

N° 2962.

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ITALIE ET TURQUIE

Convention consulaire. Signée à  
Rome, le 9 septembre 1929.

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ITALY AND TURKEY

Consular Convention. Signed at  
Rome, September 9, 1929.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 2962. — CONSULAR CONVENTION<sup>2</sup> BETWEEN THE KINGDOM OF ITALY AND THE TURKISH REPUBLIC. SIGNED AT ROME, SEPTEMBER 9, 1929.

*French official text communicated by the Italian Minister for Foreign Affairs. The registration of this Convention took place May 11, 1932.*

HIS MAJESTY THE KING OF ITALY, and THE PRESIDENT OF THE TURKISH REPUBLIC, being desirous of establishing consular relations between the two countries on the basis of general international law and the principle of reciprocity, and of determining for this purpose the rules for the reciprocal admission of Consular officials, and the privileges and immunities they enjoy, together with their powers, have resolved to conclude a Consular Convention and have for this purpose appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF ITALY :

His Excellency Benito MUSSOLINI, Head of the Government, Prime Minister and Secretary of State, Secretary of State for Foreign Affairs ;

THE PRESIDENT OF THE TURKISH REPUBLIC :

His Excellency SUAD Bey, Ambassador Extraordinary and Plenipotentiary to His Majesty the King of Italy ;

Who, having verified their full powers, found in good and due form, have agreed as follows :

## SECTION I.

## CONSULAR OFFICIALS.

*Article 1.*

Each of the High Contracting Parties agrees to receive Consuls-General, Consuls and Vice-Consuls of the other Party in the ports, towns and places situate within its territory. The said officials may be officials *de carrière* or honorary officials.

The honorary agents of the various above-mentioned ranks must be chosen from the subjects of the High Contracting Parties. In the event of these honorary agents being nationals of the country where they are to exercise their functions, the consent of the Government of which they are subjects must be obtained through the diplomatic channel before their nomination.

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

<sup>2</sup> The exchange of ratifications took place at Angora, April 13, 1932.

Each of the High Contracting Parties reserves the right not to allow Consulates to be set up in certain places or parts of its territory. But this reservation shall not apply to one of the Parties unless it applies equally to all other States.

*Article 2.*

Consuls-General, Consuls and Vice-Consuls shall, on presentation of their credentials, be reciprocally admitted and recognised according to the rules and regulations in force in their State of residence.

The extent of each Consular district shall be determined by the Party which nominates the above-mentioned officials, and shall be communicated to the other Party. The same procedure shall be followed for all subsequent modifications in the Consular districts previously determined.

No Consular district may include places or parts of territory where it is forbidden to set up a Consulate.

*Article 3.*

Consuls-General, Consuls and Vice-Consuls may exercise their functions within their district, as soon as they have been admitted and recognised in accordance with the forms established by the rules and customs in force in the country in which they reside.

On production of their credentials they shall receive their *exequatur* or other form of authorisation at the earliest possible date.

If in a particular case one of the Parties considers that the *exequatur* or other authorisation cannot be granted or ought to be withdrawn, it shall communicate to the other Party the reasons, of which it shall itself be sole judge ; in case of withdrawal of the *exequatur* or other authorisation, the reasons for such withdrawal shall be communicated before the withdrawal takes place.

*Article 4.*

Consuls-General, Consuls and Vice-Consuls, unless they are subjects of the State in which they reside, shall be provided by the Ministry of Foreign Affairs in the country where they exercise their functions with a special identity card bearing the holder's photograph and signature, indicating his official position and recommending him to the protection of the local authorities.

*Article 5.*

In the absence or on the decease of Consuls-General, Consuls or Vice-Consuls, or should they be for any reason unable to perform their duties, the assistant Consular officials shall be entitled in the order laid down by their Government in whose service they are, to perform the duties of the titular official *ad interim*, on condition that their official capacity has been brought beforehand to the notice of the competent local authorities.

The local authorities shall, when duly advised, afford them assistance and protection, and shall accord them during their temporary conduct of business the benefit of the exemptions, prerogatives, immunities, honours and privileges conferred by the present Convention on the titular official they replace.

