

STATE TREATY BETWEEN AUSTRIA, PRUSSIA, BAVARIA AND SAXONY OF 25 JULY 1850

concerning the establishment of the German-Austrian Telegraphic Union

With the intention of enabling both public and private traffic, in the respective States, to benefit from the advantages of a telegraph system regulated by standard rules, the High Governments of Austria, Prussia, Bavaria and Saxony have decided upon the establishment of a German-Austrian Telegraphic Union, for which purpose they have appointed the following Commissioners to undertake the necessary negotiations:

The Royal and Imperial Austrian Government:

- The Royal and Imperial Departmental Councillor
Dr. Carl Steinheil,
- The Royal and Imperial Commissioner for Posts
Hermann Richter;

The Royal Prussian Government:

- The Royal Governmental Councillor for Works
Friedrich Wilhelm Nottebohm,
- The Royal Inspector for Posts
Wilhelm Wiebe;

The Royal Bavarian Government:

- The Royal Ministerial Councillor
Ludwig Freiherr von Brück,
- The Royal Governmental Councillor
Carl Dyck; and

The Royal Saxon Government:

- The Royal Privy Councillor
Carl Wolf von Ehrenstein, and
- The Royal Director of Telegraphs
Maximilian Maria Freiherr von Weber,

which Commissioners, subject to ratification, have reached agreement on the points set out below:

SECTION ONE

General Provisions

Article 1

Scope of the Union

Not only those telegraph lines and stations which are situate in the territories of the aforementioned High Governments, but also those telegraph lines and stations which any one of the Governments of the Union may maintain or yet install in the territory of foreign States, but only insofar as these latter lines or stations may have extended to them the Union provisions under treaties which either exist or which are to be concluded with the foreign States concerned, shall be considered as belonging to the domain of the German-Austrian Telegraphic Union.

The High Contracting Governments shall inform each other of the existing lines and stations, as well as of the various distances in geographical miles. Similar information shall be provided as soon as new lines or new stations are to be brought into service.

Article 2

Restriction to international correspondence

Initially, the provisions of the Union Treaty shall govern only international correspondence, namely, that telegraphic correspondence in which the originating and the terminal station belong to different Union administrations. The extent to which domestic correspondence in the States concerned shall also be subject to the same rules shall be left to the discretion of each Government. Telegraphic correspondence originating from or directed to foreign stations shall, if the lines of several Union Governments are involved, be treated for the purpose of its transmission within the domain of the Union, as if it were handed in at the station of arrival or intended for the station of departure.

In the event that new treaties are concluded by individual Union Governments with foreign Governments, the provisions of the Union Treaty shall be upheld in relation to the latter.

Article 3

Reservation concerning transmission and equipment

Each Government is at liberty to choose any system of transmission and equipment for its telegraph lines; accordingly, a message passing from one line to another will normally be transferred at the point where the telegraph lines of two Union Governments meet. However, the participating Governments are free to reach agreement on the transmission of such messages between particular stations located on each side.

The High Contracting Governments shall inform each other of the equipment of the existing lines and equipment. The same shall apply to the equipment of new lines.

Article 4

Assurance of reciprocal forwarding of messages

The High Contracting Governments reciprocally undertake to forward the messages accepted by their stations for transmission, with the exception of the cases provided in Article 19, with the utmost expedition and dependability without, however, in any way guaranteeing that they will be properly delivered at all, or within a given time. Furthermore, each Government is authorized, at its own discretion, to take individual lines temporarily out of commission for all or for certain types of correspondence. The other Union Governments shall be immediately notified whenever such a case arises.

Article 5

Maintenance of telegraphic privacy

The High Contracting Governments shall ensure that messages are not divulged to unauthorized persons, that telegraphic privacy is most strictly observed in every respect and that all telegraph personnel take an oath to that effect.

Unauthorized persons shall not be admitted to the operating rooms of telegraph stations during transmission.

SECTION TWO

Acceptance of messages

Article 6

Entitlement to use of the telegraph

The use of the telegraphs of the Union Governments shall be open to all, without any exception. Messages intended for transmission may be handed in only at telegraph stations.

Article 7

Transmission to stations and other places

Telegraph stations belonging to the Union Governments are authorized to accept telegraphic messages addressed to any other Union station. Telegraph messages may also be accepted for delivery beyond the terminal points of the telegraph line or to places located laterally of such terminal points, in which case conveyance from the last telegraph station according to the sender's directions shall be effected by the post office by registered letter or by despatch rider, or by messengers in the case of short distances.

