

**TREATIES AND TARIFFS REGULATING THE
TRADE BETWEEN GREAT BRITAIN AND FOREIGN
NATIONS; AND EXTRACTS OF TREATIES
BETWEEN FOREIGN POWERS, CONTAINING
MOST-FAVOURED-NATION CLAUSES
APPLICABLE TO GREAT BRITAIN, IN FORCE ON
THE 1ST JANUARY, 1875. AUSTRIA**

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EDWARD HERTSLET

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AUSTRIA.



BY
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PREFACE.

IN presenting to the public a Collection of Treaties showing how the Trade between this country and Austria is regulated at the present moment, I beg to offer the following explanation as to what has led to the necessity for such a Work.

It is well known that a desire has recently been publicly expressed by Austria, Turkey, and other Foreign Powers, to revise their Commercial Treaties not only with this country but with other States. No work, however, exists giving in a convenient and accessible form, in one volume, the Treaties which are in force at the present date between this country and Foreign States, so that, in the event of information being required with regard to any particular State, it would necessitate a very careful search, through many volumes, published in a variety of languages, to ascertain it.

To obviate this inconvenience in future, and to save others the labour and trouble which such a research would inevitably entail, I have undertaken to compile the present Work.

My object will be to show precisely, not only which of our Commercial Treaties are now, wholly or partially, in force, but also what Commercial Treaties have been concluded between Foreign States containing clauses conferring more favourable treatment on their respective Subjects, Commerce, and Navigation than are specially provided for in the English Treaties, but the benefits of which concessions are, or might be, enjoyed by British subjects under the "most-favoured-nation" clauses of the English Treaties.

To undertake the examination of the Treaties of every country, for the purpose of ascertaining these facts, must necessarily be a work of time. It is, therefore, proposed to issue to the public, in Parts, the Treaties relating to each country separately, as soon as the examination into each country shall have been completed; and the present Part will form the first of the Series.

The object of the Work and the necessity for its compilation will be more clearly understood by citing a few examples.

Take for instance the case of AUSTRIA. In our Treaty with that country, concluded on the 16th December, 1865, it is simply stated that British Subjects and Commerce shall be placed in Austria on the footing of the "most favoured nation;" but in the Treaties which Austria has concluded with other Powers, it is expressly declared that their Subjects are exempted from all *Military Services* and Exactions, such as *Forced Loans*; that they are only to pay the same *Taxes* as natives; and that they may acquire and possess real and personal *Property*, and dispose of the same by *Will* or otherwise; whilst, in the case of Germany and Italy, it is stated that their vessels may participate in the *Coasting Trade*. Now all these privileges may be enjoyed by British subjects under the "most-favoured-nation" clauses of the Treaties now in force between Great Britain and Austria; and this fact is shown in the present Work, by giving, first, copies of our own Treaties with Austria, and then an English translation of those clauses of the Treaties which Austria has concluded with other Powers, the benefits of which may be enjoyed by this country under the "most-favoured-nation" clauses of the English Treaties; whilst to facilitate reference to the Treaties themselves a short Summary or Abstract is also given of the contents of each Treaty: the whole being carefully indexed.

This plan it is proposed to adopt with regard to our Treaty engagements with every country.

Take another case, that of TURKEY. Our last Commercial Treaty with Turkey (of the 29th April, 1861), begins by stating that all rights, privileges, and immunities which had been conferred on the subjects or ships of Great Britain by the existing "Capitulations" and Treaties were confirmed now and for ever, with the exception of those clauses of the said "Capitulations" which it was the object of that Treaty to modify. Now the English Capitulations with the Porte date as far back as 1675, and in them it is stated that the English are to enjoy the benefits of every favour and privilege which had at that time been enjoyed by the "Venetians," "Poles," and other nations.

But in no published work can it be clearly ascertained what portions of these "Capitulations" and former Treaties are actually in force at the present day, or how far this country can claim the benefits of the "most-favoured-nation" treatment, and the only way of ascertaining this fact is by carefully comparing these old documents, first with our own Treaties with Turkey, and then with the Treaties which Turkey has concluded with other Powers; and

even when this is done, notes will have to be added, showing what alterations have been made in the English Treaties themselves, and what changes, if any, have been made in the Turkish Tariff annexed to them.

Take one more instance, the case of *Spain*. This country has concluded no new Commercial Treaty with Spain since the Peace of 1814. But by an Additional Article to that Treaty, dated 28th August, 1814, Great Britain was admitted to trade with Spain, pending the negotiation of a new Treaty of Commerce, upon the same conditions as existed before 1796. This Additional Article also ratified and confirmed all Treaties of Commerce, which at that period existed between the two nations. These early Treaties, and Spanish "Cedulas" of British privileges alluded to in them, date as far back as 1645, and although they are in many respects quite inconsistent with modern civilization, nevertheless they confer upon British subjects the privileges of the "most favoured nation;" and as they are frequently appealed to as being still in force, it would evidently be convenient that they should be collected together, carefully examined and annotated, in order to show which clauses may fairly be considered as being still binding.

And although it may be said to be treating so important a subject with levity, I cannot refrain from drawing attention to one more fact to show how impossible it would be in these enlightened days to insist too literally on the execution of the stipulations of all our ancient Treaties with foreign Powers, notwithstanding they may be said to have been renewed and confirmed to their full extent by modern Treaties.

In one of the latest Treaties concluded between this country and Tripoli (signed on the 10th May, 1812, and which is still in force), it was stated that the Bashaw of Tripoli was "desirous of maintaining inviolable the existing Treaties between the two countries;" and it was then declared that "they should all have their full effect and virtue, and be looked upon as renewed and confirmed." One of the Treaties thus confirmed was the Treaty of the 1st May, 1676, in which the following singular passage occurs:—"Whosoever shall at any time violate and break any part of the said Article or Articles of Peace shall assuredly be punished with the greatest severity, and *his or their Heads shall immediately be cut off*, and forthwith be presented unto any officer whom the most Serene King of Great Britain shall authorize to make demand thereof!"

Enough has, therefore, I think, been said to show the necessity

for a thorough examination into the binding nature of our Treaty engagements with foreign Powers, in order to ascertain in what our privileges really consist. The task which I have undertaken is, I am well aware, a difficult and responsible one, but I confidently hope that I shall be able in course of time to show precisely how the country stands commercially with every nation, so far as Treaties are concerned; and to be able to present this information to the public in a convenient and accessible form.

Such a Work, I trust, will be looked upon as a valuable addition to, rather than as a substitute for, the well-known standard Work which was commenced by my Father and has, since his death, been continued by myself—"Hertslet's Commercial Treaties;" a Work which contains not only information relating to Commerce and Navigation, but also Treaties, Laws, &c., relating to Postal arrangements, Slave Trade matters, and a variety of other information relating to the privileges of foreigners in the British Dominions and of British subjects abroad—which it is my intention to continue to publish on precisely the same principle as heretofore. I must, however, express a hope that my present endeavours to unravel the mystery which it is generally admitted has for so long a period surrounded our Commercial Treaty engagements with other Powers will be leniently dealt with by those who, from the practical information which they possess on the subject, are best able to criticise it. In conclusion, I will only add that I desire it to be clearly understood that, although the publication of these PARTS, of which the present is the first of the Series, has received the sanction of the Secretary of State for Foreign Affairs, the undertaking itself is purely a private one, and that I am solely responsible for the facts recorded, as well as for the accuracy of the statements made therein.

EDWARD HERTSLET.

Foreign Office,
1st January, 1875.

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