

(No. 26.)



1866.

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T A S M A N I A.

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CIRCULAR DESPATCH,

TREATY OF COMMERCE WITH AUSTRIA.

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Laid upon the Table by the Colonial Treasurer, and ordered by the House to be printed, 31 July, 1866.



TASMANIA.—CIRCULAR.

*Downing-street, 9th March, 1866.*

SIR,

I HAVE the honor to transmit to you a copy of a Treaty of Commerce, which was concluded on the 16th of December last, between Her Majesty and the Emperor of Austria, the Ratifications of which were exchanged at Vienna on the 4th of January last.

I have the honor to be,

Sir,

Your most obedient humble Servant,

EDWARD CARDWELL.

Governor GORE BROWNE, C.B.

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*TREATY of COMMERCE between Her Majesty and the Emperor of Austria, with the Final Protocol. Signed at Vienna, December 16, 1865.*

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*[Ratifications exchanged at Vienna, January 4, 1866.]*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, on the one part, and His Majesty the Emperor of Austria, King of Hungary and Bohemia, &c., on the other part, being equally animated by the desire of regulating and extending the commercial relations between their respective States and Possessions, have resolved to conclude a Treaty for that purpose, and have named for their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c., the Right Honorable John Arthur Douglas, Baron Bloomfield of Oakhampton and Redwood, a Peer of Ireland, a Member of Her Majesty's Most Honorable Privy Council, Knight Grand Cross of the Most Honorable Order of the Bath, Her Majesty's Ambassador Extraordinary and Plenipotentiary to His Imperial and Royal Apostolic Majesty;

And His Majesty the Emperor of Austria, King of Hungary and Bohemia, &c., Alexander Count Mensdorff-Pouilly, Grand Cross of the Order of Leopold, with the military decoration belonging to the Commander's Cross of the same Order, Knight of the Order of Maria Theresa, and Possessor of the Cross of Military Merit, Knight Commander of the Most Honorable Order of the Bath, Lieutenant-General in His Imperial Majesty's Army, Privy Councillor and Chamberlain, Minister of the Imperial House and of Foreign Affairs; and Bernhard, Baron Wüllerstorff-Urbair, Knight of the Order of the Iron Crown of the Second Class, Rear-Admiral in His Imperial Majesty's Navy, Privy Councillor, and Minister for Commerce;

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:—

ARTICLE I:

During the continuance of the present Treaty, the subjects and commerce of Austria shall enjoy within all the dominions and possessions of Her Britannic Majesty, including Her Majesty's Colonies and foreign possessions, the same advantages which have been conceded to French subjects and commerce by the Treaty between Her Majesty and the Emperor of the French, signed at Paris on the 23rd of January, 1860, and to the subjects and commerce of the States of the Zollverein by the Treaty between Her Majesty and His Majesty the King of Prussia, representing the sovereign

States and territories united to the Prussian system of customs and contributions, signed at Berlin on the 30th of May, 1865; and further, Austrian subjects and commerce shall be placed in all other respects on the footing of the subjects and commerce of the most favored nation.

#### ARTICLE II.

From and after the 1st January, 1867, British subjects and commerce shall, within the dominions of His Imperial and Royal Majesty, be placed in every respect upon the footing of the most favored nation, and share in all the advantages and favors which are enjoyed by the commerce and subjects of any third Power.

From this rule are excepted:—

(a) Advantages such as those which, for the sole purpose of facilitating frontier traffic, are at present conceded, or may hereafter be conceded, to the States of the German Zollverein, or to other neighboring States; and also those reductions of or exemptions from Customs duties which are valid only at certain parts of the frontier, or for the inhabitants of particular localities.

(b) Those advantages which belong, or may hereafter be conceded, to the subjects of the German Confederation, in virtue of Federal Treaties and Federal Laws.

(c) Those special and ancient privileges which are enjoyed by Turkish subjects, as such, for Turkish commerce in Austria.

#### ARTICLE III.

The Austrian Customs Tariff (the present system of calculating Customs duties by weight being maintained) shall be so regulated that the duty to be levied upon articles the produce or manufacture of the dominions of Her Britannic Majesty, upon their importation into the Austrian States, shall, from the 1st of January, 1867, not exceed 25 per cent. of the value, with the addition of the cost of transport, insurance, and commission necessary for the importation into Austria as far as the Austrian Customs frontier; and for this purpose there shall serve as basis the average value of the articles included under one and the same denomination in each position of the future Austrian Tariff.

From and after the 1st of January, 1870, the maximum of these duties shall not exceed 20 per cent. of the value, with the additions above defined.

The articles of State monopolies (tobacco, salt, gunpowder), and further, the goods comprised in Classes 1 and 7 of the present Austrian Tariff, are excepted from these maxima.

#### ARTICLE IV.

Commissioners from both Governments shall meet not later than the month of March, 1866, for the purpose of ascertaining and determining the values and additional charges, and they shall take as the basis of their calculations the average prices at the principal centres of production and commerce of the United Kingdom for the year 1865.

Three years after the duties fixed by Treaty shall have come into operation, each of the Contracting Parties shall have the right to claim a revision of the values.

#### ARTICLE V.

Those duties of the future Austrian Tariff to come into operation on the 1st of January, 1867, to which England attaches a special interest, shall form the subject of a supplementary Convention to be concluded between the two Contracting Parties.

The articles of State monopoly, as also the goods subject to fiscal duties included in Classes 1 and 7 of the present Tariff, remain also here excepted.