Article 8

Restrictions for individual stations

The Union Governments shall inform each other of the extent to which particular telegraph stations are not authorized to forward certain types of correspondence.

Article 9

Station working hours

The telegraph offices shall be open for business daily, including Sundays and holidays:

- a) from 1 April to the end of September every year, from 7 a.m. to 9 p.m., and
- b) from 1 October to the end of March every year, from 8 a.m. to 9 a.m.

Messages to be sent outside these times must, after 9 p.m., be declared against payment of the minimum rate for night delivery over the distance concerned, in which case the station concerned shall immediately notify the other stations of the expected later arrival of the message.

In all other cases, advance bookings shall not be taken into account.

Article 10

Equalization of time differences

In order to prevent irregularities which may arise due to divergences in mean times at the various station locations, the clocks of all telegraph stations belonging to one and the same Government shall be set according to the mean time of the capital of the State in question.

The extent to which messages to be transmitted from western to eastern stations must be handed in before the close of office hours shall be announced by the telegraph offices concerned.

Article 11

Formal requirements for messages

All messages shall be written clearly in text without any abbreviations and shall indicate an adequate address for both the sender and the addressee.

Only indelible writing materials shall be used by the sender for writing down messages. Furthermore, messages shall contain no erasures.

For messages which are to be transmitted by other means (Article 7), the sender shall indicate the desired means of transmission in writing.

Article 12

Length of messages

Pending further agreement, no telegraphic message shall consist of more than 100 words. The number of messages from one and the same sender may be transmitted successively only if the line equipments are not otherwise occupied.

Article 13

Delays

Should it not be possible, for any reason, to transmit a message immediately it is handed in, the sender shall be immediately informed, and the message may be accepted only if the latter expressly requests it.

Article 14

Keeping of originals

The originals of the messages handed in, as well as the telegraphic copies of all messages, shall be kept for a period of at least two years.

Article 15

Classification of messages

Apart from the above provisions, which are applicable to all messages, a distinction shall be made between:

- a) State messages of the Governments belonging to the Union as well as of Governments authorized by Treaty;
- b) railway messages;
- c) private messages.

However, a distinction shall be drawn between railway messages and private messages only to the extent to which this is established in one or another State, either under general regulations, or by special Treaty provisions.

Article 16

State messages

The messages which each Union Government chooses to regard as State messages shall be left to its discretion.

Article 17

At the sender's choice, State messages may be written in German or in any foreign language, the letters of which may be reproduced by the available telegraphic equipment. Such messages may make use of codes, but only such as exist in letters or figures.

Provisionally, all other messages shall be written in German, without the use of coded script. Should a requirement subsequently emerge, either generally or only for particular routes, for the use of other languages for private telegraph messages, the participating High Governments shall reach an agreement on this subject.

Article 18

Sealing of State messages

To preclude any possibility of misuse, State messages shall at all times bear the seal of the sender or that of the despatching authority.

Article 19

Material requirements for private messages

The telegraph offices are not entitled to verify the content of State messages with a view to deciding whether they may be transmitted. However, they are required to refuse to accept or transmit those private messages whose content offends against the laws or which are deemed to be unsuitable for communication on grounds of public good or morality.

In such cases, the decision shall be taken by the supervisor of the telegraph station or his deputy. The authority to which complaints against such decisions should be addressed shall be decided by the Governments concerned.

SECTION THREE

Transmission of messages

Article 20

Order of transmission

As a rule, each station shall transmit telegraph messages in the order in which they have either been handed in at the station or have reached it over the telegraph; however, precedence shall be given at all times to State messages and, among such messages, those which are despatched by the corresponding Heads of State, ministries or legations, but without causing the transmission of other messages, already begun, to be interrupted by the insertion of such messages (with the exception of cases in which danger would result from delay).

Furthermore, precedence shall be given to railway messages over private messages, if any distinction is to be drawn between them under Article 15.

Among State messages in the same category, those which are designated as urgent shall take precedence over those which are not so designated.

Article 21

Change of direction

In the event that several messages are present simultaneously at different stations of one and the same line, the order of precedence of the categories of messages mentioned in the foregoing Article shall be applied in the sense that a change of direction shall depend in the first instance on this order of precedence.

