

Državni zakonik

za

kraljevine in dežele v državnem zboru zastopane.

Kos XXXI. — Izdan in razposlan dne 30. julija 1871.

74.

Državna pogodba od 20. septembra 1870,

z ameriškimi zedinjenimi državami o uredbi državljanstva obojnih državljanov, kateri se iz avstrijsko-ogerske monarhije preselijo v ameriške zedinjene države ter iz teh na Avstrijsko-Ogersko.

(Sklenena na Dunaji 20. septembra 1870, Njegovo c. in kr. apostolsko Veličanstvo pritrnilo vánjo v Išel-u, dne 6. julija 1871; pritrnili sta se izmėnili na Dunaji, dne 14. julija 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 ad definiendas patriae relationes eorum, qui ex Austro-Hungarico Imperio in Status Unitos Americae aut ex Statibus Unitis Ame-

ricae in territorium Imperii Austro-Hungarici emigranti; Conventio die vigesimo mensis Septembris anni millesimi octingentesimi septuagesimi Viennae inita et singnata est, tenoris sequentis:

Njegovo Veličanstvo cesar avstrijski, kralj češki i.t.d. ter apostolski kralj ogerski, in prezident zedinjenih držav ameriških, želēč urediti državljanstvo tistih oseb, ki se iz avstrijsko-ogerske monarhije v zedinjene države ameriške in iz zedinjenih držav ameriških v katero državno ozēmljije avstrijsko-ogerske monarhije preselijo, ukrenila sta pogajanje o tej stvari, ter sta v ta namen imenovala vsak svojega pooblaščenca, da skleneta dogovor, namreč:

Njegovo Veličanstvo cesar avstrijski in apostolski kralj ogerski:

gospoda grofa Friderika Ferdinanda Beust, Svojega skrivnega svetovalca in kamornika, državnega kancelarja, ministra cesarske hiše in vnanjih rečij, velikokrižnika redov Sv. Štefana in Leopolda;

a prezident zedinjenih ameriških držav:

gospoda Janeza Jay, preizrednega poslanika in pooblaščenega ministra zedinjenih držav ameriških pri Njegovem cesarskem in kraljevsko-apostolskem Veličanstvu,

katera sta te člene dogovorila in podpisala:

Člen I.

Avstrijsko-ogerske državljane, kateri so združena najmenj pet let v zedinjenih državah ameriških prebivali, ter so v času tega prebivanja dobili državljansko udomačitev (natura-

His Majesty, the Emperor of Austria, King of Bohemia, and Apostolic King of Hungary etc. and the President of the United States of America led by the wish to regulate the citizenship of those persons who emigrate from the Austro-Hungarian Monarchy to the United States of America and from the United States of America to the territories of the Austro-Hungarian Monarchy, have resolved to treat on this subject and have for that purpose appointed Plenipotentiaries to conclude a Convention, that is to say:

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

The Count Frederick Ferdinand de Beust, his Majesty's Privy Counselor and Chamberlain, Chancellor of the Empire, Minister of the Imperial House and of Foreign Affairs, Grand Cross of the ordres of St. Stephan and Leopold;

and the President of the United States of America:

John Jay, Envoy Extraordinary, Minister Plenipotentiary from the United States to His Imperial and Royal Apostolic Majesty,

who have agreed to and signed the following articles:

Article I.

Citizens of the Austro-Hungarian Monarchy, who have resided in the United States of America uninterruptedly at least five years, and during such residence have become natu-

lizacijo) zedinjenih držav, bode avstrijsko-ogerska vlada čislala, da so ameriški državljani ter z njimi tudi tako delala.

Nasproti bodo zedinjene države take državljane ameriških zedinjenih držav, kateri so zdržema najmenj pet let v državnih ozemljih avstrijsko-ogerske monarhije prebivali ter so za tega prebivanja dobili državljanstvo avstrijsko-ogerske monarhije, čišlale za avstrijske ali ogerske državljane in z njimi tudi tako delale.