#### ARTICLE VI.

Internal imposts which are levied in the territory of one party on the production, preparation, or use of any article, whether on account of the State or on account of municipalities and corporations, shall under no pretext affect the productions of the other party in a higher or more onerous degree than the same productions of native origin.

#### ARTICLE VII.

The Contracting Parties agree that every reduction in their Tariffs of import or export duties, and every privilege, favor, or immunity which either Contracting Party may hereafter grant to the subjects and commerce of a third Power, shall be extended immediately and unconditionally to the other Contracting Party, with a reserve, however, of the exceptions enumerated in Article II. *a* and *b*.

## ARTICLE VIII.

The subjects of one of the Contracting Parties shall enjoy in the dominions and possessions of the other equality of treatment with native subjects in regard to charges on loading and unloading, to warehousing, and to the transit trade, as also in regard to bounties, facilities, and drawbacks.

## ARTICLE IX.

The subjects of one of the two High Contracting Powers shall, in the dominions of the other, enjoy the same protection as native subjects in regard to the rights of property in trade marks, and other distinctive marks, as well as in patterns and designs for manufactures.

## ARTICLE X.

The High Contracting Parties reserve to themselves to determine hereafter, by a special Convention, the means of reciprocally protecting copyright in works of literature and the fine arts within their respective dominions.

## ARTICLE XI.

The present Treaty shall remain in force for the space of ten years, to date from the 1st of January, 1867; and in case neither of the High Contracting Powers shall have notified to the other, twelve months before the expiration of the said period of ten years, the intention to put an end to its operation, the Treaty shall continue in force for another year, and so on from year to year, until the expiration of a year counting from the day on which one or other of the High Contracting Parties shall have announced its intention to put an end to it.

The High Contracting Parties reserve to themselves the right to introduce, by common consent, into this Treaty any modification which is not opposed to its spirit and principles, and the utility of which shall have been shown by experience.

## ARTICLE XII.

The present Treaty shall be ratified, and the ratifications shall be exchanged in Vienna in three weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Vienna, this sixteenth day of December, one thousand eight hundred and sixty-five.

(L.S.) BLOOMFIELD.

(L.S.) ALEXANDER GRAF MENSENDORFF-  
POUILLY, *F.M.L.*

(L.S.) BERNHARD BARON WÜLLER-  
STORF, *C. Admiral.*

## FINAL PROTOCOL.

Upon proceeding to the signature of the Treaty of Commerce concluded this day between Great Britain and Austria, the Plenipotentiaries of the two Powers made following Declarations:—

I. The Plenipotentiaries of His Majesty the Emperor of Austria declared that in virtue of Article XIII. of the Treaty of Customs and Contributions Union of the 23rd December, 1863, between Austria and Liechtenstein, the Treaty of Commerce concluded this day would apply equally to the Principality of Liechtenstein, and the British Plenipotentiary accepted this declaration.

II. In order to avoid any future doubt as to the intention of Article III., the Plenipotentiaries of the two Powers agreed to the following explanation:—

In the construction of a Tariff of specific duties by weight within fixed *ad valorem* rates, it is necessary to determine what shall be the unit of value to which each specific duty shall be applied.

In adopting the basis of value established by Article III., it is understood that it is not intended to depart from the general principle of the Article, viz., the application of certain maximum *ad valorem* rates of duty to all articles of British produce and manufacture, but to guard against the necessity of making separate provision for every variety of each article, thereby creating minute and inconvenient subdivisions in the Tariff.

With this view it becomes necessary to group together those different qualities and descriptions of the same article or of similar articles which, from their approximation in value and general resemblance in character, it is found possible to include under one and the same denomination in one position of the Tariff.

But it is understood that in fixing the denominations in each position of the future Austrian Tariff, they shall be so arranged that the duty affixed to any one position shall not exceed the "maximum" rates fixed by Article III. of the Treaty upon the average value of any kind of goods of commercial importance included under any one denomination in such position, unless by common consent it is considered expedient or necessary.

III. With reference to Article IV., the Plenipotentiaries likewise agreed that if it shall be found that the prices of any kinds of goods have been essentially disturbed by exceptional causes during the twelve months of the year 1865, the Commissioners of the two Governments shall endeavour to find such a basis of value as shall be considered to correspond to a fair average value for future years.

In the case of textile manufactures (the prices of which have been seriously deranged during the late war in the United States of America) it is agreed that if the average prices of the year 1865 be taken as a basis of value, either Contracting Party may claim a revision of such valuation after the 1st of January, 1868.

IV. The British Plenipotentiary then declared that:

Her Britannic Majesty engages to recommend to Parliament the abolition of the duties payable on the importation of wood and timber into the United Kingdom, and also the reduction of the duties payable on wine in bottle to the amount of those payable on wine in wood upon importation into the United Kingdom.

V. The Imperial Austrian Plenipotentiaries on their part declared that:

The duty upon the export of rags from the States and Possessions of His Imperial and Royal Majesty shall, from and after the 1st of July, 1866, be reduced to two florins the Zöllcentner; and that:

The duty upon the importation of salted herrings into the States and Possessions of His Imperial and Royal Majesty shall, from the 1st of February, 1866, be reduced to 50 kreutzers per Zöllcentner, gross weight.

In witness whereof the Undersigned Plenipotentiaries have drawn up the present Protocol in duplicate form, to which, after it had been duly read, they affixed their signatures.

Vienna, this 16th day of December, 1865.

(L.S.) BLOOMFIELD.  
 (L.S.) ALEXANDER GRAF MENSENDORFF-  
 POUILLY, *F.M.L.*  
 (L.S.) BERNHARD BARON WÜLLER-  
 STORF, *C. Admiral.*