Should a Consul-General, Consul or Vice-Consul, *de carrière* or honorary, die without leaving any deputed substitute, the local authorities shall proceed without delay to place the archives under seal in the presence of a Consular representative of a friendly Power and two citizens of the Party which nominated the deceased. The authorities shall immediately inform the Embassy of the State to which the deceased belonged through the intermediary of the Ministry of Foreign Affairs, and shall send the Embassy a copy of the record drawn up to this effect.

The seals shall be broken in the presence of the local authorities by the successor of the deceased, or by any other diplomatic or Consular official appointed for the purpose by the State in whose service the Consulate is.

## SECTION II.

### PRIVILEGES AND IMMUNITIES OF CONSULAR OFFICIALS.

#### *Article 6.*

Consuls-General, Consuls and Vice-Consuls shall be entitled to place on the buildings, in which their offices or chancelleries are installed, the shield of the Party which appointed them with an inscription indicating the official character of the Consulate. They may also fly their national flag on the said building on days of their own country's public solemnities and on other customary occasions, it being understood that these external signs shall never be interpreted as constituting a right of asylum, but shall serve solely to indicate the Consular building.

Consuls-General, Consuls and Vice-Consuls shall be entitled to the honours due to their official position in all circumstances in which they exercise their official functions, and in particular when they represent the Government which appointed them.

#### *Article 7.*

All the rooms used as offices for the official Consular service and the place specially given over to the deposit of the Consular archives shall be inviolable. These rooms and this space should be completely separate from the rooms personally inhabited by the Consular official, and may not be used for other purposes. In no case may they be used for purposes of asylum. The local authorities shall not be entitled on any pretext whatsoever to examine or seize any papers forming part of the Consular archives. The said papers shall be kept completely separate from the Consul's private papers, and also from any books or papers relating to the commerce or industry in which the honorary Consul may be engaged.

#### *Article 8.*

Consuls-General, Consuls, Vice-Consuls *de carrière*, Chancellery clerks, secretaries and secretary-interpreters, being officials *de carrière*, shall be exempt from all military requisitions, contributions and billeting in the territory of the other Party. This dispensation shall not apply to immovable property belonging to such Consular officials in the country in which they reside, unless the buildings in that country are given over to the Consular service or serve as the residence of the said officials.

Moreover, the said officials shall be exempt from all direct taxes, whether sumptuary or in respect of movable property, real or personal, levied by the State or by any other body constituted under the public law of the country, unless they are levied on the possession of immovable property or on the interest from capital laid out in the country where the above officials reside.

The honorary Consular officials shall be exempt from military requisitions and billeting only so far as concerns the premises used for their chancellery and archives, even if they are subjects of the country in which they reside.

#### *Article 9.*

Consuls-General, Consuls and Vice-Consuls, and all other Consular officials *de carrière*, shall be authorised, when they take up their post for the first time, or in the three months following, to

bring in without payment the furniture, clothing, effects and household utensils belonging to them and their families, subject to the examination of the same. This exemption shall not apply to articles of consumption.

On detailed application made within the said period of three months by the diplomatic authority in whose service the agent is, and without any further formality, the said period of three months shall be prolonged by the period necessary for the Consular official to receive his furniture and personal effects under normal conditions ; but such prolongation may not exceed a second period of three months.

Further, each of the High Contracting Parties agrees to authorise the free entry of all flags, uniforms, Consular shields, files, stamped stationery, books of counterfoils, passports, certificates, stamps, public documents and all other office appurtenances, including safes and typewriters, consigned to the address of Consuls-Generals, Consuls or Vice-Consuls.

*Article 10.*

The buildings or premises used as Consular residences, being the property of one of the High Contracting Parties, shall be exempt from the taxes levied by the State or by any other body constituted under the public law of the country on such real estate or on the revenue therefrom.

*Article 11.*

Consuls-General, Consuls and Vice-Consuls shall not be judiciable in the Courts of the country in which they reside in respect of acts done by them in the exercise of their functions.

Subject to the privileges and immunities specified in the present Convention, heads of Consular offices and other Consular officials shall be amenable in the same conditions as nationals, on civil as well as criminal charges, to the jurisdiction of the Courts of the State in which they reside.