Gola izreka, da je koga misel postati državljane ene ali druge države, ne bode na nobeno stran veljala za udomačitev.

Člen II.

Državlanski udomačenec ene izmej vlad pogodnic, ako se povrne v državo óne vlade pogodnice, bode še podvržen preiskovanju in kazni za dejanje po postavah svoje prvotne domovine kaznilno, katero je bil storil, predno se je preselil, če se namreč po dotičnih postavah njegove prvotne domovine nij dejanje zastaralo ali sicer kazni odpustila.

Zlasti bode móči prejšnjega državljan avstrijsko-ogerske monarhije, kateri po čl. I veljá za ameriškega državljan, po postavah v rečeni monarhiji danih zaradi neizpolnjene vojne dolžnosti preiskovati in kazniti:

1. če se je preselil iz države, ko je pri stavljenji vojni dolžnosti podvrženih kakor vojaški novinec bil že vzet, da služi v stojni armadi;

2. če se je preselil, dokler je služil pri zastavah (banderih), ali ko je imel odpust (urlavb) na nedoločen čas;

3. če se je preselil, imejoč odpust na nedoločen čas, ali kakor rezervnik ali deželni

ralized citizens of the United States shall be held by the Government of Austria and Hungary to be American citizens and shall be treated as such.

Reciprocally, citizens of the United States of America who have resided in the territories of the Austro-Hungarian Monarchy uninterruptedly at least five years and during such residence have become naturalized citizens of the Austro-Hungarian Monarchy shall be held by the United States to be citizens of the Austro-Hungarian Monarchy and shall be treated as such.

The declaration of an intenzion to become a citizen of the one or the other country has not for either party the effect of naturalization.

Article II.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country comitted before his emigration, saving always the limitation established by the laws of his original country and any other remission of liability to punishment.

In particular a former citizen of the Austro-Hungarian Monarchy who under the first article is to be held as an American citizen, is liable to trial and punishment according to the laws of Austro-Hungary for non-fulfilment of military duty:

1° if he has emigrated after having been drafted at the time of conscription and thus having become enrolled as a recruit for service in the standing army;

2° if he has emigrated whilst he stood in service under the flag or had a leave of absence only for a limited time;

3° if, having a leave of absence for an unlimited time, or belonging to the reserve

brambovec, že prejemši klicalno povelje, ali ko je bil že izdan javni poklic k orožju, ali kadar se je vojska že začela.

A nasproti ne bode v zedinjenih državah udomačeni prejšnji državljan avstrijsko-ogerske monarhije, kateri se ob svoji preselitvi ali po njej zakrivi drugih, v številkih 1, 2 in 3 ne omenjenih dejanj ali opuščenj, proti postavnim določbam o vojni dolžnosti, vrnivši se v svojo prvotno domovino, ni pozneje v vojno službo vzet ni zaradi neizpolnjene vojne dolžnosti preiskovan in kaznjen.

Člen III.

Pogodba o obojestranskem izročevanju hudodelnikov, umeknivših se z pobegom kazenskemu pravosodju, katera je med avstrijsko-ogersko monarhijo z ene in zedinjenimi ameriškimi državami z druge strani bila 3. julija 1856 sklenena, in dne 8. maja 1848 podpisani dodatni dogovor k pogodbi o trgovini in plovstvu 27. avgusta 1829 skleneni mejistima vladama, in sosebno določila člena IV tega dodatnega dogovora o izročevanju ubežnikov (dezertarjev) z vojnih in trgovskih ladij, bodo brez izpremene dalje veljala.

Člen IV.

Ako se kdo iz ene obéh držav preseli v óno ter po členu I veljá za državljana óne države, ne bode se, prišedši nazaj v svoje prejšnjo domovino, mogel siliti, da bi se v nekdanje državljanstvo povrnil. Ali ako samohotno to državljanstvo nazaj dobode ter se zopet odreče državljanstva po udomačitvi zadobljenega, dopuščena bode taka odpoved ter mu ne bode treba nekaj časa za to prebi-

or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out.

