



WITHDRAWN



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TREATIES AND OTHER  
INTERNATIONAL AGREEMENTS  
OF THE  
UNITED STATES OF AMERICA  
1776-1949

Compiled under the direction of

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U. S. Treaties etc

Volume 9

IRAQ-  
MUSCAT

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# CONTENTS<sup>1</sup>

## *Iraq*

		<i>Page</i>
June 7, 1934	Extradition	1
December 3, 1938	Commerce and navigation	7
February 27, 1939	Reduction of visa fees for nonimmigrants	12
February 16, 1944	Exchange of publications	14
July 31, 1945	Lend-lease	22

## *Ireland*

September 21 and November 18, 1931	Recognition of load-line certificates	28
August 24, 1933, and January 9, 1934	Double taxation: shipping profits	31
March 23, 1937	Reduction of visa fees for nonimmigrants	33
September 29 and November 4, 1937	Air navigation	36
February 3, 1945	Air transport services	43
June 2 and 3, 1947	Air transport services	49
June 28, 1948	Most-favored-nation treatment for areas under occupation or control	51
June 28, 1948	Economic cooperation	58
August 1, 1949	Visas and visa fees	66
September 13, 1949	Double taxation: estate taxes (For text. see 2 UST 2294; TIAS 2355.)	68

---

<sup>1</sup>In order to provide a complete chronological list of agreements entered into by the United States during the years covered in this volume, the table of contents includes citations to a few agreements which are not printed in this compilation because they entered into force for the United States after 1949 and are therefore contained in the series entitled *United States Treaties and Other International Agreements* (UST). For a more detailed explanation of the scope of these volumes, see the preface to volume 1 and the foreword in volume 5.

*Ireland*—Continued

		<i>Page</i>
September 13, 1949, and December 20, 1951	Double taxation: taxes on income (For text, see 2 UST 2303; TIAS 2356.)	69

*Italy*

February 8, 1868	Rights, privileges and immunities of consular officers	70
March 23, 1868	Extradition	76
January 21, 1869	Rights, privileges, and immunities of consular officers	80
January 21, 1869	Extradition	81
February 26, 1871	Commerce and navigation	82
May 8, 1878	Rights, privileges, and immunities of consular officers	91
February 24, 1881	Rights, privileges and immunities of consular officers	98
June 1, 1882	Trademarks	101
June 11, 1884	Extradition	102
October 28, 1892	Copyright	104
February 8, 1900	Commercial relations	106
June 13, 1903, and March 12, 1904	Protection of trademarks in Morocco	110
December 18, 1905	Protection of trademarks in China	113
March 28, 1908	Arbitration	116
March 2, 1909	Commercial relations	118
February 25, 1913	Commerce and navigation	120
October 30, 1912, and February 28, 1913	Relinquishment of extraterritorial rights in Libya	122
May 28, 1913	Arbitration	124
May 5, 1914	Advancement of peace	126
February 12 and March 4 and 11, 1915	Copyright	129
September 18, 1915	Advancement of peace	132
March 27, 1918	Radio communications	134
August 24, 1918	Military service	136
March 20, 1919	Arbitration	139
June 3, 1924	Suppression of smuggling	141
November 14, 1925	Debt funding	145

*Italy*—Continued

	<i>Page</i>
March 10 and May 5, 1926	Double taxation: shipping profits 151
April 19, 1928	Arbitration 153
January 5 and April 27, 1928	Narcotic drugs 156
February 11, 21, and 26, 1929	Waiver of visa fees for nonimmigrants 158
June 1 and August 5 and 17, 1931	Recognition of certificates of inspection of passenger vessels 161
September 23, 1931	Advancement of peace 164
October 13 and 14, 1931	Air navigation 167
September 8, 1931, and June 1, 1932	Recognition of load-line certificates 174
June 3, 1932	Debt funding 176
December 16, 1937	Commercial relations 179
April 24, 1945	Telegraph service 184
March 1–July 16, 1945	Aviation: landing rights 186
December 6, 1945	Commercial relations 190
April 16 and 17, 1946	Extradition 192
September 13 and 24, 1946	War graves 194
September 4 and October 1, 1946	Aviation: landing rights 198
June 9, 1947	Air service facilities 200
July 4, 1947	Relief assistance 204
July 25, 1947	Aviation: landing rights 213
August 14, 1947	Financial and economic relations; claims 215
September 3, 1947	Military and civil affairs 248
January 3, 1948	Relief assistance 255
December 18, 1947, and January 21, 1948	War graves 258
February 2, 1948	Friendship, commerce, and navigation 261
February 6, 1948	Air transport services 289
February 14, 1948	Settlement of claims of Italian prisoners of war 299
March 24 and April 19, 1948	War graves 304
June 28, 1948	Economic cooperation 306

*Italy*—Continued

		<i>Page</i>
June 28, 1948	Most-favored-nation treatment for areas under occupation or control	320
September 28 and 29, 1948	Nonimmigrant visas	323
September 28 and October 2, 1948	Economic cooperation	326
November 26, 1948	Relief assistance	328
November 26, 1948	Relief assistance (supplementary agreement)	331
December 18, 1948	Financing of educational exchange program	333
January 14, 1949	Settlement of claims of Italian prisoners of war; related claims	338
February 24, 1949	Financial and economic relations; claims	342
April 29, 1949	Economic cooperation	345
June 9 and 17, 1949	Economic cooperation: convertibility of lire	347
June 9 and 17, 1949	Economic cooperation: lire acquired by United States Government	349

*Japan*

March 31, 1854	Peace and amity	351
June 17, 1854	Peace and amity	355
June 23, 1854	Port of Shimoda	357
June 17, 1857	Rights of American citizens in Japan	359
July 29, 1858	Amity and commerce	362
March 19, 1859	Amity and commerce	373
January 28, 1864	Reduction of import duties	375
July 25, 1878	Revision of commercial treaties	377
May 17, 1880	Reimbursement of shipwreck expenses	381
April 29, 1886	Extradition	383
November 22, 1894	Commerce and navigation	387
January 13, 1897	Patents, trademarks, and designs	397
December 20 and 26, 1899	Protection of commercial rights in China	399
November 10, 1905	Copyright	402
May 17, 1906	Extradition	404
May 5, 1908	Arbitration	406
May 19, 1908	Protection of industrial property in Korea	408
May 19, 1908	Protection of industrial property in China	411
November 30, 1908	Policy in the Far East (Root-Takahira Agreement)	414
February 21, 1911	Commerce and navigation	416

*Japan*—Continued

		<i>Page</i>
June 28, 1913, and May 9, 1914	Arbitration	423
November 2, 1917	Mutual interests in China (Lansing-Ishii Agreement)	425
August 23, 1918	Arbitration	428
February 11, 1922	Rights in former German islands in Pacific	430
April 14, 1923	Mutual interests in China (cancellation of Lansing-Ishii agreement)	437
August 23, 1923	Arbitration	439
March 31 and June 8, 1926	Double taxation: shipping profits	442
July 6 and 7, 1926	Waiver of visa fees for nonimmigrants	444
May 31, 1928	Smuggling of intoxicating liquors	446
February 16 and July 6, 1928	Narcotic drugs	452
April 23 and September 6, 1929	Narcotic drugs	455
February 13– September 7, 1931	Recognition of load-line certificates	459
March 25, 1937	Perpetual leaseholds	464
April 14, 1949	Settlement of <i>Awa Maru</i> claim	467

*Korea*

May 22, 1882	Peace, amity, commerce and navigation	470
August 24, 1948	Military and security measures	477
September 11, 1948	Financial and property settlement	481
December 10, 1948	Economic cooperation	492
February 17 and April 13, 1949	Parcel post	500
May 18, 1949	Transfer of coastal vessels	507
June 13, 1949	Claims: electric power (For text, see 9 UST 509; TIAS 4026.)	509
June 24 and 29, 1949	Air transport services	510

*Lagos*

July 31, 1854	Commerce	513
---------------	----------	-----

*Latvia*

		<i>Page</i>
October 16, 1923	Extradition	515
September 24, 1925	Debt funding	521
February 1, 1926	Most-favored-nation treatment in customs matters	528
April 20, 1928	Friendship, commerce, and consular rights	531
January 14, 1930	Arbitration	546
January 14, 1930	Conciliation	548
June 11, 1932	Debt funding	551
October 10, 1934	Extradition	554
February 18 and March 27, 1935	Waiver of visa fees for nonimmigrants	556

*League of Nations*

January 22 and 23, 1934	Registration of treaties	558
----------------------------	--------------------------	-----

*Lebanon*

September 7 and 8, 1944	Rights of American nationals	562
August 11, 1946	Air transport services	565
January 21 and October 8, 1946, and March 15, 1947	Money orders	571

*Liberia*

October 21, 1862	Commerce and navigation	580
August 31, 1925	Waiver of visas and visa fees for nonimmigrants	584
February 10, 1926	Arbitration	585
November 1, 1937	Extradition	589
August 8, 1938	Friendship, commerce, and navigation	595
October 7, 1938	Duties, rights, prerogatives, and immunities of consular officers	607
June 14, 1939	Air navigation	615
August 21, 1939	Conciliation	618
January 15, 1942	Exchange of publications	621
March 31, 1942	Defense areas	626
June 8, 1943	Lend-lease	630
December 31, 1943	Construction of port and port works	635
February 23 and 29, 1944	Construction of port and port works	639

*Liberia*—Continued

		<i>Page</i>
October 27 and 28, 1947	Period of validity of temporary visitors visas	641
July 24 and 26, 1948	Permanent free port area in Liberia (For text, see 2 UST 1202; TIAS 2267.)	643
May 2 and July 22, 1949	Free importation privileges for foreign service personnel (For text, see 5 UST 734; TIAS 2961.)	643

