years longer, and so on.

Ratifications. The present convention shall be ratified, and the ratifications exchanged at Washington, within six (6) months, and sooner if possible.

Signatures. In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Date. Done at Washington the twenty-third day of March, A. D. one thousand eight hundred and sixty-eight, and of the Independence of the United States the ninety-second.

WILLIAM H. SEWARD. [SEAL.]
M. CERRUTI. [SEAL.]

ITALY, 1869.

January 21, 1869. ADDITIONAL ARTICLE TO CONSULAR CONVENTION OF FEBRUARY 8, 1868, BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF ITALY, CONCLUDED AT WASHINGTON JANUARY 21, 1869; RATIFICATION ADVISED BY SENATE FEBRUARY 16, 1869; RATIFIED BY PRESIDENT FEBRUARY 24, 1869; RATIFICATIONS EXCHANGED AT WASHINGTON MAY 7, 1869; PROCLAIMED MAY 11, 1869.

Time for exchange of ratifications extended. The exchange of ratifications of the convention for regulating the jurisdiction of Consuls, between the United States and His Majesty the King of Italy, which was signed on the 8th of February, 1868, having been unavoidably delayed beyond the period stipulated in Article XVII, it is agreed between the high contracting parties that the said convention shall have the same force and effect as it would have had if the exchange had been effected within the stipulated period.

[See convention of 1868, p. 435.]

Signatures. In witness whereof, the respective Plenipotentiaries have signed the present article in duplicate, and have affixed thereto the seal of their arms.

Date. Done at Washington the 21st day of January, 1869.

WILLIAM H. SEWARD. [SEAL.]
M. CERRUTI. [SEAL.]

ITALY, 1869.

January 21, 1869. ADDITIONAL ARTICLE TO EXTRADITION CONVENTION OF MARCH 23, 1868, BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF ITALY, CONCLUDED AT WASHINGTON JANUARY 21, 1869; RATIFICATION ADVISED BY SENATE FEBRUARY 16, 1869; RATIFIED BY PRESIDENT FEBRUARY 23, 1869; RATIFICATIONS EXCHANGED AT WASHINGTON MAY 7, 1869; PROCLAIMED MAY 11, 1869.

[See Article II, p. 437.] It is agreed that the concluding paragraph of the second article of the convention aforesaid shall be so amended as to read as follows:

Ebezzlement to be cause for extradition. 8. Ebezzlement by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment according to the laws of the United States, and criminal punishment according to the laws of Italy.

Signatures. In witness whereof, the respective Plenipotentiaries have signed the present article in duplicate, and have affixed thereto the seal of their arms.

Date. Done at Washington the 21st day of January, 1869.

WILLIAM H. SEWARD. [SEAL.]
M. CERRUTI. [SEAL.]

ITALY, 1871.

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF ITALY, CONCLUDED AT FLORENCE FEBRUARY 26, 1871; RATIFICATION ADVISED BY SENATE APRIL 15, 1871; RATIFIED BY PRESIDENT APRIL 29, 1871; RATIFICATIONS EXCHANGED AT WASHINGTON NOVEMBER 18, 1871; PROCLAIMED NOVEMBER 23, 1871.

Feb. 26, 1871.

Treaty of Commerce and Navigation between the United States and the Kingdom of Italy.

The United States of America and His Majesty the King of Italy, desiring to extend and facilitate the relations of commerce and navigation between the two countries, have determined to conclude a treaty for that purpose, and have named as their respective Plenipotentiaries:

Contracting parties.

The United States of America, George Perkins Marsh, their Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of Italy; and His Majesty the King of Italy, the Noble Emilio Visconti Venosta, Grand Cordon of his Orders of the Saints Maurice and Lazarus, and of the Crown of Italy, Deputy in Parliament, and his Minister Secretary of State for Foreign Affairs;

Negotiators.

And the said Plenipotentiaries, having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation.

Reciprocal liberty of commerce and navigation.