Messages belonging to the same category which are to be despatched in opposite directions on the same line shall be transmitted alternately.

Article 22

Interruption of communication

If the telegraph link is interrupted after acceptance of a message, the station from which the message can no longer be telegraphically transmitted is obliged to despatch the message immediately in a registered letter to the next station capable of undertaking its further transmission, or possibly to the terminal station, or directly by post to the addressee as a postage-free service communication.

After restoration of the telegraph link, the message shall again be forwarded by telegraph.

Article 23

Collation

Any sender of a message is entitled to collate it, i.e., to have the message transmitted back by the addressee station (Article 29).

Article 24

Transmission to intermediate stations and duplication

At the sender's request, any message for transmission may be despatched to several addressees and consequently be transmitted to intermediate stations and also duplicated at these stations or at the last station (Articles 30 and 31).

Article 25

Delivery

After arrival at the last telegraph station or at intermediate stations to which they have been transmitted (Article 24), all messages shall, after transcription, be immediately despatched under the official seal of the telegraph station to the addressee or addressees, by a messenger of the telegraph administration, in the event that the addressee resides in the locality of the station, or otherwise in accordance with the directions provided by the sender (Article 7).

SECTION FOUR

Transmission charges

Article 26

Tariffs

If the service is not provided free of charge, the rate levied for transmission of telegraph messages shall be calculated provisionally according to the total length of Union Government telegraph line employed and the number of words, to be supplemented by a carriage charge only in the event that the message has to be forwarded by the telegraph station to another locality either by post or by express messenger.

For transmission over a distance of up to ten miles, the rate charged for each 20 words of a message shall be 1 Florin CM or 1 fl. 12 kr. Rhenish or 20 Silver Groschen. This charge shall be increased by the same amount for each further 15, 25, 30, 35, 40, etc. miles. For messages of more than 20 and up to 50 words, a double charge is made, and a triple charge for messages of between 50 and 100 words. The telegraph rates established in accordance with the foregoing explanation may be presented as follows:

Article 27

Special tariff provisions

In calculating the charges according to the number of words, the following rule shall be applied:

- 1) Compound words normally connected by hyphens are as a rule to be reckoned as one word; however, seven syllables shall be taken as maximum word length, so that a word shall be reckoned for each seven syllables.
- 2) Punctuation in the text shall not be charged; on the other hand, any symbols which cannot be reproduced by the telegraph and which have to be represented by words shall be counted as such.
- 3) Individual letters or figures, in the latter case up to five digits, shall likewise be reckoned as a word. In the case of figures with larger numbers of digits, each five digits and any excess over five shall be taken as a word, whereby all dashes, commas and other representable signs shall be counted as digits.
- 4) In the case of coded messages, each five signs, as well as any excess over five, shall be taken as one word.
- 5) The address and signature shall be included in the word count; however,
- 6) any notes explaining the manner in which the message shall be forwarded from the last telegraph station, or any signs and words added to the message by the telegraph administration itself for service purposes, shall not be included in the count.

Article 28

Exemption from payment

In international traffic, only messages of the telegraph services are transmitted as a rule reciprocally free of charge. On the other hand, all other State messages shall be charged for at the standard rate from originating to terminal station, without prejudice to any other dispositions made by individual Union Governments with regard to their share of the charge.

Article 29

Collation charge

Half of the telegraph charge for outward transmission shall be collected for the collation of a message (Article 23).

Article 30

Charges for intermediate transmission of messages

Messages which are to be sent to intermediate localities (Article 24) are to be charged for in such a way that the total charge combines all the individual amounts levied for transmission from the originating locality to the next intermediate point, and from there to another intermediate point, or to the locality of destination.

Article 31

Duplication charge

A charge of 20 kr. CM, 24 kr. Rhenish or 7 Sgr or Ngr shall be made for the production of the second and each subsequent copy of messages to be duplicated at a station (Article 24).

Article 32

Night charges

All telegraph charges at the double rate shall be levied for night messages (Article 9).

Article 33

Payment for forward conveyance

Payment for the conveyance of a message from a telegraph station to another locality shall be made by the sender in the amount actually occasioned by such conveyance. If it is impossible to estimate this amount in advance, the sender shall deposit a sum which is bound to cover that amount (see below), of which the remainder may be claimed back within a period of three days.