*Liechtenstein*

April 22, June 18, and June 30, 1926	Waiver of visas and visa fees for nonimmigrants	644
May 20, 1936	Extradition	648
October 22 and 31 and No- vember 4 and 13, 1947	Nonimmigrant visa requirements (For text, see 6 UST 93; TIAS 3172.)	654

*Lithuania*

April 9, 1924	Extradition	655
September 22, 1924	Debt funding	661
December 23, 1925	Most-favored-nation treatment in customs matters	668
November 14, 1928	Arbitration	671
November 14, 1928	Conciliation	673
September 14, and October 11, 1929	Trademarks	675
March 11— April 20, 1932	Reduction of visa fees for nonimmigrants	677
June 9, 1932	Debt funding	681
May 17, 1934	Extradition	683
July 28— October 4, 1934	Customs privileges for consular officers	685
April 17, 1937	Waiver of visa fees for nonimmigrants	688
October 18, 1937	Liability for military service of naturalized persons and persons born with double nationality	690

*Loochoo (Ryukyu)*

July 11, 1854	Commerce and navigation	692
---------------	-------------------------	-----

*Luxembourg*

		<i>Page</i>
October 29, 1883	Extradition	694
December 23 and 27, 1904	Trademarks	699
April 6, 1929	Arbitration	701
April 6, 1929	Conciliation	704
April 24, 1935	Extradition	707
April 25 and May 22 and 26, 1936	Waiver of visas and visa fees for nonimmigrants	710
July 27, 1944	Civil affairs: administration and jurisdiction	714
August 29, 1946	Lend-lease settlement	718
September 12, 1946	Waiver of certain war claims	721
July 3, 1948	Economic cooperation	722
July 3, 1948	Most-favored-nation treatment for areas under occupation or control	736
October 8, 1948	Financing of educational and cultural program (For text, see TIAS 1860, <i>ante</i> , vol. 5, p. 692, BELGIUM.)	739
November 17 and December 22, 1948	Economic cooperation	740

*Madagascar*

February 14, 1867	Commerce	742
May 13, 1881	Peace, friendship, and commerce	746

*Mexico*

January 12, 1828, and April 5, 1831	Boundaries	760
April 5, September 17, and December 17, 1831	Amity, commerce, and navigation	764
April 3, 1835	Boundaries	781
April 11, 1839	Claims	783
January 30, 1843	Claims	788
February 2, 1848	Peace, friendship, limits, and settlement (Treaty of Guadalupe Hidalgo)	791
February 29, 1848	Suspension of hostilities	807

*Mexico*—Continued

		<i>Page</i>
December 30, 1853	Boundaries (Gadsden Treaty)	812
December 11, 1861	Extradition	817
December 11, 1861	Postal convention	821
July 4, 1868	Claims	826
July 10, 1868	Naturalization	831
April 19, 1871	Claims: duration of Joint Commission	834
November 27, 1872	Claims: duration of Joint Commission	836
November 20, 1874	Claims: duration of Joint Commission	838
April 29, 1876	Claims: duration of Joint Commission	841
December 14, 1876	Claims: arbitration award	844
July 29, 1882	Right to pursue Indians across boundary line	847
July 29, 1882	Boundary line west of the Rio Grande	850
September 21, 1882	Right to pursue Indians across boundary line	854
January 20, 1883	Commerce	855
November 12, 1884	Boundary waters: Rio Grande and Rio Colorado	865
February 25, 1885	Commerce	868
December 5, 1885	Boundary line west of the Rio Grande	870
May 14, 1886	Commerce	872
February 18, 1889	Boundary line west of the Rio Grande	874
March 1, 1889	Boundary waters: Rio Grande and Rio Colorado	877
June 25, 1890	Right to pursue Indians across boundary line	881
November 25, 1892	Right to pursue Indians across boundary line	884
August 24, 1894	Boundary line west of the Rio Grande	885
October 1, 1895	Boundary waters: Rio Grande and Rio Colorado	887
June 4, 1896	Right to pursue Indians across boundary line	889
November 6, 1896	Boundary waters: Rio Grande and Rio Colorado	892
March 2, 1897	Claims: the case of Charles Oberlander and Barbara M. Messenger	894
October 29, 1897	Boundary waters: Rio Grande and Rio Colorado	896
December 2, 1898	Boundary waters: Rio Grande and Rio Colorado	898
February 22, 1899	Extradition	900
December 22, 1899	Boundary waters: Rio Grande and Rio Colorado	908

*Mexico*—Continued

		<i>Page</i>
November 21, 1900	Boundary waters: Rio Grande and Rio Colorado	910
May 22, 1902	Claims: The Pious Fund	912
June 25, 1902	Extradition	918
March 20 and November 14, 1905	Boundary waters: bancos in Rio Grande	920
May 21, 1906	Distribution of waters of Rio Grande	924
March 24, 1908	Arbitration	927
June 24, 1910	Chamizal arbitration	929
December 5, 1910	Chamizal arbitration	933
September 8, 1923	General claims	935
September 10, 1923	Special claims	941
October 6 and 7, 1925	Waiver of visa fees for nonimmigrants	946
December 23, 1925	Prevention of smuggling	949
December 23, 1925	Extradition	955
August 16, 1927	Extension of General Claims Commission	957
March 16, 1928	Prevention of diseases in livestock	959
August 17, 1929	Extension of Special Claims Commission	963
September 2, 1929	Extension of General Claims Commission	965
August 5 and October 2, 1930	Narcotic drugs	967
June 18, 1932	Extension of General Claims Commission	970
June 18, 1932	General claims	973
February 1, 1933	Rectification of Rio Grande	976
April 24, 1934	Special claims	1004
April 24, 1934	General claims	1008
June 13, 1935	Assistance to and salvage of vessels	1015
February 7, 1936	Protection of migratory birds and game mammals	1017
October 6, 1936	Recovery of stolen or embezzled motor vehicles, trailers, and airplanes	1020
April 13, 1937	Boundaries	1023
September 9 and 24, 1937	Exchange of journals and parliamentary documents	1025
June 3 and August 29, 1938	Exchange of publications	1028
November 9, 1938– April 18, 1939	Compensation for expropriated lands	1038
August 16, 1939	Extradition	1045

*Mexico*—Continued

	<i>Page</i>
August 24 and 28, 1940	Radiobroadcasting 1047
April 1, 1941	Transit of military aircraft 1049
April 11, 1941	Plantation rubber investigations 1052
November 19, 1941	Expropriation of petroleum properties 1055
November 19, 1941	Final settlement of certain claims 1059
March 27, 1942	Lend-lease 1063
July 14, 1942	Plantation rubber investigations 1067
August 4, 1942	Migratory workers 1069
August 12 and December 11 and 12, 1942	Consular officers 1076
April 17— October 24, 1942	Fisheries 1090
October 13 and 20 and November 10, 1942	Weather stations 1099
November 18, 1942	Rehabilitation of certain Mexican national rail- ways 1104
December 23, 1942	Reciprocal trade 1109
January 22, 1943	Military service 1118
March 18, 1943	Lend-lease 1121
March 3— April 3, 1943	Plantation rubber investigations 1125
April 26, 1943	Migratory workers 1129
April 29, 1943	Migratory workers 1136
May 18 and June 14, 1943	Weather stations 1143
June 30 and July 1, 1943	Health and sanitation program 1147
April 17, 1942, and September 25 and 29, 1943	Payment for expropriated petroleum properties 1150
October 20 and 27, 1943	Censorship of telegraphic correspondence 1155
December 8, 1943	Health and sanitation program 1158
January 6 and 27, 1944	Agricultural Commission 1162

*Mexico*—Continued

		<i>Page</i>
February 3 and November 14, 1944	Utilization of waters of Colorado and Tijuana Rivers and of the Rio Grande	1166
December 4, 1943, and April 19, 1944	Anthropological research	1193
September 7 and October 18, 1944	Fisheries mission	1197
September 21, 1944– April 17, 1945	Rehabilitation of certain Mexican national railways	1200
May 12–June 28, 1945	Weather stations	1206
November 6, 1945, and April 12, 1946	Weather station on Guadalupe Island	1211
November 15, 1946	Migratory workers	1215
March 10, 1947	Migratory workers	1219
March 10, 1947	Migratory workers (supplementary agreement)	1224
March 17, 1947	Eradication of foot-and-mouth disease (For text, see 3 UST 399; TIAS 2404.)	1228
March 25 and April 2, 1947	Migratory workers	1229
February 20 and 21, 1948	Migratory workers	1232
January 25, 1949	Commission for scientific investigation of tuna (For text, see 1 UST 513; TIAS 2094.)	1242
January 26 and 31, 1949	Commission for scientific investigation of tuna (For text, see 1 UST 525; TIAS 2094.)	1242
February 10 and 14, 1949	Health and sanitation program	1243
June 21, 1949	Anthropological research	1248
July 5, 1949	Air Force mission	1252
August 1, 1949	Migratory workers (For text, see 2 UST 1048; TIAS 2260.)	1258
March 29 and August 15, 1949	Weather stations	1259
August 19, 1949	Migratory workers (For text, see 2 UST 1089; TIAS 2260.)	1263

*Mexico*—Continued

		<i>Page</i>
December 28, 1948, and August 30, 1949	Commission on Cultural Cooperation	1264
October 7 and 14, 1949	Health and sanitation program	1268
October 13 and 14, 1949	Migratory workers (For text, see 2 UST 1130; TIAS 2260.)	1271

*Monaco*

February 15, 1939	Extradition	1272
-------------------	-------------	------

*Morocco*

June 23, July 6, and July 15, 1786	Peace and friendship	1278
September 16 and Octo- ber 1, 1836	Peace and friendship	1286

*Muscat*

September 21, 1833	Amity and commerce	1291
--------------------	--------------------	------



# *Iraq*

## EXTRADITION

*Treaty signed at Baghdad June 7, 1934*

*Senate advice and consent to ratification February 6, 1935*

*Ratified by the President of the United States February 25, 1935*

*Ratified by Iraq April 22, 1936*

*Ratifications exchanged at Baghdad April 23, 1936*

*Entered into force April 23, 1936*

*Proclaimed by the President of the United States April 28, 1936*

49 Stat. 3380; Treaty Series 907

### EXTRADITION TREATY BETWEEN THE KINGDOM OF IRAQ AND THE REPUBLIC OF THE UNITED STATES OF AMERICA

The President of the United States of America on the one part and His Majesty the King of Iraq on the other part

Being desirous to conclude a Treaty for the extradition of criminals, have appointed the following Plenipotentiaries:

The President of the United States of America:

Paul Knabenshue, Minister Resident of the United States of America in Baghdad

His Majesty the King of Iraq:

His Excellency Doctor Abdullah Beg al Damluji, Minister for Foreign Affairs,

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE I

Agreement has been reached between the High Contracting Parties to deliver up to each other reciprocally, upon mutual requisition duly made

pursuant to the provisions of this Treaty, any person charged with or convicted of any of the crimes specified in Article II of this Treaty committed within the jurisdiction of one of the High Contracting Parties while said person was actually within such jurisdiction when committing the crime and who shall be found within the territories of the other High Contracting Party, provided that such surrender shall take place only in the following circumstances:

(a) When the person whose surrender is requested is charged with a crime, provided there shall be produced sufficient evidence, according to the laws of the country where that person is found, to justify his apprehension and commitment for trial if the crime had been there committed.