*Article 12.*

In civil or commercial matters recourse may not be had to imprisonment for debt as an executory or conservatory measure against Consuls-General, Consuls, Vice-Consuls or Chancellery officials *de carrière*.

Consular agents shall not be subject to preventive detention or arrest, except for offences which under the local legislation are punishable by imprisonment for a period exceeding three years.

In the case of a Consular agents' arrest or other prosecution directed against him, the Embassy of the country to which he belongs shall be immediately informed thereof by the Government of the other Party.

*Article 13.*

Consular officials shall be under obligation to appear as witnesses when called upon by the judicial authorities. Heads of Consular offices who are officials *de carrière* may, if prevented by the exigencies of their duties from appearing, give their depositions at their Consular premises within the period fixed by the judicial authorities.

In such case the questioning of the deponent shall be conducted according to the procedure laid down by the local laws, and the official record shall also be drawn up according to the same procedure.

Consular officials may refuse to give evidence on any facts connected with the exercise of their duties.

*Article 14.*

The Consular officials of each of the High Contracting Parties shall further enjoy, subject to reciprocity, in the territory of the other Party, the same privileges and immunities as the Consular officials of any third Party of the same character and rank, so long as the latter enjoy such privileges.

The High Contracting Parties agree that neither of them shall be entitled to appeal to the advantages under a Convention with a third Party in order to claim for its Consular officials privileges or immunities other or more extended than those granted by the Party itself to the Consular officials of the other Party.

*Article 15.*

Acting Consuls-General, Consuls and Vice-Consuls shall enjoy, during their *ad interim* period of office, the privileges and immunities granted to the titular officials.

## SECTION III.

## CONSULAR POWERS.

*Article 16.*

Consuls-General, Consuls and Vice-Consuls shall be authorised to safeguard the rights and interests of subjects of the country which they represent and, in particular, to protect and encourage the commerce and navigation of the said subjects.

In the exercise of their duties, they may apply to the administrative authorities of their Consular district, and make claims for any breach of the treaties and conventions in force between the two Parties or of the general principles of international law.

*Article 17.*

Consuls-General, Consuls, Vice-Consuls and Chancellery officials, provided they are so authorised by the legislation of their country, shall be entitled :

(1) To take, either in their offices, chancelleries or domiciles, or in the domiciles of the parties concerned, or on board trading vessels of their country, such statements as may have to be made by the traders or other subjects of the State by which they are appointed, or by the captains, members of the crew or passengers of the said vessels ;

(2) To draw up, certify or legalise the testamentary dispositions of subjects of their country ;

(3) To draw up, certify or legalise all documents or contracts, whatever the nationality of the persons who issue or conclude them, provided such documents or contracts relate exclusively to property situated, or business to be dealt with or transacted, in the territory of the Party by which the Consular official is appointed ;

(4) To draw up and register contracts concerning the sale of vessels, bottomry bonds, wages and enlistment, together with any other contract required for shipping purposes, and to register contracts for the purchase of vessels, provided that one of the Contracting Parties is a national of the State in whose service the Consul is ;

(5) To issue and visa passports and all other official documents in accordance with the regulations of the State by which they are appointed ;

(6) To draw up all documents relating to the military service or health inspection of conscript soldiers who are subjects of the State they represent ;

(7) To make and legalise translations of all kinds of deeds and documents issued by the authorities or officials of their own country ;

(8) To receive payment of loans, annuities or allowances granted to parties entitled thereto, in accordance with the laws of the State in whose service they are, especially in connection with the application of social welfare legislation. It is understood that the above right vested in Consular officials in no way commits the country where they reside.

All such deeds or documents, drawn up, certified as authentic or legalised by Consuls-General, Consuls or Vice-Consuls, bearing their seals, together with copies, extracts or translations thereof certified correct by the said Consular officials under their seals, shall be recognised in the country where the said officials reside as authentic documents, and shall be valid and shall have the same value as evidence as if they had been drawn up, certified as authentic or correct, or legalised by a public official of that country. The validity and value as evidence shall relate only to the form and not to the substance or executory force of the deed or contract. Nevertheless, in so far as such deeds or other documents relate to business transactions taking effect in the said country, they shall be subject to the stamp duties and other dues levied under the laws of the country, as well as to all the formalities and regulations applicable thereto.