The telegraph station at which the message leaves the telegraph and which thus disburses the costs in question, must therefore notify the originating station of the amount by telegraph as soon as possible.

If these costs have been disbursed in other currencies, to be paid by the sender of the message in the coin of the realm, the conversion shall be

effected in the ratio of 20 fl. CM = 24.5 Rhenish fl. = 14 Prussian Rth. For each message, the deposit shall amount to at least:

- a) for delivery by ordinary mail or express messenger, 1 1/4 fl. CM or 1 1/2 Rhenish fl., or 5/6 Rth;
- b) for delivery by despatch rider, the same amount for each mile.

Article 34

Payments in advance

All charges shall as a rule be paid in advance when the message is handed in. However, the extent to which crediting of charges may be allowed for certain types of messages is left to the discretion of the individual Union Governments. A receipt shall be issued for the payment of charges.

Article 35

Refund

If a private message accepted for despatch is rejected by a station located further along the line and belonging to the same Government, on the basis of Article 19a paragraph 1 of this Treaty, the sender is entitled to the refund of the total charges paid. If, on the other hand, the rejection occurs at a station belonging to another Union Government, the sender shall obtain a refund of the amount only for the distance over which transmission has not yet taken place.

Moreover, the charges for telegraphic messages shall as a rule be refunded only when the messages have arrived at their destination in such a state of mutilation that they can no longer fulfil their purpose and when it has not been possible to make a correction in time. In such case, that administration shall be responsible for paying the amount of the refund whose officials have caused the mutilation or on whose line the mutilation has taken place.

SECTION FIVE

Settlement among the telegraph administrations of the Union

Article 36

Sharing of charges

The established transmission charge for each message shall, pending further agreement, be shared among those Union Governments whose telegraphs have taken part in the transmission in proportion to the relative transmission distances. The division shall be effected only in relation to full miles, distances less than 1/2 mile being disregarded, and distances of 1/2 mile and over being counted as full miles. If the calculation results in fractions of a Groschen, amounts below 1/2 Groschen shall be disregarded and amounts of 1/2 Groschen and over shall be counted as full Groschen.

For messages which are transmitted to intermediate stations, the total amount of the charges shall be divided up in accordance with the same principle.

Article 37

Duplication charge

The charge made for the duplication of messages shall be paid in its entirety to the Government on whose stations the duplication has taken place.

Article 38

Payment for further conveyance

Payments made for conveyance from the telegraph line to the localities of destination shall likewise be refunded in their entirety to the administration which has made the disbursement.

Article 39

Procedure for settlement

Reciprocal settlement among the Union Governments shall be effected each calendar quarter through the central offices of the telegraph administrations in such a way that each administration establishes payment and claims for payment with respect to each other administration for telegraph and duplication charges in the currency in which the charge has been levied but, on the other hand, establishes payment and claims for payment for disbursements in the currency in which they have been made, that the accounts are then presented for reciprocal verification and that the difference between payment and claim is immediately equalized in cash. In order to determine the difference in amount, the following rate shall be applied for conversion of one currency into another: 1 fl. CM = 1 fl., 12 kr. Rhenish, = 20 Silver or New Groschen.

The remainder shall invariably be paid in coin of the realm.

SECTION SIX

Final provisions

Article 40

Further development of the Union

Further development of the Union, in both technical and administrative respects, the introduction of general improvements, equality of legislation and regulations, are subject to the periodic convening of a German telegraphic conference.

Article 41

Accession of other Governments

On the establishment of telegraph lines, any German Government not belonging to the German-Austrian Telegraphic Union may accede thereto.

Article 42

Duration of the Treaty

This Treaty shall come into effect on 1 October 1850 and shall remain in force for a period of five years. However, expiry shall require preliminary notice of one year. Should such notice not be given, the Treaty shall be tacitly renewed for an unlimited period, subject to one year's notice.

Article 43

Ratification

This Treaty, published and executed in four identical copies, shall be ratified within four weeks.

Done at Dresden, 25 July 1850.

Signed by: Carl Steinheil, Friedrich Wilhelm Nottebohm, Ludwig Freiherr von Brück, Carl Wolf von Ehrenstein, Hermann Richter, Wilhelm Wiebe, Carl Dyck, Maximilian Maria Freiherr von Weber.