(b) When the person whose surrender is requested has been duly convicted, and when sufficient evidence is produced to prove that the said person is actually the person convicted.

## ARTICLE II

Persons shall be delivered up according to the provisions of this Treaty, who shall have been charged with or convicted of any of the following crimes if they are punishable by the laws of both countries:

1. Murder, including parricide, assassination, willful murder with premeditation, manslaughter when committed voluntarily by the perpetrator, and also the crimes of poisoning or infanticide.

2. The attempt to commit murder.

3. Rape, abortion, carnal knowledge of children under the age of 12 years.

4. Illegal polygamy.

5. Arson.

6. Any malicious act done with intent to endanger the safety of persons traveling or being on railroads.

7. Crimes committed at sea:

(a) Piracy, as commonly known and defined by the law of nations, or by statute;

(b) Willfully sinking or destroying vessels at sea or attempting to do so;

(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud or violence taking possession of such vessel;

(d) Assault on board ships with intent to do bodily harm.

8. Burglary, defined to be the act of breaking into and entering the house of another in the night with intent to commit a felony therein.

9. The act of breaking into and entering into the offices of the Government and public authorities, or the offices of banks, banking houses, savings

banks, trust companies, insurance companies, or other buildings not dwellings with intent to commit a felony therein.

10. Robbery, defined to be the act of feloniously and forcibly or unlawfully taking from the person of another, goods or money by violence or by putting him in fear.

11. Forgery or the utterance or the use of anything forged.

12. The forgery or falsification of the official acts of the Government or public authority, including courts of justice, or the uttering or fraudulent use of the same.

13. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by national, state, provincial, territorial, local, or municipal governments, banknotes or other instruments of public credit; also counterfeit seals, stamps, dies, and marks of state or public administrations, and the utterance, circulation, or fraudulent use of the above mentioned objects.

14. Embezzlement and malversation committed within the jurisdiction of one or the other High Contracting Party by Public officials or depositaries, where the amount embezzled exceeds one hundred and fifty American Dollars or forty Iraq Dinars.

15. Embezzlement by persons hired, salaried, or employed, to the detriment of their employers or principals, and where the amount embezzled exceeds one hundred and fifty American Dollars or forty Iraq Dinars.

16. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them or their families, or for any other unlawful end.

17. Larceny, defined to be the theft of effects, personal property, or money, exceeding in value one hundred and fifty American Dollars or forty Iraq Dinars.

18. Obtaining money, valuable securities or other property by false pretenses or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds one hundred and fifty American Dollars or forty Iraq Dinars.

19. Perjury or subornation of perjury.

20. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or official of any company or corporation, or by anyone in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds one hundred and fifty American Dollars or forty Iraq Dinars.

21. Bribery.

22. Crimes punishable by the bankruptcy laws.

23. Crimes punishable by the laws for the suppression of the traffic in narcotics.

24. Crimes punishable by the laws for the suppression of slavery and slave trading.

25. Extradition shall also take place for participation in any of the aforesaid offences as an accessory before or after the fact, provided such participation be punishable by imprisonment by the laws of both High Contracting Parties even though after the fact it may be a crime within itself and known by a particular name in the laws of either of the Contracting States.

### ARTICLE III

The provisions of this Treaty shall not import claim of extradition for crimes of a political character nor for acts connected with such crimes; and no person surrendered by or to either of the High Contracting Parties in virtue of this Treaty shall be tried or punished for a political crime. When the crime charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the crime was committed or attempted against the life of the sovereign or head of a foreign state or against the life of any member of his family, shall not be deemed sufficient to sustain that such a crime was of a political character, or was an act connected with crimes of a political character.

### ARTICLE IV

No person surrendered shall be tried for any crime other than that for which he was surrendered without the consent of the surrendering High Contracting Party, unless he has been at liberty to leave the country one month after the date of his trial, or, in case of conviction, after having suffered his punishment or having been pardoned.

This Article shall not be applicable to crimes committed after the surrender.

### ARTICLE V

A fugitive criminal shall not be surrendered under the provisions of this Treaty, when from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, the criminal is exempt from prosecution or punishment for the crime for which the surrender is asked.

### ARTICLE VI

If a fugitive criminal whose surrender is claimed pursuant to the stipulations of this Treaty, be actually under prosecution, out on bail or in custody, for a crime committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and until he shall have been set at liberty in due course of law.

## ARTICLE VII

If a fugitive criminal claimed by one of the High Contracting Parties shall be also claimed by one or more powers pursuant to Treaty provisions, on account of crime committed within their jurisdiction, such criminal shall be delivered to that state whose demand is first received unless that state shall have abandoned its claim.

## ARTICLE VIII

Under the stipulations of this Treaty, neither of the High Contracting Parties shall be bound to deliver up its own citizens.

## ARTICLE IX

The expense of the arrest of the person claimed, also the expense of his detention, examination and transportation shall be paid by the state which has preferred the demand for extradition.

## ARTICLE X

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime, or which may be material as evidence in making proof of the crime, shall, so far as practicable, according to the laws of the High Contracting Parties, be delivered up with his person at the time of the surrender. Nevertheless, the rights of a third party with regard to the articles aforesaid shall be duly respected.

## ARTICLE XI

The stipulations of this Treaty shall be applicable to all territory wherever situated, belonging to either of the High Contracting Parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitive criminals from justice pursuant to the stipulations of this Treaty shall be made by diplomatic intercourse.

The arrest of the fugitive criminal shall be brought about in accordance with the laws of the country to which the request is made, and if, after an examination, it shall be decided, according to the law and evidence, that extradition is due pursuant to this Treaty, the fugitive criminal shall be surrendered according to the forms of law prescribed in such cases.

The person provisionally arrested shall be released, unless within three months from the date of arrest in Iraq, or from the date of commitment in the United States of America, the formal requisition for surrender with the documentary proofs hereinafter prescribed be made as aforesaid.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced.

If, however, the fugitive criminal is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and copies of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

For the purpose of this Treaty, judgment in default shall not be considered as conviction but the person so convicted may be considered merely as charged with the crime.

#### ARTICLE XII

If a request is made by either of the High Contracting Parties for the arrest, detention or extradition of fugitive criminals, the appropriate legal officials of the country where the proceedings of extradition are held, shall assist the officials of the High Contracting Party demanding the extradition before the appropriate judges and magistrates, by every legal means within their power; and no claim for compensation for the services so rendered shall be made against the High Contracting Party demanding the extradition; provided, however, that any official or officials of the surrendering High Contracting Party so giving assistance who shall, in the course of their duty, receive no salary or compensation other than specific fees for services performed, the High Contracting Party demanding the extradition shall pay such official or officials the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officials.

#### ARTICLE XIII

This Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods and shall take effect from the day of the exchange of the ratifications thereof; but either High Contracting Party may at any time terminate the Treaty on giving to the other six months' notice of its intention to do so.

The ratification of the present Treaty shall be exchanged at Baghdad as soon as possible.

In witness whereof the respective Plenipotentiaries have signed this Treaty, and have hereunto affixed their seals.

Done in duplicate in Arabic and English, of which in the case of divergence, the English text shall prevail, at Baghdad this seventh day of June, 1934 corresponding with the twenty-fourth day of Safar, 1353 Hijrah.

PAUL KNABENSHUE	[SEAL]
ABDULLAH AL DAMLUJI	[SEAL]
[Signature in Arabic]	

## COMMERCE AND NAVIGATION

*Treaty signed at Baghdad December 3, 1938*

*Senate advice and consent to ratification August 1, 1939*

*Ratified by the President of the United States August 30, 1939*

*Ratified by Iraq May 1, 1940*

*Ratifications exchanged at Bagdad May 20, 1940*

*Proclaimed by the President of the United States May 29, 1940*

*Entered into force June 19, 1940*

54 Stat. 1790; Treaty Series 960

### TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF IRAQ

The United States of America and His Majesty the King of Iraq, taking cognizance of the provisions of Article 7 of the Convention, signed at London January 9, 1930,<sup>1</sup> to which the United States of America, Great Britain, and Iraq are Parties, whereby on the termination of the special relations existing between His Britannic Majesty and His Majesty the King of Iraq, negotiations shall be entered into between the United States and Iraq for the conclusion of a treaty in regard to their future relations, have resolved to conclude a treaty of Commerce and Navigation and for that purpose have appointed as their Plenipotentiaries:

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

PAUL KNABENSHUE,

Minister Resident of the United States of America at Baghadad.