Should doubt arise concerning the authenticity or the copy of a public deed registered at the Chancellery of one of the respective Consulates, or concerning the authenticity or accuracy of the copies, extracts or translations referred to above, the party concerned, if he so request, shall be entitled to compare the deed in question with the original or to be present when the comparison is made, if he thinks fit.

#### *Article 18.*

Consuls-General, Consuls, Vice-Consuls and diplomatic representatives shall be entitled to celebrate the marriages of their nationals, if authorised so to do by the law of their country.

These provisions shall not apply to marriages where one of the Contracting Parties is a subject of the other State.

The said Consular officials and diplomatic representatives shall inform the authorities of the country in which they reside of the marriages celebrated by them at the earliest possible date.

#### *Article 19.*

Consuls-General, Consuls, Vice-Consuls and diplomatic representatives shall have the right to draw up birth certificates and death certificates for their nationals, according to the forms laid down by their country's law.

Local authorities and Consular officials shall be required to inform one another before the expiry of one month of the births and deaths of persons of the same nationality as the Consular officials.

### SUBSECTION I.

#### GUARDIANSHIP AND CURATORSHIP.

#### *Article 20.*

Consuls-General, Consuls and Vice-Consuls of each of the Parties shall be entitled, in matters of family law or legal ability, to arrange for the guardianship or curatorship of subjects of their

countries who reside in the territory of the other Party, and also to supervise the administration of such guardianships and curatorships. In the exercise of their duties they shall conform to the following provisions :

§ I. The arrangement, administration and supervision of guardianships and curatorships shall be regulated by the laws of the Party to which the person belongs, for whom the guardianship or curatorship is to be instituted.

§ II. In the event of circumstances arising in the territory of one of the Parties with regard to nationals of the other Party which, under the laws of the latter Party, make it necessary to arrange for a guardianship or curatorship, the local authorities shall inform the Consular official on the spot, or the nearest Consular official, of the fact without delay.

§ III. Within six months from the date on which the Consular official receives the notice referred to in § II, he shall arrange for the guardianship or curatorship in conformity with the laws of the Party which appointed him, and shall indicate to the local authorities the guardian or curator he has chosen. If the Guardianship or curatorship is being arranged on account of the loss of civil rights, the period shall be one year, and within this time the decision of the national jurisdiction — or of the jurisdiction which refuses to deprive the party of his civil rights — must be delivered to the local authority.

If the Consular official has not conformed to the provisions of the preceding sub-paragraph within the time-limit therein laid down, or if he declares that he will not arrange for the guardianship or curatorship, the local authorities shall be entitled themselves to arrange for, administer or supervise the guardianship or curatorship in conformity with their own laws.

The measures taken by the local authorities in the cases referred to in the preceding sub-paragraph shall be suspended as soon as the Consular official shall have conformed to the provisions of sub-paragraph 1.

§ IV. The guardianship or curatorship arranged for by the Consular official shall apply in full right to the person and to the entire movable and immovable property of the minor or the party deprived of civil rights.

It is understood that, in administering or disposing of the immovable property of the minor or the party deprived of civil rights, the guardian or curator appointed under the preceding paragraph shall conform to the laws of the country where such property is situate.

§ V. During the lapse of time necessary to arrange for the guardianship or curatorship, the Consular official may provisionally carry out the duties of guardian or curator himself in respect of the person and all property of the minor or party deprived of civil rights.

§ VI. The Consular official shall take the requisite steps to secure publicity as prescribed by territorial law for the arrangement of a guardianship or curatorship falling within his competence.

## SUBSECTION II.

### SUCCESSIONS.

#### *Article 21.*

In the matter of successions to movable property of subjects of one of the High Contracting Parties in the territory of the other, Consuls-General, Consuls or Vice-Consuls of the country of the deceased shall have the following powers :

§ I. In the event of decease of a subject of one of the High Contracting Parties within the territory of the other, the local authorities must immediately advise the Consular official appointed for the purpose or the nearest Consular official.

The Consular officials, on their side, must similarly advise the local authorities in cases where they have been the first to receive the information.



