

27 avril 1908 (*ibid.*, 3^e série, t. I, p. 930); la Chine, 8 mai 1911 (*ibid.*, 3^e série, t. VIII, p. 288); le Panama, 11 janvier 1912 (*ibid.*, 3^e série, t. IX, p. 515); le Chili, 4 novembre 1913 (Société des Nations, *Recueil des Traités*, vol. LXXXIV, p. 88); Cuba, 31 décembre 1913 (*ibid.*, vol. XIV, p. 38); le Guatemala, 7 mars 1914 (De Martens, *Nouveau Recueil de Traités*, 3^e série, t. XII, p. 124); l'Autriche, 6 novembre 1922 (Société des Nations, *Recueil des Traités*, vol. XVII, p. 376) et la Finlande, 9 mars 1925 (*ibid.*, vol. XLVII, p. 432). Ces traités ont été ratifiés.

3. Consular Convention¹ between the United States of America and Romania, signed at Bucharest, on 5 and 17 June 1881²

Article I

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 recognise such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other Power.

Article II

The consuls-general, consuls, vice-consuls and consular agents of each of the two high contracting parties shall enjoy reciprocally in the States of the other, all the privileges, exemptions and immunities that are enjoyed by officers of the same rank and quality of the most favoured nation. The said officers, before being admitted to the exercise of their functions and the enjoyment of the immunities thereto pertaining, shall present their commissions in the forms established in their respective countries: the Government of each of the two high contracting powers shall furnish them the necessary exequatur free of charge, and, on the exhibition of this instrument they shall be permitted to enjoy the rights, privileges, and immunities granted by this convention.

Article III

Consuls-general, consuls, vice-consuls, and consular agents, citizens of the State by which they are appointed, shall be exempt from preliminary arrest except in the case of offences which the local legislation qualifies as crimes and punishes as such; they shall be exempt from military billetings, from service in the regular army or navy, in the militia, or in the national guard; they shall likewise be exempt from all direct taxes, national, State or municipal, imposed upon persons, either in the nature of capitation tax or in respect to their property, unless such taxes become due on account of the possession of real estate, or for interest on capital invested in the country where the said officers exercise their functions. This exemption

¹ United Nations, *Treaty Series*, vol. 48, p. 18.

² Came into force on 13 June 1883 and was kept in force by note dated 26 February 1948 of the Government of the United States of America to the Romanian Government, in pursuance of article 10 of the Treaty of Peace signed on 10 February 1947.

shall not, however, apply to consuls-general, consuls, vice-consuls, or consular agents engaged in any profession, business, or trade, but the said officers shall in such case be subject to the payment of the same taxes that would be paid by any other foreigner under the like circumstances.

It is understood that the respective consuls, if they are merchants, shall be entirely submitted, as far as concerns preliminary arrest for commercial acts, to the legislation of the country in which they exercise their functions.

Article IV

When a court of one of the two countries shall desire to receive the judicial declaration or deposition of a consul-general, consul, vice-consul or consular agent, who is a citizen of the State which appointed him, and who is engaged in no commercial business, it shall request him, in writing, to appear before it, and in case of his inability to do so, it shall request him to give his testimony in writing, or shall visit his residence or office to obtain it orally.

It shall be the duty of such officer to comply with this request with as little delay as possible.

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 favour, 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 the consuls of the United States in Roumania in the like cases.

Article V

Consuls-general, consuls, vice-consuls and consular agents may place over the outer door of their offices the arms of their nation, with this inscription: Consulate General, or Consulate, or Vice-Consulate, or Consular Agency of the United States, or of Roumania.

They may also raise the flag of their country on their offices, except in the capital of the country when there is a legation there. They may in like manner, raise the flag of their country over the boat employed by them in the port for the exercise of their functions.

Article VI

The consular offices shall at all times be 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 be used as places of asylum. When a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate.

Article VII

In the event of the death, incapacity, or absence of consuls-general, 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 Ministry of Foreign Affairs in Roumania, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives, and immunities granted to the incumbents.