HIS MAJESTY THE KING OF IRAQ:

His Excellency Sayid TOWFIK AL SWAIDI,

Minister for Foreign Affairs.

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

#### ARTICLE I

In respect of import and export duties, all other charges imposed on or in connection with importation or exportation, and the method of levying such duties and charges, as well as in respect of transit, warehousing and

<sup>1</sup> TS 835, *ante*, vol. 2, p. 998.

customs formalities, and the treatment of commercial travelers' samples, the United States of America will accord to Iraq and Iraq will accord to the United States of America, its territories and possessions, unconditional most-favored-nation treatment.

Therefore, no higher or other duties shall be imposed on the importation into or the disposition in the United States of America, its territories or possessions, of any articles the growth, produce or manufacture of Iraq than are or shall be payable on like articles the growth, produce or manufacture of any other foreign country.

Similarly, no higher or other duties shall be imposed on the importation into or the disposition in Iraq of any articles the growth, produce or manufacture of the United States of America, its territories or possessions, than are or shall be payable on like articles the growth, produce or manufacture of any other foreign country.

Similarly, no higher or other duties shall be imposed in the United States of America, its territories or possessions, or in Iraq, on the exportation of any articles to the other or to any territory or possession of the other, than are payable on the exportation of like articles to any other foreign country.

Any advantage, of whatsoever kind, which either High Contracting Party may extend to any article, the growth, produce or manufacture of any other foreign country shall simultaneously and unconditionally, without request and without compensation, be extended to the like article the growth, produce or manufacture of the other High Contracting Party.

The stipulations of this Treaty regarding the treatment to be accorded by each High Contracting Party to the commerce of the other do not extend:

(a) to the advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another or to the Republic of Cuba. The provisions of this paragraph shall continue to apply in respect of any advantages now or hereafter accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another, irrespective of any change in the political status of any of the territories or possessions of the United States of America;

(b) to any advantages in customs matters which Iraq may grant to goods the produce or manufacture of Turkey, or of any country whose territory was in 1914 wholly included in the Ottoman Empire in Asia;

(c) to any advantages which are, or may in the future be accorded by either Party to purely border traffic within a zone not exceeding ten miles (15 kilometres) wide on either side of the customs frontier;

(d) to any advantages in customs matters which are, or may in the future be accorded to States in customs union with either High Contracting Party so long as such advantages are not accorded to any other State.

## ARTICLE II

Having regard to the volume and nature of the trade between the two countries it is agreed that in all that concerns matters of prohibitions or restrictions on importations and exportations each of the two countries will accord, whenever they may have recourse to the said prohibitions or restrictions, to the commerce of the other country treatment equally favorable to that which is accorded to any other country and that in the event either country establishes or maintains import or customs quotas, or other quantitative restrictions, or any system of foreign exchange control, the share of the total permissible importation of any product or of the total exchange made available for importation of any product of the other country shall be equal to the share in the trade in such product which such other country enjoyed in a previous representative period.

## ARTICLE III

Vessels of the United States of America will enjoy in Iraq and Iraqi vessels will enjoy in the United States of America treatment not less favorable than that accorded to national vessels or the vessels of the most favored nation.

The coasting trade of the High Contracting Parties is exempt from the provisions of this Article and from the other provisions of this Treaty, and is to be regulated according to the laws of each High Contracting Party in relation thereto. It is agreed, however, that vessels of either High Contracting Party shall enjoy within the territory of the other with respect to the coasting trade the most-favored-nation treatment.

## ARTICLE IV

Nothing in this Treaty shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, ammunition or implements of war, and in exceptional circumstances, all other military supplies. It is agreed, further, that nothing in this Treaty shall be construed to prevent the adoption or enforcement of measures relating to neutrality or to rights and obligations arising under the Covenant of the League of Nations.<sup>2</sup>

Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either High Contracting Party against the other High Contracting Party in favor of any third country, nothing in this Treaty shall be construed to restrict the right of either High Contracting Party to impose (1) prohibitions or restrictions designed to

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<sup>2</sup> *Ante*, vol. 2, p. 48.

protect human, animal, or plant health or life or national treasures of artistic, historical or archaeological value; (2) prohibitions or restrictions applied to products which as regards production or trade are or may in the future be subject within the country to state monopoly or monopolies exercised under state control; or (3) regulations for the enforcement of revenue or police laws.

Each of the High Contracting Parties agrees that, in respect of the foreign purchases of any state monopoly for the importation, production, or sale of any commodity or of any agency having such monopoly privileges, the commerce of the other High Contracting Party shall receive fair and equitable treatment, and that, in making its foreign purchases, such monopoly or agency will be influenced solely by those considerations which would normally be taken into account by a private commercial enterprise interested solely in purchasing goods on the most favorable terms.

#### ARTICLE V

Should measures be taken by either High Contracting Party seriously affecting the chief exports of the other Party, the Party taking such measures will give sympathetic consideration to any representations which the other Party may make in respect to such measures. If agreement with respect to the question or questions involved in such representations shall not have been reached within ninety days from the date of the receipt of the said representations the Government making the representations may, notwithstanding the provisions of Article VII, terminate this Treaty, such termination to be effective at the expiration of thirty days from the date of the receipt of a notification given subsequent to the expiration of the ninety-day period provided herein.

#### ARTICLE VI

The present Treaty shall, from the day on which it comes into force, supplant Article 7 of the convention between the United States of America and Great Britain and Iraq signed at London January 9, 1930, in so far as commerce and navigation are concerned.

#### ARTICLE VII

The present Treaty shall take effect in all its provisions on the thirtieth day after the exchange of ratifications, and shall continue in force for the term of three years from that day. If neither High Contracting Party notifies to the other at least one year in advance an intention of terminating the Treaty upon the expiration of the aforesaid period of three years, the Treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the High Contracting Parties shall have notified to the other an intention of terminating the Treaty.

## ARTICLE VIII

The present Treaty shall be ratified and the ratifications thereof shall be exchanged at Baghdad as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Treaty and have affixed their seals thereto.

Done in duplicate in the English and Arabic languages, which have the same value and shall have equal force, at Baghdad this 3rd day of December, 1938, of the Christian Era, corresponding with the 10th. day of Shawaal, 1357, of the Hijra.

PAUL KNABENSHUE [SEAL]

T. SWAIDI [SEAL]

## REDUCTION OF VISA FEES FOR NONIMMIGRANTS

*Exchange of notes at Baghdad February 27, 1939*

*Entered into force February 27, 1939; operative March 20, 1939*

Department of State files

*The American Minister Resident to the Acting Minister of Foreign Affairs*

No. 603

BAGHDAD, IRAQ, *February 27, 1939*

EXCELLENCY:

I have the honor to refer to Your Excellency's note of today's date concerning the agreement which it is the desire of our two Governments to conclude by an exchange of notes for the reciprocal reduction of passport visa fees, and to inform you of the agreement of my Government to the terms thereof set forth in that note as follows:

On and after March 20, 1939, the Government of the United States of America will collect a fee of \$2.00 or the approximate equivalent in other currency for the visa of a passport, including the execution of the application therefor, in the case of nationals of Iraq who enter the United States of America, including the Philippine Islands, temporarily as tourists or temporarily for business or pleasure, and the Government of Iraq from the same date will collect the same fee in the case of nationals of the United States of America, including Philippine citizens, who enter Iraq for any of the above-mentioned purposes.

From the same date the fees for transit visas in the case of nationals of either Government (including Philippine citizens) in continuous transit through the territory of the other (including the Philippine Islands) will be respectively 20 cents or the approximate equivalent in other currency.

This agreement may be terminated by either Government at any time by three months' notice in writing.

Accept, Excellency, the assurance of my most distinguished consideration.

P. KNABENSHUE

His Excellency

SAYID RUSTUM HAIDAR,

*Acting Minister for Foreign Affairs,  
Baghdad.*

*The Acting Minister of Foreign Affairs to the American Minister Resident*

[TRANSLATION]

No. 100/9/3146/Q

BAGHDAD, dated February 27, 1939

YOUR EXCELLENCY:

I have the honor to refer to Your Excellency's note of today's date concerning the agreement which it is the desire of our two Governments to conclude by an exchange of notes for the reduction by the two countries of passport visa fees, and to inform you of the agreement of my Government to the terms thereof set forth in that note as follows:

On and after March 20, 1939, the Government of the United States of America will collect a fee of \$2.00 or the approximate equivalent in other currency for the visa of a passport, including the execution of the application therefor, in the case of nationals of Iraq who enter the United States of America, including the Philippine Islands, temporarily as tourists or temporarily for business or pleasure, and the Government of Iraq from the same date will collect the same fee in the case of nationals of the United States of America, including Philippine citizens, who enter Iraq for any of the above-mentioned purposes.

From the same date the fees for transit visas in the case of nationals of either Government (including Philippine citizens) in continuous transit through the territory of the other (including the Philippine Islands) will be respectively 20 cents or the approximate equivalent in other currency.

This agreement may be terminated by either Government at any time by three months' notice in writing.

RUSTUM HADAR

His Excellency

Mr. PAUL KNABENSHUE,

*Minister Resident of the United States of America,  
Baghdad.*

# EXCHANGE OF PUBLICATIONS

*Exchange of notes at Baghdad February 16, 1944*  
*Entered into force February 16, 1944*

58 Stat. 1253; Executive Agreement Series 403

*The American Minister to the Minister of Foreign Affairs*

LEGATION OF THE  
UNITED STATES OF AMERICA  
*Baghdad, February 16, 1944*

No. 22

## EXCELLENCY:

I have the honor to refer to correspondence and conversations concerning the conclusion of an agreement between the Government of the United States of America and the Government of Iraq for an exchange of certain official publications and to express the agreement of my Government for that exchange as follows:

There shall be an exchange of certain official publications between the Government of the United States of America and the Government of Iraq, which shall be conducted in accordance with the following provisions:

1. The official exchange offices for the transmission of official publications shall be, on the part of the United States of America, the Smithsonian Institution; and, on the part of the Kingdom of Iraq, the Translation and Publication Section of the Iraqi Ministry of Education.