The local authorities must transmit the certificate of death to the Consular official together with the notice mentioned in the preceding sub-paragraph, and communicate all their knowledge concerning the heirs, their place of residence and the testamentary depositions (if any).

§ II. Consuls-General, Consuls or Vice-Consuls of the country of the deceased shall have the right, whether in person or through the intermediary of a deputy, to place the succession under seal in conformity with the legislation of their country, either automatically in the discharge of their official functions or at the request of the parties concerned, after giving due warning to the competent local authorities, if the deceased has made no will and appointed no executors, and the beneficiaries, whether legitimate, natural or testamentary, are minors, or without civil rights or absent, or if the apportionment of the succession between the beneficiaries is disputed, or if the executors appointed under the will are not present in the locality in which the succession is opened.

The local authorities shall have the right to be present when the succession is placed under seal, and to affix their own seals together with those of the Consular official : if they do not come forward in time, they may cross their own seals with those of the Consular official.

The seals affixed by both parties may not be broken without the cooperation of the local authorities. If the local authorities do not come forward in response to an invitation addressed to them by the Consular official at least 48 hours beforehand, the Consular official shall be entitled to break the seals himself. He shall thereupon draw up an inventory of the succession in the presence of the local authorities, if they have complied with his invitation. The local authorities shall sign with him jointly the record which has been drawn up in their presence, without having the right to claim costs or dues of any kind for the loss of time thereby incurred. If the local authorities have not complied with his invitation, the Consular official shall send them a certified true copy of the inventory within 8 days from the date on which the inventory was completed.

§ III. Subjects who are creditors of the succession, or have claims thereon as heirs or legatees, may inform the Consular official thereof, and request him to place the succession under seal in conformity with the provisions of paragraph II.

If the Consular official does not comply with the request within a period not exceeding 12 hours, or such period exceeding 12 hours as may be allowed by the local regulations for civil procedure in serving writs in consideration of the distance to be covered by the parties concerned, the local authorities shall be entitled to place the succession under seal in conformity with the national law of the country. The Consular official shall be entitled in such case to cross his own seals with those of the local authority. Either the local authority or the Consular official may ask for the seals to be broken, or for the inventory to be drawn up, or for the official record to be signed jointly. If either the Consular official or the local authority does not appear after receiving an invitation addressed to him not less than 48 hours beforehand, or such period exceeding 48 hours as may be allowed by the local regulations for civil procedure in serving writs in consideration of the distance to be covered by the parties concerned, the more active party shall be entitled to proceed alone to break the seals and draw up the inventory. A certified true copy of the inventory shall in such case be communicated to the Consular official or local authority as the case may be.

§ IV. The Consular official shall give public notice, where necessary, of the opening of the succession and of the call on the beneficiaries to come forward, in conformity with the laws of the country or the local customs, and shall communicate such public notice to the local authority. The latter shall be entitled for its part to give similar public notice.

§ V. The Consular official shall have the right in the cases to which paragraphs II and III relate to take delivery of all such parts of the succession, including the deceased's papers and in particular his will (if such there be), as may be held in keeping by private individuals, banks, insurance companies, public offices and the like or by the local authorities on the same conditions as those under which the deceased would have been entitled to require their delivery. If the whole or part of the property of the succession has been subjected to distraint or sequester, the Consular official shall not be allowed to take possession of the said property before the distraint or sequester has been raised.

If in the course of the proceedings for placing the inventory or liquidation under seal, the property of the succession should be subjected to distraint or sequester, the writ of distraint or sequester shall be communicated to the Consular official, in whose safe-keeping the property distrained or sequestered shall be deposited.

The Consular official shall be entitled to have sold by auction all such movable property forming part of the succession as may be liable to deterioration or difficult or laborious to conserve, subject to the observance of the formalities established by the laws or customs of the country in which he resides.

§ VI. The Consular official shall conserve in safe-keeping, subject to the laws of the country in which he resides, the objects of the inventory, the proceeds of sales of the movable property (where such sales have taken place), and the amount of all paid up debts, during the three months following the last public notice of the opening of the succession or, in default of any such public notice, during the four months after the decease. In the course of this period he shall collect, either amicably or by recourse of law, all debts, annuities, dividends on shares, interest on registered stocks forming part of the National Debt, together with any other sums or revenues due to the succession, and shall give good and valid receipts therefor to the debtors.