On the other hand, a former citizen of the Austro-Hungarian Monarchy naturalized in the United States who by or after his emigration, has transgressed the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered one, two and three, can on his return to his original country neither be held subsequently to military service, nor remain liable to trial and punishment for the non-fulfilment of his military duty.

Article III.

The convention for the mutual delivery of criminals, fugitives from justice, concluded on the 3^d July 1856 between the government of the United States of America on the one part and the Austro-Hungarian Monarchy on the other part, as well as the additional convention signed on the 8th May 1848 to the treaty of commerce and navigation concluded between the said Governments on the 27th of August 1829 and especially the stipulations of article IV of the said additional Convention concerning the delivery of the deserters from the ships of war and merchant vessels, remain in force without change.

Article IV.

The emigrant from the one State, who according to article I is to be held as a citizen of the other State, shall not, on his return to his original country, be constrained to resume his former citizenship, yet if he shall of his own accord reacquire it, and renounce the citizenship obtained by naturalization, such a renunciation is allowable, and no fixed period of residence shall be required for the

vati v državi svoje prejšnje domovine, da bi njegovo vnovič zadobljeno državljanstvo bilo priznano.

Člen V.

Pričujoča pogodba pride v moč takó j po izmeni pritrdil ter bode veljala 10 let.

Ako nobena država pogodnica šest mesecev predno mine teh 10 let, ónej državi ne pové, da je namenjena pogodbo razkrepiti, bode še dalje veljala do časa, ko katera država pogodnica ónej takšen namen razodene, in še dvanajst mesecev potem.

Člen VI.

Njegovo Veličanstvo cesar avstrijski in kralj ogerski, zadobivši ustavi primerno privolitev obeh zakonodajstev avstrijsko-ogerske monarhije, in prezident zedinjenih držav s privolitvijo senata (starejšinstva) zedinjenih držav potrdita pričujočo pogodbo. Pritrdili se izmenjata na Dunaji v dvanajst mesecih po današnjem dnevi.

V dokaz sta pooblaščenca ta dogovor v nemškem in angleškem jeziku podpisala in nanj vsak svoj pečat pritisknila.

Tako storjeno na Dunaji, dvajsetega dne meseca septembra v letu našega Gospoda tisoč osem sto sedemdesetem, v dva in dvajsetem letu cesarjevanja Njegovega cesarskega in kraljevsko-apostolskega Veličanstva in pet in devedesetem letu neodvisnosti zedinjenih ameriških držav.

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

(L. S.) **John Jay** s. r.

recognition of his recovery of citizenship in his original country.

Article V.

The present convention shall go into effect immediately on the exchange of ratifications and shall continue in force ten years.

If neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

Article VI.

The present convention shall be ratified by His Majesty the Emperor of Austria and King of Hungary with the Constitutional consent of the two legislatures of the Austro-Hungarian Monarchy and by the President of the United States by and with the consent of the Senate of the United States and the ratifications shall be exchanged at Vienna within twelve months from the date hereof.

In faith whereof the Plenipotentiaries have signed this convention as well in German, as in English and have thereto affixed their seals.

Done at Vienna the twentieth day of September in the year of our Lord, one Thousand Eight hundred and Seventy, in the Twenty Second year of the reign of His Imperial and Royal Apostolic Majesty and in the Ninety Fifth year of the Independence of the United States of America.

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

(L. S.) **John Jay** m. p.

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 mandaturos esse.

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

Dabantur in oppido Nostro Ischl die sexto mensis Julii, anno 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.

Zgornja pogodba se razglša z veljavnostjo za kraljevine in dežele, v državnem zboru zastopane.

Na Dunaji, dne 21. julija 1871.

Hohenwart s. r.