2. The publications exchanged shall be received on behalf of the United States of America by the Library of Congress; and on behalf of the Kingdom of Iraq by the Public Library of Baghdad.

3. The Government of the United States of America shall furnish regularly to the Government of the Kingdom of Iraq one copy of each of the official publications enumerated in the annex entitled "List 1"; and the Government of the Kingdom of Iraq shall furnish regularly to the Government of the United States of America one copy of each of the official publications enumerated in the annex entitled "List 2".

4. Each Government shall furnish regularly to the other Government, without the necessity of subsequent negotiation, (a) one copy of any important publication that is not enumerated in "List 1" or "List 2" and which may be issued in the future by a department or other instrumentality

of such Government, (b) one copy of any important publication that may be issued in the future by a department or other instrumentality of such Government which does not at present issue publications, and (c) one copy of any important publication that may be issued by a department or other instrumentality which may subsequently be established by such Government.

5. Neither Government shall be obliged by this agreement to furnish confidential publications, blank forms, or circular letters which are not of a public nature.

6. Each Government agrees to bear postal, railroad, steamship, and other charges arising in its own territory.

7. Each Government agrees to expedite shipments as far as possible.

8. This agreement shall not be understood to modify any agreement regarding the exchange of official publications in effect between a department or other instrumentality of one of the Governments and a department or other instrumentality of the other Government.

Upon the receipt of an identical note from Your Excellency, my Government will consider that the foregoing agreement enters into effect.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

LOY W. HENDERSON

His Excellency

SAYID SUBHI AL-DEFTERI,  
*Minister for Foreign Affairs,*  
*Baghdad, Iraq.*

LIST 1

OFFICIAL PUBLICATIONS TO BE FURNISHED REGULARLY BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA

CONGRESS OF THE UNITED STATES

House Journal  
Senate Journal  
Code of Laws and Supplements

PRESIDENT OF THE UNITED STATES

Annual message to Congress

DEPARTMENT OF AGRICULTURE

Annual Report of the Secretary of Agriculture  
Farmers' Bulletins  
Yearbook

DEPARTMENT OF COMMERCE

Annual Report of the Secretary of Commerce  
*Bureau of the Census*  
Abstracts  
Reports  
Statistical Abstract of the United States (annual)  
*Bureau of Foreign and Domestic Commerce*  
Foreign Commerce (weekly)  
Foreign Commerce and Navigation of the United States (annual)  
Survey of Current Business (monthly)  
Trade Information Bulletins

## DEPARTMENT OF COMMERCE—Continued

- National Bureau of Standards*
- Technical News Bulletin (monthly)
- Weather Bureau*
- Monthly Weather Review

## DEPARTMENT OF LABOR

- Annual Report of the Secretary of Labor
- Bureau of Labor Statistics*
- Bulletins
- Monthly Labor Review

## DEPARTMENT OF STATE

- Department of State Bulletin (weekly)
- Inter-American Series
- Foreign Relations of the United States (annual)
- Statutes at Large
- Treaty Series

## DEPARTMENT OF THE INTERIOR

- Annual Report of the Secretary of the Interior
- Bureau of Mines*
- Minerals Yearbook
- Fish and Wildlife Service*
- Bulletins
- Investigational Reports
- National Park Service*
- General publications

## DISTRICT OF COLUMBIA

- Annual Report of the Government of the District of Columbia
- Annual Report of the Public Utilities Commission

## FEDERAL SECURITY AGENCY

- Office of Education*
- Education for Victory (biweekly)
- Public Health Service*
- Public Health Reports (weekly)
- Social Security Board*
- Social Security Bulletin (monthly)

## FEDERAL WORKS AGENCY

- Public Roads Administration*
- Public Roads (monthly)

## INTERSTATE COMMERCE COMMISSION

- Annual Report

## LIBRARY OF CONGRESS

- Annual Report of the Librarian of Congress

## NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

- Annual Report with technical reports

## NATIONAL ARCHIVES

- Annual Report

## NAVY DEPARTMENT

- Annual Report of the Secretary of the Navy
- Nautical Almanac Office*
- American Ephemeris and Nautical Almanac

## OFFICE OF WAR INFORMATION

- Victory Bulletin (weekly)

## POST OFFICE DEPARTMENT

- Annual Report of the Postmaster General

## SMITHSONIAN INSTITUTION

- Annual Report

## SUPREME COURT

- United States Reports

TREASURY DEPARTMENT  
 Annual Report on the State of the Finances  
*Bureau of Internal Revenue*  
 Annual Report of the Commissioner  
*Bureau of the Mint*  
 Annual Report of the Director  
*Comptroller of Currency*  
 Annual Report

WAR DEPARTMENT  
 Annual Report

## LIST 2

## OFFICIAL PUBLICATIONS TO BE FURNISHED REGULARLY BY THE GOVERNMENT OF THE KINGDOM OF IRAQ

Iraq Government Gazette (Arabic edition)  
 Iraq Government Gazette (English edition)

PARLIAMENT  
 SENATE  
 Proceedings of the Senate  
 Digest of the Works of the Committees

CHAMBER OF DEPUTIES  
 Proceedings of the Chamber of Deputies  
 Report of the Secretary of the Chamber on the Works of the Permanent Committees

MINISTRY FOR FOREIGN AFFAIRS  
 Liste des Membres du Corps Diplomatique (List of members of the Foreign Diplomatic Corps, published twice a year, Arabic and French)  
 Diplomatic documents  
 Treaty series and collections

MINISTRY OF INTERIOR  
 Officials' Register or other governmental directory  
 Official Register in factories and workshops  
 Directorate General of Municipalities and Reconstruction  
 Municipal Bulletin  
 Maps of Iraq  
 Directorate General of Police  
 Annual Report  
 Administration Report of the Iraq Police  
 Annual Report of the Basra Police  
 The Police—monthly  
 Directorate General of Propaganda and Publications  
 All official publications (books, pamphlets, maps, charts, leaflets, etc.)  
 Directorate General of Air Raid Precaution  
 Pamphlets, posters, signs, etc.  
 Local Administration Council  
 Forms, such as W/M/8 for registration

MINISTRY OF FINANCE  
 Note on the Administration of the Public Finances of Iraq (Report)  
 Administration Report of the Revenue Department (Annual)  
 Report on the Operations of the Revenue Department (Annual)  
 Municipal budget for the year  
 Revenue Circular  
 Department of Customs and Excise  
 Administrative Report (Bilingual—monthly)  
 Customs and Excise Circular (Bilingual—monthly)  
 Foreign Trade Statistics (Bilingual—annual)  
 Comptroller and Auditor General's Department  
 Annual Report  
 Rafidain Bank  
 Annual estimate, financial accounts, balance sheets, etc.  
 Agricultural and Industrial Bank of Iraq  
 Annual estimate, financial accounts, balance sheets, etc.

## MINISTRY OF FINANCE—Continued

Directorate of Government Press  
Lists of publications issued, etc.

## MINISTRY OF JUSTICE

Administration Report (Annual)  
Compilations of Laws and Regulations, with  
Supplements (published separately in Arabic and English)  
Law Review  
Tapu Department  
Annual Report

## MINISTRY OF DEFENSE

Military Review (quarterly)  
General Staff Departments  
Military textbooks and other publications  
Directorate of Civil Aviation  
Pamphlets, posters, etc.  
Royal Military College  
Publications  
Military Secondary School  
Publications

## MINISTRY OF COMMUNICATIONS AND WORKS

Administrative Report (Annual)  
Directorate General of Post and Telegraphs  
Circular  
Director General's Circular  
Telephone Directories  
Directorate General of Iraqi State Railways  
Report on the Administration of the Railways (published separately in Arabic and English) (Annual)  
Coaching Tariff (list of rate regulations)  
Goods Tariff (freight regulations)  
Travel guide books, pamphlets, leaflets, etc.  
Time tables  
Directorate General of Port and Navigation  
Administration Report on the Port of Basra (published separately in Arabic and English)  
Engineering College,  
Year books, catalogs, etc.

## MINISTRY OF EDUCATION

Annual Report of the Progress of Education (published separately in Arabic and English)  
Program of Elementary Education  
Program of Secondary Education  
Educational Missions Regulation  
State Elementary Schools Regulation  
Annual Program of Inter-School Sports  
The New Teacher, Review  
Administration Report  
Directorate General of Education  
Section of Publications  
Textbooks, examination papers, technical journals, etc.  
Directorate General of Antiquities  
Report on the Excavations in Iraq (published separately in Arabic and English)  
Iraqi Museum  
Guide books, art publications, etc.  
Library  
General index, special registers  
Higher Teachers' College  
Year books, catalogs, examination papers, etc.  
Law College  
Year books, catalogs, examination papers, etc.  
Institute of Physical Education  
Year books, catalogs, examination papers, etc.  
Secondary Schools  
Year books, catalogs, examination papers, etc.