The Consular official shall nevertheless immediately draw on the assets of the succession to pay the costs of judicial proceedings, the Consular charges or fees, and the charges or fees due to the local authorities, the cost of the deceased's burial, the costs of his last illness, any costs arising for the maintenance of the deceased's family, servants' wages and rent.

§ VII. Subject to the provisions of the first sub-paragraph of paragraph VI, the Consular official shall have the right to take any measures he may deem necessary in the interests of the beneficiaries for the conservation of the succession.

He may administer the estate himself, or have it administered by one or more persons he may depute for the purpose, who shall act in his name. He shall be empowered to issue certificates of title to the heirs.

§ VIII. If in the course of the period laid down in the first sub-paragraph of paragraph VI, a dispute should arise concerning claims against the succession by subjects of any State whatsoever, not being heirs or legatees, such claims shall be settled by the Courts of the country.

Should the amount of the succession be insufficient to pay the debts, the creditors, if authorised by the laws of the country so to do, shall be entitled to apply to the competent local judicial authorities for a declaration of bankruptcy. After the declaration of bankruptcy, the whole of the succession must be handed over to the Commissioner appointed by the Court and the assignees in bankruptcy, and the Consular official shall be called upon to represent, in person or through the intermediary of his deputies, the interests of his nationals in the bankruptcy.

§ IX. On the expiry of the period laid down in the first sub-paragraph of paragraph VI, if no claim has been made against the succession, the Consular official, after paying and settling all duties, costs and charges on the succession at the rates in force in the country, shall enter into definitive possession of the succession, and shall liquidate the same and hand over the proceeds to the beneficiaries, and shall not be required to render any other account therefor unless it be to his own Government.

§ X. In all questions which may be raised by the opening, administration or liquidation of successions of subjects of one of the countries in the other country, Consuls-General, Consuls or Vice-Consuls, or their deputies, shall be fully authorised to represent the inheritance, and shall be officially recognised as representatives thereof without being required to prove their authority as such by special power of attorney.

The Consular official shall have the right to appear, in person or through the intermediary of his deputies, before the competent local authorities to defend the common interests of the heirs in all matters concerning a succession and to reply to the claims made against it.

Nevertheless he shall be bound to warn the executors (if any) under the will, or the heirs, being present in person, or their deputies, of all such claims to the succession as may have been put forward, so as to enable the said executors or heirs to oppose such claims.

The Consular official, being considered as the representative of the inheritance, may not be sued in his person by the authorities of the country in a case concerning the succession.

§ XI. The right of succession and the apportionment of movable property forming part of the succession shall be subject to the national law of the country of the deceased. All questions arising out of claims on behalf of heirs or legatees, which relate to the right to the said succession or to its apportionment, shall be settled by the Courts or other competent authorities in the territory of the country to which the deceased belonged, in conformity with its national laws. The decisions of the said Courts or competent authorities shall be acknowledged by the other country.

§ XII. In the event of decease of a subject of one of the Parties within the territory of the other Party, in a place or part of the said territory where the establishment of a Consulate is not permitted under Article 1, paragraph 3, every facility shall be granted to the Consul of the nearest Consular district, and a short period shall be given him to carry out the necessary formalities for the purpose.

Pending the arrival of the Consular official, the competent local authorities, in the cases to which paragraph II relates, shall proceed to place the property of the succession under seal, and shall draw up an inventory of the said property in accordance with the laws of the country. A legalised copy of the inventory, the certificate of death and all the papers establishing the nationality of the deceased must be handed over to the Consular official.

§ XIII. If the local authority has made the inventory of the succession in the absence of the Consular official, in virtue either of paragraph III or XII, it shall undertake in respect of the succession all the measures prescribed by the laws of the country, and shall hold in safe-keeping, subject to the said laws, the movable property forming part of the succession during the period laid down in paragraph VI, and shall hand over the same to the Consular official or his deputy on the expiry of the said period with a view to the delivery thereof to the beneficiaries.