Italian citizens in the United States, and citizens of the United States in Italy, shall mutually have liberty to enter with their ships and cargoes all the ports of the United States and of Italy, respectively, which may be open to foreign commerce. They shall also have liberty to sojourn and reside in all parts whatever of said territories. They shall enjoy, respectively, within the States and possessions of each party, the same rights, privileges, favors, immunities, and exemptions for their commerce and navigation as the natives of the country wherein they reside, without paying other or higher duties or charges than are paid by the natives, on condition of their submitting to the laws and ordinances there prevailing.

Rights of residence, &c.

War vessels of the two Powers shall receive in their respective ports the treatment of those of the most favored nations.

Ships of war.

ARTICLE II.

The citizens of each of the high contracting parties shall have liberty to travel in the States and territories of the other, to carry on trade, wholesale and retail, to hire and occupy houses and warehouses, to employ agents of their choice, and generally to do anything incident to or necessary for trade, upon the same terms as the natives of the country, submitting themselves to the laws there established.

Right to travel and carry on trade.

ARTICLE III.

The citizens of each of the high contracting parties shall receive, in the States and Territories of the other, the most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or shall be granted to the natives, on their submitting themselves to the conditions imposed upon the natives.

Security to persons and property.

They shall, however, be exempt in their respective territories from compulsory military service, either on land or sea, in the regular forces, or in the national guard, or in the militia. They shall likewise be ex-

Exemption from military service, &c.

empt from any judicial or municipal office, and from any contribution whatever, in kind or in money, to be levied in compensation for personal services.

ARTICLE IV.

Embargo or detention.

The citizens of neither of the contracting parties shall be liable, in the States or territories of the other, to any embargo, nor shall they be detained with their vessels, cargoes, merchandises, or effects, for any military expedition, nor for any public or private purpose whatsoever, without allowing to those interested a sufficient indemnification previously agreed upon when possible.

ARTICLE V.

Importation into the United States in Italian vessels.

The high contracting parties agree that whatever kind of produce, manufactures, or merchandise of any foreign country can be from time to time lawfully imported into the United States, in their own vessels, may be also imported in Italian vessels; that no other or higher duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and, in like manner, that whatsoever kind of produce, manufactures, or merchandise of any foreign country can be from time to time lawfully imported into Italy in its own vessels, may be also imported in vessels of the United States, and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and they further agree that whatever may be lawfully exported and re-exported from the one country, in its own vessels, to any foreign country, may in the like manner be exported or re-exported in the vessels of the other country, and the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of Italy.

Importation into Italy in vessels of the United States.

Equality in exportations.

ARTICLE VI.

Equality of duties on products of either country.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of Italy, and no higher or other duties shall be imposed on the importation into Italy of any articles, the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or the manufactures of any other foreign country; nor shall any other or higher duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States or to Italy, respectively, than such as are payable on the exportation of the like articles to any foreign country, nor shall any prohibition be imposed on the importation or the exportation of any articles the produce or manufactures of the United States or of Italy, to or from the territories of the United States, or to or from the territories of Italy, which shall not equally extend to all other nations.

Equality of prohibitions.

ARTICLE VII.

Vessels unloading part of cargo.

Vessels of the United States arriving at a port of Italy, and, reciprocally, vessels of Italy arriving at a port of the United States, may proceed to any other port of the same country, and may there discharge such part of their original cargoes as may not have been discharged at the port where they first arrived. It is, however, understood and agreed that nothing contained in this article shall apply to the coastwise navigation, which each of the two contracting parties reserves exclusively to itself.

Coasting trade.

ARTICLE VIII.

The following shall be exempt from paying tonnage, anchorage, and clearance duties in the respective ports :

1st. Vessels entering in ballast, and leaving again in ballast, from whatever port they may come.

2. Vessels passing from a port of either of the two States into one or more ports of the same State, therein to discharge a part or all of their cargo, or take in or complete their cargo, whenever they shall furnish proof of having already paid the aforesaid duties.