## MINISTRY OF ECONOMICS

- Annual Report
- Directorate General of Economics
  - Principal Bureau of Statistics
  - Statistical Abstract (Bilingual)
  - Monthly Bulletin of Statistics (Bilingual)
  - Questionnaires, forms, etc.
  - Reports, statistical summary, and other publications
  - Iraq Trade Journal and Bulletin of Statistics (Bilingual)
- Directorate General of Agriculture
  - Annual Report
  - Agricultural leaflets (Bilingual)
  - Bulletin
  - Leaflet
  - Memoir (reports or monographic volumes on various subjects)
- Directorate General of Veterinary Affairs
  - Annual Report (published separately in Arabic and English)
- Chamber of Agriculture
  - Annual reports, statistics, pamphlets, etc.
- Chamber of Commerce
  - Review of the Baghdad Chamber of Commerce
  - Annual reports, statistics, pamphlets, etc.
- Basra Date Association
  - Monthly Accounts
  - Minutes, Proceedings
  - Dates and the Date Industry in Iraq (Annual)

## MINISTRY OF SOCIAL AFFAIRS

- Annual Administration Report
- Directorate General of Health
  - Annual Health Report (published separately in Arabic and English)
  - Compilation of Vital Statistics of Iraq
  - Baghdad Health Department Report
- Health Inspectorate General
  - Report of the Inspector General of Health Service
- College of Medicine
  - Year books, catalogs, examination papers, etc.
- College of Pharmacy
  - Year books, catalogs, examination papers, etc.
- School for Health Officials
  - Year books, etc.
- School of Nurses
  - Year books, catalogs, examination papers, etc.
- School of Midwives
  - Year books, catalogs, examination papers, etc.

## BAGHDAD WATER BOARD

- Administrative Report

## AWQAF ADMINISTRATION

- Annual Report
- Dar-ul-Ulum (Islamic Theological Institute)
  - Year book, program examination papers, etc.

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*The Minister of Foreign Affairs to the American Minister*

[TRANSLATION]

No. 600/1117/1117/D

FEBRUARY 16, 1944

## EXCELLENCY:

I have the honor to refer to correspondence and conversations concerning the conclusion of an agreement between the Government of Iraq and

the Government of the United States of America for an exchange of certain official publications and to express the agreement of my Government for that exchange as follows:

There shall be an exchange of certain official publications between the Government of Iraq and the Government of the United States of America, which shall be conducted in accordance with the following provisions:

1. The official exchange offices for the transmission of official publications shall be, on the part of the Kingdom of Iraq, the Translation and Publication Section of the Iraqi Ministry of Education; and, on the part of the United States of America, the Smithsonian Institution.

2. The publications exchanged shall be received on behalf of the Kingdom of Iraq by the Public Library of Baghdad; and on behalf of the United States of America by the Library of Congress.

3. The Government of the Kingdom of Iraq shall furnish regularly to the Government of the United States of America one copy of each of the official publications enumerated in the annex entitled "List 2"; and the Government of the United States of America shall furnish regularly to the Government of the Kingdom of Iraq one copy of each of the official publications enumerated in the annex entitled "List 1".

4. Each Government shall furnish regularly to the other Government, without the necessity of subsequent negotiation, (a) one copy of any important publication that is not enumerated in "List 1" or "List 2" and which may be issued in the future by a department or other instrumentality of such Government, (b) one copy of any important publication that may be issued in the future by a department or other instrumentality of such Government which does not at present issue publications, and (c) one copy of any important publication that may be issued by a department or other instrumentality which may subsequently be established by such Government.

5. Neither Government shall be obliged by this agreement to furnish confidential publications, blank forms, or circular letters which are not of a public nature.

6. Each Government agrees to bear postal, railroad, steamship, and other charges arising in its own territory.

7. Each Government agrees to expedite shipments as far as possible.

8. This agreement shall not be understood to modify any agreement regarding the exchange of official publications in effect between a department or other instrumentality of one of the Governments and a department or other instrumentality of the other Government.

Upon the receipt of an identical note from Your Excellency, my Government will consider that the foregoing agreement enters into effect.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

SUBHI AL-DEFTERI  
*Minister for Foreign Affairs*

His Excellency  
LOY W. HENDERSON,  
*American Minister,  
Baghdad, Iraq.*

## LEND-LEASE

*Agreement and exchange of notes signed at Washington July 31, 1945  
Entered into force July 31, 1945*

59 Stat. 1535; Executive Agreement Series 470

### AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND THE KINGDOM OF IRAQ ON THE PRINCIPLES APPLYING TO AID FOR DEFENSE

Whereas the Governments of the United States of America and the Kingdom of Iraq declare that they are engaged in a cooperative undertaking, together with every other nation or people of like mind, to the end of laying the bases of a just and enduring world peace, securing order under law to themselves and all nations;

And whereas the Governments of the United States of America and the Kingdom of Iraq, as signatories of the Declaration by United Nations of January 1, 1942,<sup>1</sup> have subscribed to a common program of purposes and principles embodied in the Joint Declaration made on August 14, 1941<sup>2</sup> by the President of the United States of America and the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, known as the Atlantic Charter;

And whereas the President of the United States of America has determined, pursuant to the Lend-Lease Act,<sup>3</sup> that the defense of the Kingdom of Iraq against aggression is vital to the defense of the United States of America;

And whereas the United States of America has extended and is continuing to extend to the Kingdom of Iraq aid in resisting aggression;

And whereas it is expedient that the final determination of the terms and conditions upon which the Government of Iraq receives such aid and of the benefits to be received by the United States of America in return therefor should be deferred until the extent of the defense aid is known and until the progress of events make clearer the final terms and conditions and benefits which will be in the mutual interests of the United States of America and the Kingdom of Iraq and will promote the establishment and maintenance of world peace;

And whereas the Governments of the United States of America and the

<sup>1</sup> EAS 236, *ante*, vol. 3, p. 697.

<sup>2</sup> EAS 236, *ante*, vol. 3, p. 686.

<sup>3</sup> 55 Stat. 31.

Kingdom of Iraq are mutually desirous of concluding now a preliminary agreement in regard to the provision of defense aid and in regard to certain considerations which shall be taken into account in determining such terms and conditions and the making of such an agreement has been in all respects duly authorized, and all acts, conditions and formalities which it may have been necessary to perform, fulfill or execute prior to the making of such an agreement in conformity with the laws either of the United States of America or of the Kingdom of Iraq have been performed, fulfilled or executed as required;

The undersigned, being duly authorized by their respective Governments for that purpose, have agreed as follows:

#### ARTICLE I

The Government of the United States of America will continue to supply the Government of Iraq with such defense articles, defense services, and defense information as the President of the United States of America shall authorize to be transferred or provided.

#### ARTICLE II

The Government of Iraq will continue to contribute to the defense of the United States of America and the strengthening thereof and will provide such articles, services, facilities or information as it may be in a position to supply.

#### ARTICLE III

The Government of Iraq will not without the consent of the President of the United States of America transfer title to, or possession of, any defense article or defense information transferred to it under the Lend-Lease Act or permit the use thereof by anyone not an officer, employee, or agent of the Government of Iraq.

#### ARTICLE IV

If, as a result of the transfer to the Government of Iraq of any defense article or defense information, it becomes necessary for that Government to take any action or make any payment in order fully to protect any of the rights of a citizen of the United States of America who has patent rights in and to any such defense article or information the Government of Iraq will take such action or make such payment when requested to do so by the President of the United States of America.

#### ARTICLE V<sup>4</sup>

The Government of Iraq will return to the United States of America at the end of the present emergency, as determined by the President of the

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<sup>4</sup> For understandings relating to arts. V and VII, see exchange of notes, p. 25.

United States of America, such defense articles transferred under this Agreement as shall not have been destroyed, lost or consumed and as shall be determined by the President to be useful in the defense of the United States of America or of the Western Hemisphere or to be otherwise of use to the United States of America.

#### ARTICLE VI

In the final determination of the benefits to be provided to the United States of America by the Government of Iraq full cognizance shall be taken of all property, services, information, facilities, or other benefits or considerations provided by the Government of Iraq subsequent to March 11, 1941, and accepted or acknowledged by the President on behalf of the United States of America.

#### ARTICLE VII <sup>4</sup>

In the final determination of the benefits to be provided to the United States of America by the Government of Iraq in return for aid furnished under the Lend-Lease Act, the terms and conditions thereof shall be such as not to burden commerce between the two countries, but to promote mutually advantageous economic relations between them and the betterment of world-wide economic relations. To that end, they shall include provision for agreed action by the United States of America and the Kingdom of Iraq, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce; to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the Joint Declaration made on August 14, 1941, by the President of the United States of America and the Prime Minister of the United Kingdom.

At an early convenient date, conversations shall be begun between the two Governments with a view to determining, in the light of governing economic conditions, the best means of attaining the above-stated objectives by their own agreed action and of seeking the agreed action of other like-minded Governments.

#### ARTICLE VIII

This Agreement shall take effect as from this day's date. It shall continue in force until a date to be agreed upon by the two Governments.

Signed and sealed at Washington in duplicate this thirty-first day of July, 1945.

For the Government of the United States of America:

JOSEPH C. GREW [SEAL]  
*Acting Secretary of State of the United States of America*

For the Government of the Kingdom of Iraq:

ALI JAWDAT [SEAL]  
*Envoy Extraordinary and Minister Plenipotentiary of the  
Kingdom of Iraq in Washington*

#### EXCHANGE OF NOTES

*The Acting Secretary of State to the Iraqi Minister*

DEPARTMENT OF STATE

WASHINGTON

July 31, 1945

SIR:

I have the honor to refer to the conversations that have occurred between the representatives of our two Governments in connection with the agreement signed at Washington on this day, between the Government of the United States of America and the Government of Iraq on the principles applying to aid under the Lend-Lease Act, and to set forth my understanding of the accord reached as to the application of certain provisions of the said agreement, as follows:

1. In general, foodstuffs and other supplies for the civilian population of Iraq shall continue to be furnished through regular commercial channels. However, such foodstuffs and other supplies as may be provided for the civilian population of Iraq under the Lend-Lease Act shall be furnished on the basis of current payment by the Iraqi Government, and other goods and services may be furnished on that basis by agreement from time to time. In the absence of special agreement, such payment shall be in United States dollars; however, by agreement between the two Governments prior to delivery payment may be made in Iraqi dinars or in goods or services. Articles obtained by the Iraqi Government in accordance with the provisions of this paragraph become the property of that Government and are therefore excluded from the provisions of Article V of the agreement.