As soon as the Consular official asks for the succession to be handed over in conformity with the provisions of paragraph V, or appears, in person or through the intermediary of a deputy, in the place where the succession is opened in order to take the necessary steps in the matter, the local authority which has intervened must conform to the provisions of paragraphs VI-XII.

§ XIV. In the event of the succession of a member of a crew, passenger or other traveller, being a subject of one of the Parties, deceased either in the territory of the other Party (whether on board or on land) or on a vessel outside the territorial waters of the same, the Consuls-General, Consuls or Vice-Consuls of the country of the deceased shall alone be competent to place the succession under seal, draw up the inventories, and take all other requisite official steps with a view to the conservation or liquidation of the succession.

§ XV. The provisions of paragraphs II-XIV shall not apply to immovable property forming part of a succession.

A legalised copy of the inventory must be handed over or sent to the Consular officials on the spot or to the nearest Consular official.

Questions arising out of claims on behalf of heirs or legatees, which relate to the right to immovable property forming part of a succession or to the apportionment thereof, shall be subject to the laws of the country in which the immovable property is situate.

Jurisdiction with regard to all claims or disputes concerning immovable property forming part of a succession shall rest exclusively with the Courts or other competent authorities of the country in which the immovable property is situate. The said Courts or competent authorities shall be required to take the same steps for the conservation of the immovable property of the deceased as they are required by the legislation of their own country to take in respect of immovable property forming part of successions of their own nationals.

Immovable property forming part of a succession shall be administered solely by the Consular official or his deputies, who shall conform to the laws of the country in which the said immovable property is situate.

§ XVI. The provisions of the present Article shall apply by analogy to movable and immovable property, situate in the territory of one of the Parties, which form part of the succession of a subject of the other Party deceased outside the said territory.

### SUBSECTION III.

#### SHIPPING.

##### *Article 22.*

In the matter of shipping, the powers of the respective Consular officials shall be regulated by the following provisions :

§ I. Consuls-General, Consuls or Vice-Consuls shall be entitled, in conformity with the regulations of the port in which they are established, to take steps to facilitate the arrival and departure of vessels flying their national flag and to lend them their aid for the period of their stay within the consular district.

For this purpose they may proceed in person or send deputies on board such vessels after the latter have been admitted to *pratique*, interrogate the captains and crews, collect information from the passengers, examine the ship's papers, draw up manifests, take statements in conformity with Article 17 regarding the voyage and destination of the vessel and the events of its passage, and other declarations of the crew and passengers, and further proceed through the agency of confidential experts of any kind to check cases of damage or to make enquiries of any kind with regard to wrecks, in the manner provided by their national law.

The competent national authorities may in case of necessity take direct steps in the ports of their own country on board merchant vessels belonging to the other Party with a view to investigations, search, distraint, arrest, precautionary detention, taking of depositions, execution of sentences or any other form of official compulsion.

§ II. Consuls-General, Consuls or Vice-Consuls shall be solely responsible for the maintenance of internal order on board merchant vessels flying their national flag.

Disputes of all kinds between the captain, officers or other members of the crew, especially disputes relating to pay or the execution of mutual contracts concluded, shall be settled by the Consular officials within the limits of the powers conferred on them by the laws of the State in whose service they are.

The local authorities shall not be entitled to intervene except in the event of disturbances occurring on board ship of such a nature as to disturb public peace and order ashore or in the harbour, or where nationals of the country or persons not forming part of the crew are involved. In all other cases of disturbances on board ship, the local authorities shall confine themselves to giving their support to the Consular officials, or in the absence of the Consul to the captains, if the latter so request. In particular, they shall be required to put back on board any person inscribed on the muster-roll of the crew and arrest him, unless the person so inscribed is a subject of the country. Arrests shall be effected on a written request addressed to the local authorities, accompanied by a certified extract from the musterroll of the crew, and shall last for two months. If the vessel remains in port for more than two months, the person so detained must be put on board until the vessel's departure.

The costs of arrest and detention shall be borne by the State in whose service the Consular official is.