3. Loaded vessels entering a port either voluntarily or forced from stress of weather, and leaving it without having disposed of the whole or part of their cargoes, or having therein completed their cargoes.

No vessel of the one country, which may be compelled to enter a port of the other, shall be regarded as engaging in trade if it merely breaks bulk for repairs, transfers her cargo to another vessel on account of unseaworthiness, purchases stores, or sells damaged goods for re-exportation. It is, however, understood that all portions of such damaged goods destined to be sold for internal consumption shall be liable to the payment of customs duties.

Certain vessels exempt from tonnage duties, &c.

What vessels not considered as engaged in trade.

ARTICLE IX.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage, on the coasts or within the dominions of the other, there shall be given to it 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, and to reload the same, or part thereof, paying no duties whatsoever but such as shall be due upon the articles left for consumption.

Wrecked and damaged vessels.

ARTICLE X.

Vessels of either of the contracting parties shall have liberty, within the territories and dominions of the other, to complete their crew, in order to continue their voyage, with sailors articulated in the country, provided they submit to the local regulations and their enrolment be voluntary.

Crews for vessels.

ARTICLE XI.

All 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 themselves, their attorneys, or agents of the respective Governments.

Captures by pirates.

ARTICLE XII.

The high contracting parties agree that, in the unfortunate event of a war between them, the private property of their respective citizens and subjects, with the exception of contraband of war, shall be exempt from capture or seizure, on the high seas or elsewhere, by the armed vessels or by the military forces of either party; it being understood that this exemption shall not extend to vessels and their cargoes which may attempt to enter a port blockaded by the naval forces of either party.

Property of residents exempt from seizure.

ARTICLE XIII.

Definition of blockade. The high contracting parties having agreed that a state of war between one of them and a third Power shall not, except in the cases of blockade and contraband of war, affect the neutral commerce of the other, and being desirous of removing every uncertainty which may hitherto have arisen respecting that which, upon principles of fairness and justice, ought to constitute a legal blockade, they hereby expressly declare that such places only shall be considered blockaded as shall be actually invested by naval forces capable of preventing the entry of neutrals, and so stationed as to create an evident danger on their part to attempt it.

ARTICLE XIV.

Blockaded ports. And whereas it frequently happens that vessels sail for a port or a 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 of war, be confiscated, unless, after a warning of such blockade or investment from an officer commanding a vessel of the blockading forces, by an endorsement of such officer on the papers of the vessel, mentioning the date and the latitude and longitude where such endorsement was made, 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 a 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 any port before the blockade took place, shall take on board a cargo after the blockade be established, 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 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 XV.

Contraband of war. The liberty of navigation and commerce secured to neutrals by the stipulations of this treaty shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war. And, in order to remove all causes of doubt and misunderstanding upon this subject, the contracting parties expressly agree and declare that the following articles, and no others, shall be considered as comprehended under this denomination:

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuses, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, bombs, grenades, powder, matches, balls, and all other things belonging to, and expressly manufactured for, the use of these arms.
2. Infantry belts, implements of war and defensive weapons, clothes cut or made up in a military form and for a military use.
3. Cavalry belts, war saddles and holsters.
4. 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 XVI.

Neutral trade. It shall be lawful for the citizens of the United States, and for the subjects of the Kingdom of Italy, to sail with their ships with all manner of liberty and security, no distinction being made who are the pro-

prietors 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 whatever, 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 several; and it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt from capture 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 the other, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board of a free ship; and 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 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 recognize this principle, but if either of the two contracting parties shall 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.

Free ships make free goods.

Limitation of the principle.

ARTICLE XVII.

All vessels sailing under the flag of the United States, and furnished with such papers as their laws require, shall be regarded in Italy as vessels of the United States, and, reciprocally, all vessels sailing under the flag of Italy, and furnished with the papers which the laws of Italy require, shall be regarded in the United States as Italian vessels.