2. Such payments as may be made in Iraqi dinars shall be deposited to the credit of the Government of the United States of America in a depositary in Iraq to be selected by the United States Government. These deposits may be freely drawn upon and used by the Government of the United States of

America. The Government of Iraq will permit the exportation to any destination desired by the United States of America of any materials and products purchased by the United States of America with such deposits. In any transactions envisaged in this paragraph the United States Government would, of course, conform to Iraqi laws and regulations in force with respect to internal price or supply programs which are not by their nature inconsistent with the assurances of this paragraph.

3. With particular reference to Articles V and VII of the agreement, it is agreed that if substantial amounts of materials or assistance furnished or to be furnished under the Lend-Lease Act or otherwise, by any Agency of the United States Government without current payment by the Government of Iraq have been or shall be employed by either of our two Governments, during the present war, in the construction of any installations on Iraqi territory, the disposition of such installations remaining on Iraqi territory after the present war shall be governed by an agreement or agreements to which both our Governments shall be parties. Such agreement or agreements shall make appropriate provision for the future ownership and operation of the installation or installations in question, and for the payments or other benefits to be received by the Government of the United States of America on account of its contribution to their cost. The governing purpose of such agreement or agreements shall be to carry out in practice, in whatever way may then appear to be the most effective, the principles of the Joint Declaration of August 14, 1941, known as the Atlantic Charter, and in particular point Fourth thereof relating to the enjoyment by all States of access on equal terms to the trade and to the raw materials of the world. If such agreement in the case of any installation is not reached within a reasonable time after the end of the present emergency, as determined by the President of the United States of America, the Government of the United States of America may withdraw that installation, or the parts thereof which it shall have contributed, whether located on private or on public land, doing no unnecessary damage in the process, and leaving the land involved in a safe condition.

4. The other obligations of our two Governments in respect of mutual aid will be satisfied in accordance with the provisions of the agreement signed this day. It is, of course, understood that in the implementation of the agreement each Government will act in accordance with its own constitutional procedures.

Accept, Sir, the renewed assurances of my highest consideration.

JOSEPH C. GREW  
*Acting Secretary of State*

The Honorable  
ALI JAWDAT,  
*Minister of Iraq.*

*The Iraqi Minister to the Acting Secretary of State*

JULY 31, 1945

SIR :

I have the honor to refer to the conversations that have occurred between the representatives of our two Governments in connection with the agreement signed at Washington on this day, between the Government of Iraq and the Government of the United States of America on the principles applying to aid under the Lend-Lease Act, and to set forth my understanding of the accord reached as to the application of certain provisions of the said agreement, as follows:

[For terms of understanding, see numbered paragraphs of U.S. note, above.]

Accept, Sir, the renewed assurances of my highest consideration.

ALI JAWDAT  
*Envoy Extraordinary and Minister  
Plenipotentiary*

The Honorable  
JOSEPH C. GREW,  
*Acting Secretary of State,  
Washington, D.C.*

# *Ireland*<sup>1</sup>

## RECOGNITION OF LOAD-LINE CERTIFICATES

*Exchange of notes at Dublin September 21 and November 18, 1931*

*Entered into force November 18, 1931*

*Terminated May 8, 1934*<sup>2</sup>

47 Stat. 2685; Executive Agreement Series 27

*The American Chargé d'Affaires to the Minister of External Affairs*

No. 380

DUBLIN, *September 21, 1931*

YOUR EXCELLENCY:

I have the honor to refer to the note of March 10, 1931, in which Your Excellency was so good as to apprise the Legation of the willingness of the Government of the Irish Free State to enter into negotiations for a reciprocal load line agreement with the Government of the United States of America.

Under instructions from my Government to whom the matter was at once referred, I beg to inform Your Excellency that the competent American authorities have examined the load line regulations in force in the Irish Free State and that the said American authorities found these regulations to be as effective as the United States load line regulations.

My Government accordingly is prepared to agree that, pending the coming into force in the United States and in the Irish Free State of the International Load Line Convention signed in London on July 5, 1930, the competent authorities of the Governments of the United States and the Irish Free State, respectively, will recognize as equivalent the load line marks and the certificate of such marking of merchant vessels of the other country made pursuant to the regulations in force in the respective countries: provided, that the load line marks are in accordance with the load line certificates; that the

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<sup>1</sup> Certain agreements between the United States and the United Kingdom were, or are, applicable to Ireland. See *post*, vol. 12, UNITED KINGDOM.

<sup>2</sup> Upon entry into force for the United States and Ireland of international load-line convention of July 5, 1930 (TS 858, *ante*, vol. 2, p. 1076).

hull and superstructures of the vessel certificated have not been so materially altered since the issuance of the certificate as to affect the calculations on which the load line was based, and that alterations have not been made so that the—

- (1) Protection of Openings,
- (2) Guard Rails,
- (3) Freeing Ports,
- (4) Means of Access to Crews Quarters,

have made the vessel manifestly unfit to proceed to sea without danger to human life.

Let me add that it will be understood by my Government that, on the receipt by the Legation of a note from Your Excellency expressing the concurrence of the Government of the Irish Free State in the agreement and understanding as above set forth, the reciprocal agreement will be regarded as having become effective.

I avail myself of this opportunity to convey to your Excellency the renewed assurances of my highest consideration.

JAMES ORR DENBY  
*Chargé d'Affaires ad interim*

HIS EXCELLENCY

PATRICK MCGILLIGAN,  
*Minister for External Affairs,*  
*Dublin*

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*The Minister of External Affairs to the American Minister*

DEPARTMENT OF EXTERNAL AFFAIRS  
IRISH FREE STATE  
*18th November, 1931*

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of Your Excellency's Note No. 380 of the 21st September stating that your Government, after examination by the competent authorities of the load line regulations in force in this country, are willing to enter into a reciprocal Loadline Agreement with the Government of the Irish Free State.

I have accordingly the honour to inform you that the Government of the Irish Free State on the advice of the Minister for Industry and Commerce hereby concur in the terms of the agreement as set out in Your Excellency's Note, that is to say, that pending the coming into force in the United States and in the Irish Free State of the International Load Line Convention signed in London on July 5, 1930, the competent authorities of the Governments of the United States and the Irish Free State, respectively, will recognize as

equivalent the load line marks and the certificate of such marking of merchant vessels of the other country made pursuant to the regulations in force in the respective countries: provided, that the load line marks are in accordance with the load line certificates; that the hull and superstructures of the vessel certificated have not been so materially altered since the issue of the certificate as to affect the calculations on which the load line was based, and that alterations have not been made so that the—

- (1) Protection of Openings,
- (2) Guard Rails,
- (3) Freeing Ports,
- (4) Means of Access to Crews Quarters

have made the vessel manifestly unfit to proceed to sea without danger to human life.

I am to add that the Government of the Irish Free State regard the Agreement as having become effective by this exchange of Notes.

I avail myself of this opportunity to convey to Your Excellency the renewed assurances of my highest consideration.

SEAN MURPHY  
*For the Minister*

HIS EXCELLENCY

F. A. STERLING,

*Envoy Extraordinary & Minister Plenipotentiary  
of the United States of America,  
American Legation,  
Phoenix Park,  
Dublin.*

## DOUBLE TAXATION: SHIPPING PROFITS

*Exchange of notes at Washington August 24, 1933, and January 9, 1934  
Entered into force January 9, 1934; operative from April 6, 1932*

48 Stat. 1842; Executive Agreement Series 56

*The Irish Chargé d'Affaires ad interim to the Secretary of State*

IRISH FREE STATE LEGATION  
*Washington, D.C., 24th August, 1933*

SIR:

I am requested by my Government to bring to the notice of the Government of the United States the provisions of Section 10 of the Finance Act, 1932 (No. 20 of 1932) which section reads as follows:

“10.—Subject to the provisions of this section, exemption shall be granted from income tax (including super-tax, or sur-tax, as the case may be) in respect of so much of the income of a citizen of the United States of America not resident in the Irish Free State or of a corporation organised in the United States of America as is derived from the operation of a ship or ships documented under the laws of the United States of America.”

I have the honour to be, Sir,  
Your obedient servant,

W. J. B. MACAULAY  
*Chargé d'Affaires ad interim*

Honourable CORDELL HULL  
*The Secretary of State of the United States  
Washington, D.C.*

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*The Acting Secretary of State to the Irish Minister*

DEPARTMENT OF STATE  
*Washington, January 9, 1934*

SIR:

In a note dated August 24, 1933, Mr. Macaulay, as Chargé d'Affaires *ad interim*, brought to the notice of the Government of the United States the provisions of Section 10 of the Irish Free State Finance Act of 1932, which provides for the relief of American steamship owners from double income tax on shipping profits.

The text of Section 10 of the above law was brought to the attention of the Secretary of the Treasury, with the request that he inform the Department of State whether the Irish Free State satisfied the equivalent exemption requirements of Sections 212(b) and 231(b) of the United States Revenue Act of 1932.<sup>1</sup> I have pleasure in informing you that I am now in receipt of a letter from the Acting Secretary of the Treasury dated December 14, 1933, which reads in part as follows:

“In view of the fact that the Irish Free State, under the provision of law quoted above, exempts from income tax so much of the income of a citizen of the United States not resident in the Irish Free State or of a corporation organized in the United States as is derived from the operation of a ship or ships documented under the laws of the United States, it is the opinion of this Department that the Irish Free State meets the reciprocal exemption provisions of sections 212(b) and 231(b) of the Revenue Act of 1932. The income of a non-resident alien individual and of a foreign corporation which consists exclusively of earnings derived from the operation of a ship or ships documented under the laws of the Irish Free State is, therefore, not required to be included in gross income and is exempt from income tax under the provisions of the Revenue Act of 1932. The exemption accorded herein is effective April 6, 1932, the beginning of the first income-tax taxable year to which Section 10 of the Finance Act of 1932 is applicable.”