Article VIII

Consuls-general and consuls may, so far as the laws of their country allow, with the approbation of their respective governments, appoint vice-consuls and consular agents in the cities, ports, and places within their consular jurisdiction. These agents may be selected from among citizens of the United States, Roumanians, or citizens of other countries. They shall be furnished with a regular commission, and shall enjoy the privileges stipulated for consular officers in this convention, subject to the exception specified in articles III and IV.

Article IX

Consuls-general, consuls, vice-consuls, and consular agents, shall have the right to address the administrative and judicial authorities, whether in the United States, of the Union, the States or the municipalities, or in Roumania, of the State, the district or the commune, throughout the whole extent of their consular jurisdiction, in order to complain of any infraction of the treaties and conventions between the United States and Roumania, and 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 exercise their functions.

Article X

Consuls-general, consuls, vice-consuls, and consular agents may take at their offices, at their private residence, at the residence of the parties, 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 of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens 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 the said consular officer may belong.

Such papers and official documents of every kind, whether in the original, in copies, or in 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 Roumania.

Article XIII

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

¹ Articles XI and XII of which Convention are deemed to have been abrogated July 1, 1916 as a result of a notice given to the Government of Romania by the Government of the United States of America pursuant to an Act of the Congress approved March 4, 1915.

of weather, shall be settled by the consuls-general, consuls, vice-consuls, and consular agents of the respective countries. 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.

Article XIV

All proceedings relative to the salvage of vessels of the United States wrecked upon the coasts of Roumania, and of Roumanian 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, wherever 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 be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors if these 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.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

Article XV

In case of the death of any citizen of the United States in Roumania, or of any Roumanian in the United States, without having any known heirs or testamentary executor by him appointed, the competent local authorities shall give information of the circumstance to the consuls or consular agents of the nation to which the deceased belongs in order that the necessary information may be immediately forwarded to parties interested.

Consuls-general, consuls, vice-consuls, and consular agents shall have the right to appear, personally or by delegate, in all proceedings on behalf of the absent or minor heirs, or creditors, until they are duly represented.

Article XVI

The present convention shall remain in force for the space of ten 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 Bucharest as soon as possible. In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one 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.

NOTE: Similar provisions are to be found in the Convention concluded by the United States of America with Sweden, 1 June 1910 (*British and Foreign State Papers*, 1909-1910, vol. CIII, p. 1004). This Treaty has been ratified.

4. Consular Convention¹ between Italy and the Republic of Guatemala, signed at Guatemala, November 13, 1905²

Article I

Either of the High Contracting Powers will have the faculty of nominating Consuls-General, Consuls, Vice-Consuls, and Consular Agents in the ports, cities, and towns of the other, reserving to themselves respectively the right to except such places as they may deem advisable; but this exception may not be imposed on either of the High Contracting Parties unless equally imposed on all other Powers.

Article II

Consuls-General, Consuls, Vice-Consuls, and Consular Agents will be admitted and recognized reciprocally after the presentation of their Commissions, in accordance with the rules and formalities observed in the respective countries.

The exequatur needed for the free exercise of their functions will be issued without cost, and when the exequatur is presented the chief authorities in the place of residence of the consular officer will immediately make such dispositions as will enable the consular officer to fulfil the duties of his office and enjoy the exemptions, prerogatives, privileges, immunities, and honours attached to it.

Article III

Consular officers, whether Consuls-General, Consuls, Vice-Consuls, or Consular Agents, subjects of the State nominating them, will enjoy exemption from military billeting, or any other duty or public service, municipal or otherwise.

They will likewise be exempt from military contributions and direct contributions, whether personal or general and sumptuary, imposed by the State and by the provincial and municipal authorities, provided they do not possess real estate, are not in business, and do not follow any industry or profession, in which case they will be subject to the same charges, services, and contributions as are imposed upon natives.

Article IV

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may affix to the outside of the doors of their offices the coat-of-arms of their country, with the inscription: "Consulate," "Vice-Consulate," or "Consular Agency of . . ."

¹ *British and Foreign State Papers*, 1904-1905, vol. XCVIII, p. 725.

² The exchange of ratifications took place at Guatemala, June 2, 1906.