Nationality of vessels.

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 shall meet with a vessel not of war of the other contracting party, the first shall remain at a convenient distance, and may send its boat, with two or three men only, in order to execute the said examination of the papers, concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment; and it is expressly agreed that the unarmed party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

Examination of vessels on the high seas.

ARTICLE XIX.

It is agreed that the stipulations contained in the present treaty relative to the visiting and examining of a vessel shall apply only to those which sail without a 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 bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Vessels under convoy.

ARTICLE XX.

In order effectually to provide for the security of the citizens and subjects of the contracting parties, it is agreed between them that all commanders of ships of war of each party, respectively, shall be strictly

Liability of commanders of ships of war.

enjoined to forbear from doing any damage to or committing any outrage against the citizens or subjects of the other, or against their vessels or property; and if the said commanders shall act contrary to this stipulation, they shall be severely punished, and made answerable in their persons and estates for the satisfaction and reparation of said damages, of whatever nature they may be.

ARTICLE XXI.

Rights of residents in case of war.

If by any fatality, which cannot be expected, and which may God avert, the two contracting parties should be engaged in a war with each other, they have agreed and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business, and transport their effects wherever they please, with the safe conduct necessary to protect them and their property, until they arrive at the ports designated for their embarkation. And all women and children, scholars of every faculty, cultivators of the earth, artisans, mechanics, manufacturers, and fishermen, unarmed and inhabiting the unfortified towns, villages, or places, and in general, all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed, nor their fields wasted by the armed force of the belligerent in whose power, by the events of war, they may happen to fall; but, if it be necessary that anything should be taken from them for the use of such belligerent, the same shall be paid for at a reasonable price.

Non-combatants to be unmolested.

This article not to be annulled or suspended.

And it is declared that neither the pretence that war dissolves treaties, nor any other whatever, shall be considered as annulling or suspending this article; but, on the contrary, that the state of war is precisely that for which it is provided, and during which its provisions are to be sacredly observed as the most acknowledged obligations in the law of nations.

ARTICLE XXII.

Disposal and inheritance of personal property.

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 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 such goods are shall be subject to pay in like cases.

Heirs to real estate.

As for the case of real estate, the citizens and subjects of the two contracting parties shall be treated on the footing of the most favored nation.

ARTICLE XXIII.

Access to courts of justice.

The citizens of either party shall have free access to the courts of justice, in order to maintain and defend their own rights, without any other conditions, restrictions, or taxes than such as are imposed upon the natives. They shall, therefore, be free to employ, in defense 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 which may concern them, and likewise at the taking of all examinations and evidences which may be exhibited in the said trials.

ARTICLE XXIV.

The United States of America and the Kingdom of Italy mutually engage not to grant any particular favor to other nations, in respect to 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.

Favors granted to other nations to become common.

ARTICLE XXV.

The present treaty shall continue in force for five years (5) years from the day of the exchange of the ratifications; and if, twelve (12) months before the expiration of that period, neither of the high contracting parties shall have announced to the other, by an official notification, its intention to terminate the said treaty, it shall remain obligatory on both parties one (1) year beyond that time, and so on until the expiration of the twelve (12) months, which will follow a similar notification, whatever may be the time when such notification shall be given.

Duration of treaty.

ARTICLE XXVI.

The present treaty shall be approved and ratified by His Majesty the King of Italy, and by the President of the United States, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at Washington within twelve months from the date hereof, or sooner if possible.

Ratifications.

In faith whereof the Plenipotentiaries of the contracting parties have signed the present treaty in duplicate, in the English and Italian languages, and thereto affixed their respective seals.

Signatures.

Done at Florence this twenty-sixth day of February, in the year of our Lord one thousand eight hundred and seventy-one.

Date.

GEORGE P. MARSH. [L. S.]
 VISCONTI VENOSTA. [L. S.]