Clarifications and addenda to the present treaty

After the undersigned Commissioners of the High Governments of Austria, Prussia, Bavaria and Saxony met on the 16th day of this month, in order to discuss the common measures which appear appropriate for the purpose of establishing a uniform procedure with reference to the handling and charging of telegraphic messages between the various State territories, the aforesaid Commissioners have held repeated conferences on the conditions of a State Treaty to be concluded among the above-mentioned High Governments concerning the Constitution of a German-Austrian Telegraphic Union, and have today signed this Treaty in quadruplicate.

With reference to the content of the Treaty, the undersigned Commissioners are prompted to make the following additional comments.

Concerning Article 3

Although it was unanimously agreed that the transmission of messages beyond the point at which the lines of two different administrations meet may in many cases prove to be of considerable advantage, it was decided not to adopt such transmission as a rule for the time being, in view of the existing technical equipment.

Concerning Article 14

The Commissioners agreed that the High Contracting Governments should undertake to inform each other, either in the original text or in certified copies, of any irregularities which may arise in the transmission of messages.

It also appeared advisable to provide that the terminal station of a message, or any station constituting the point of transition from the lines of one administration to the line of another administration, should be required to record the messages in a register, which should be kept for at least two years.

For the event that enquiries with regard to errors committed in the transmission of messages make it necessary for one or other of the High Contracting Governments to ascertain precisely how a message has been entered in the register of a station belonging to another Union Government, the communication of certified extracts from the register was authorized.

Finally, it was agreed, that in the keeping of the register at the transition stations, such permanent and unequivocal designations which may be substituted for ordinary letters, figures and words may be used instead of ordinary letter script, but that the ordinary letter script shall be used at the terminal stations of messages in the keeping of the register.

Concerning Article 17

For the sake of greater security in transmission of coded messages, it was decided to establish as an instruction to all telegraph stations of the Union Governments that the control sign should be transmitted each time after transmission of a given small number of signs. It was likewise decided that, without exception, the transmission of messages should invariably be preceded by the message number, the number of words to be transmitted, the amount of the charge and the time at which the message left the station.

Concerning Article 26

It was emphasized that it would in fact be appropriate, in charging on the basis of distance, to take the direct distance between the originating and terminal station as a basis rather than the length of the line covered by the message. It was nevertheless realized that this method of charging would for the time being create too many disadvantages, particularly with regard to the apportionment of charges, with the result that it was decided not to adopt this method for the time being.

Concerning Article 39

In the interest of the greatest measure of uniformity in the accounts to be established by each administration, it was agreed to employ the form appended hereto.

Concerning Article 40

It was decided to adopt 24 July 1851 and the city of Vienna as the time and place of the next German Telegraphic Conference.

Concerning Article 43

It was agreed that ratification of the Treaty might be effected by correspondence.

It should finally be noted that the Royal Saxon Government submitted to the participating Commissioners a promemoria of the present stenographer Gustav Nietzsche concerning the use of stenography in telegraphy for closer consideration. A consensus was reached to the effect that, despite the merit of the proposals contained in this promemoria and despite the certainty that, if these proposals were to be further developed, and, if possible, a system established on such a basis were to be introduced in practice, very substantial advantages would arise for the speed of transmission of telegraphic messages, it nevertheless appeared inappropriate to examine every subject in the present negotiations, since the arrangement reached whereby each Government was at

liberty to authorize the use of any telegraphic systems on its lines precluded a priori agreement on a common system.

The Commissioners of Austria, Prussia and Bavaria nevertheless reserved the right to bring the promemoria in question to the attention of their respective High Governments.

After the Commissioners had further agreed that the arrangements described in this record should have equal validity with the decisions contained in the Treaty itself, the record was executed in quadruplicate by all Commissioners.

Be it so enacted.

Carl Steinheil, Friedrich Wilhelm Nottebohm, Ludwig Freiherr von Brück, Carl Wolf von Ehrenstein, Hermann Richter, Wilhelm Wiebe, Carl Dyck, Maximilian Maria Freiherr von Weber.

	Transmission charge	
	Collation charge	
	Duplication charge	
	Postage	
	Despatch rider charge	
	Messenger's wages	
	Total	
	Current	
	Register	
	Date	
	Hour	
	Minute	
	Time of day	
	Miles	
	No. of words	