§ III. Consuls-General, Consuls or Vice-Consuls may cause to be arrested and sent back to their ships seamen or any other persons belonging in whatever capacity to the crew of vessels flying the national flag, who have deserted. For this purpose they must apply in writing to the competent local authorities, and show proof by submission of the ship's registers or the muster-roll of the crew, or by production of a certified extract therefrom, that the persons claimed really belong to the crew. In places where there is no Consular official, the above request may be made by the captain himself subject to the same conditions. On the receipt of such a request duly

authenticated, the said Consular officials or captains shall be given every help and assistance in searching for and arresting such deserters in order to bring them on board.

Nevertheless, where the deserter has committed a crime or offence on shore, the local authority may defer his release until such time as the Court has passed sentence and the said sentence has been fully and completely carried out.

The High Contracting Parties agree that seamen and any other members of crews who are subjects of the country in which they have deserted shall be excepted from the provisions of the present Article.

§ IV. When a vessel flying the flag of one of the two High Contracting Parties is wrecked or runs aground on the coast of the other High Contracting Party, the local authorities must notify the Consul-General, Consul or Vice-Consul of the district, or in default of such the Consul-General, Consul or Vice-Consul nearest to the scene of the accident.

All operations connected with the salvage of Turkish vessels which have been wrecked or have run aground on the coast of the Kingdom of Italy shall be carried out under the direction of the Consuls-General, Consuls or Vice-Consuls of the Turkish Republic, and similarly all operations connected with the salvage of Italian vessels which have been wrecked or have run aground on the coast of the Turkish Republic shall be carried out under the direction of the Consuls-General, Consuls or Vice-Consuls of the Kingdom of Italy.

The local authorities of the two States shall not intervene except to assist the Consular officials or their deputies to keep order, and to protect the interests of foreign salvors with regard to the import and export of the goods salvaged, and to safeguard the general interests of navigation.

In the absence, and pending the arrival of, the Consular official or the person he may depute for the purpose, the local authorities shall take all necessary steps for the protection of persons and the conservation of effects saved from the wreck.

No charges of any kind shall be made in respect of the intervention of the local authorities in such cases, except such as are necessitated by the salvage operations and the conservation of the salvaged effects, and such as the vessels of the nation itself would be liable to in similar circumstances.

Salvaged goods and effects shall not be liable to any Customs duty, unless they are intended for consumption within the country.

§ V. Unless otherwise agreed between the parties interested in the vessel and its cargo, the damage sustained by the vessel of one of the High Contracting Parties *en route* shall be settled by the Consul-General, Consuls or Vice-Consuls of that Party, if the ship puts in at a port in their district.

Nevertheless questions of damage shall be settled by the authorities of the country, if a subject of the country or of a third Power is interested therein, and if there has been no possibility of settling the affair by amicable agreement.

§ VI. Apart from the above duties, Consuls-General, Consuls and Vice-Consuls may not exercise any functions, in respect of shipping other than such purely administrative, accounting or technical functions as may be conferred on them by the laws of the country in whose service they are.

*Note*: The expression "crew" in the preceding paragraphs includes the captain, officers, seamen, stokers, and any other persons engaged on board.

#### SUBSECTION IV.

#### GENERAL PROVISIONS.

#### *Article 23.*

The Consular powers laid down in Articles 16 to 20 and 22 in the places or parts of territory to which the last paragraph of Article 1 relates shall be exercised by the nearest Consul.

*Article 24.*

The Consular officials of each of the High Contracting Parties shall be entitled to exercise in the territory of the other Party, subject to reciprocity, the same functions as the Consular officials of any third Power of the same character and same rank.

## SECTION IV.

## FINAL PROVISIONS.

*Article 25.*

The present Convention shall apply equally to the Italian colonies.

*Article 26.*

The present Convention shall be ratified at the earliest possible date after signature, and the ratifications shall be exchanged at Ankara at the earliest possible date.

The present Convention shall remain in force for three years from the date of the exchange of ratifications. If it is not denounced six months before the expiry of this period, it shall be prolonged by tacit consent for an indeterminate period and shall thereafter be subject to denunciation at any time, remaining in force for six months after the day on which it is denounced.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Convention and have affixed their seals thereto.

Done in duplicate at Rome, September 9, 1929, one copy to be handed over to each of the Signatory States.

*For Italy :*  
(L. S.) MUSSOLINI.

*For Turkey :*  
(L. S.) SUAD.