It will be observed that the Acting Secretary of the Treasury holds that in view of the fact that the Irish Free State, under the provisions of Section 10 of the Irish Free State Finance Act of 1932, exempts from income tax so much of the income of a citizen of the United States not resident in the Irish Free State or of a corporation organized in the United States as is derived from the operation of a ship or ships documented under the laws of the United States, the Irish Free State has satisfied the equivalent exemption provisions of Sections 212(b) and 231(b) of the United States Revenue Act of 1932. The exemption accorded to steamship owners of the Irish Free State under the above ruling of the Acting Secretary of the Treasury is effective as of April 6, 1932, the beginning of the first income-tax taxable year to which Section 10 of the Irish Free State Finance Act of 1932 is applicable.

Accept, Sir, the renewed assurances of my highest consideration.

For the Acting Secretary of State:

R. WALTON MOORE

Mr. MICHAEL MACWHITE,  
*Minister of the Irish Free State.*

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<sup>1</sup> 47 Stat. 228 and 230.

## REDUCTION OF VISA FEES FOR NONIMMIGRANTS

*Exchange of notes at Dublin March 23, 1937*

*Entered into force April 1, 1937*

*Superseded by agreement of August 1, 1949<sup>1</sup>*

Department of State files

*The American Minister to the Minister of External Affairs*

LEGATION OF THE  
UNITED STATES OF AMERICA  
DUBLIN  
*March 23, 1937*

No. 22

### EXCELLENCY:

I have the honor to refer to your Note No. 2/419 of March 2, 1937, stating that your Government was prepared to enter into a reciprocal agreement for the reduction of visa fees as proposed in the Aide-Memoire left by me on January 26, 1937. I now submit the following terms desired for such an agreement, which terms are similar to those agreed to by the United States Government with His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, in the Commonwealth of Australia and in the Dominion of New Zealand and also with the Government of India:—

(1) The fee for an ordinary visa, valid for one year within the validity of the travel document and for any number of journeys within that period shall be \$2 or the approximate equivalent in local currency.

(2) The fee for a transit visa, valid for one year within the validity of the travel document and for any number of journeys in transit within that period shall be 20 cents or the approximate equivalent in local cur-

<sup>1</sup> TIAS 2050, *post*, p. 66.

gency. It is understood, however, that the existing practice of the United States Government of granting gratis transit certificates valid only for one entry, in lieu of transit visas, remains unaffected and that additional transit certificates may be granted to cover additional entries in transit.

(3) The provisions of this arrangement are not held to apply to visas granted by the Consular authorities of the United States to prospective immigrants to the United States.

(4) The benefits of this arrangement shall extend to citizens of the Philippine Islands.

(5) The arrangement shall come into force on April 1, 1937.

If the Government of the Irish Free State agrees to the foregoing desired provisions, I have the honor to propose that the present Note and your reply thereto in similar terms be regarded as placing on record the understanding arrived at in this matter.

Accept, Excellency, the renewed assurances of my highest consideration.

ALVIN MANSFIELD OWSLEY

His Excellency

EAMON DE VALERA,

*Minister for External Affairs of the  
Government of the Irish Free State,  
Government Buildings,  
Dublin.*

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*The Minister of External Affairs to the American Minister*

DEPARTMENT OF EXTERNAL AFFAIRS

IRISH FREE STATE

23 March, 1937

EXCELLENCY,

I have the honour to refer to your Note No. 22 of March 23rd, 1937, informing me that the Government of the United States desire to enter into an agreement with the Government of Saorstát Éireann<sup>2</sup> for the reciprocal reduction of visa fees, in the following terms:—

[For terms of agreement, see numbered paragraphs of U.S. note, above.]

I have the honour to inform you that the Government of Saorstát Éireann

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<sup>2</sup> The Irish Free State.

agrees to the foregoing provisions, and will regard the present Note and your Note under reply as placing on record the understanding arrived at in this matter.

Accept, Excellency, the renewed assurance of my highest consideration.

ÉAMON DE VALÉRA  
*Minister for External Affairs*

His Excellency

ALVIN M. OWSLEY, Esq.,  
*Envoy Extraordinary and Minister Plenipotentiary  
of the United States of America,  
Dublin.*

## AIR NAVIGATION

*Exchange of notes at Dublin September 29 and November 4, 1937, with  
text of arrangement*

*Entered into force November 4, 1937; operative December 4, 1937*

51 Stat. 319; Executive Agreement Series 110

*The American Minister to the Minister of External Affairs*

LEGATION OF THE UNITED STATES OF AMERICA

No. 7

*Dublin, September 29, 1937*

### EXCELLENCY:

Reference is made to the negotiations which have taken place between the Government of the United States of America and the Government of Saorstát Eireann<sup>1</sup> for the conclusion of a reciprocal air navigation arrangement between the United States of America and Saorstát Eireann, governing the operation of civil aircraft of the one country in the other country.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:

### ARTICLE 1

Pending the conclusion of a convention between the United States of America and Saorstát Eireann on the subject of air navigation, the operation of civil aircraft of the one country in the other country shall be governed by the following provisions:

### ARTICLE 2

The present arrangement shall apply to Continental United States of America, exclusive of Alaska, and to Saorstát Eireann, including the territorial waters of the two countries.

### ARTICLE 3

The term aircraft with reference to one or the other Party to this arrangement shall be understood to mean civil aircraft, including state aircraft used exclusively for commercial purposes, duly registered in the territory of such Party.

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<sup>1</sup> The Irish Free State.

## ARTICLE 4

Each of the Parties undertakes to grant liberty of passage to and over its territory in time of peace to the aircraft of the other Party, provided that the conditions set forth in the present arrangement are observed.

It is, however, agreed that no regular air route or service may be established or operated to, within or over territory of either Party, with or without a landing there, except by prior consent of such Party.

Any air transport company of either Party applying for operating rights in territory of the other Party, on a route or service between the territories of the two Parties, shall be required to submit its application through diplomatic channels.

## ARTICLE 5

The aircraft of each of the Parties to this arrangement, their crews and passengers, and goods carried thereon shall, while within the territory of the other Party, be subject to the laws in force in that territory, including all regulations relating to air traffic applicable to foreign aircraft, the transport of passengers and goods, and public safety and order, as well as any regulations concerning immigration, quarantine and customs.

Subject to the provisions of the preceding paragraph and to the laws and regulations therein specified, the carriage of passengers and the import or export of all merchandise which may be legally imported or exported will be permitted in aircraft of the one Party into or from the territory of the other Party and, subject to the provisions of the preceding paragraph and to the laws and regulations therein specified, the aircraft of the one Party, their crews, passengers and cargoes shall enjoy in the territory of the other Party the same privileges as the aircraft of such other Party, their crews, passengers and cargoes enjoy in that territory, and shall not merely by reason of the nationality of the aircraft be subjected to duties or charges other or higher than those which are or may be imposed on aircraft of the territory referred to, or on aircraft of any foreign country engaged in international commerce, or on their crews, passengers or cargoes, it being understood that in this respect the claimant has the choice of national or most-favored-nation treatment.

Each of the Parties to this arrangement may reserve to its own aircraft air commerce as defined in the last paragraph of this article. Nevertheless the aircraft of each Party may proceed from any aerodrome in the territory of the other Party which they are entitled to use to any other such aerodrome either for the purpose of landing the whole or part of their cargoes or passengers or of taking on board the whole or part of their cargoes or passengers, provided that such cargoes are covered by through bills of lading, and such passengers hold through tickets, issued respectively for a journey whose starting place and destination are not both points between which air commerce has been duly so reserved, and such aircraft, while proceeding as aforesaid, from one aerodrome to another, shall, notwithstanding that both such aero-

dromes are points between which air commerce has been duly reserved, enjoy all the privileges of this arrangement.

The term "air commerce" as used in the preceding paragraphs shall, with respect to the Parties to this arrangement, be understood to mean:—(a) navigation of aircraft in territory of either Party in furtherance of a business; (b) navigation of aircraft from one place in territory of either Party to another place in that territory in the conduct of a business; and (c) the commercial transport of persons or goods between any two points in the territory of either Party.

#### ARTICLE 6

Each of the Parties to this arrangement shall have the right to prohibit air traffic over certain areas of its territory, provided that no distinction in this matter is made between its aircraft engaged in international commerce and the aircraft of the other Party likewise engaged. The areas above which air traffic is thus prohibited by either Party must be notified to the other Party.

Each of the Parties reserves the right under exceptional circumstances in time of peace and with immediate effect temporarily to limit or prohibit air traffic above its territory on condition that in this respect no distinction is made between the aircraft of the other Party and the aircraft of any foreign country.

#### ARTICLE 7

Any aircraft which finds itself over a prohibited area shall, as soon as it is aware of the fact, give the signal of distress prescribed in the Rules of the Air in force in the territory in which the prohibited area is situated and shall land as soon as possible at an aerodrome situated in such territory outside of but as near as possible to such prohibited area.

#### ARTICLE 8

All aircraft shall carry clear and visible nationality and registration marks whereby they may be recognized during flight. In addition, they must bear the name and address of the owner.

All aircraft shall be provided with certificates of registration and of airworthiness and with all the other documents prescribed for air traffic in the territory in which they are registered.

The members of the crew who perform, in an aircraft, duties for which a special permit is required in the territory in which such aircraft is registered, shall be provided with all documents and in particular with the certificates and licenses prescribed by the regulations in force in such territory.

The other members of the crew shall carry documents showing their duties in the aircraft, their profession, identity and nationality.

The certificate of airworthiness, certificates of competency and licences issued or rendered valid by one of the Parties to this arrangement in respect of

an aircraft registered in its territory or of the crew of such aircraft shall have the same validity in the territory of the other Party as the corresponding documents issued or rendered valid by the latter.

Each of the Parties reserves the right for the purpose of flight within its own territory to refuse to recognize certificates of competency and licenses issued to nationals of that Party by the other Party.

#### ARTICLE 9

The fuel and lubricants retained on board aircraft of either Party arriving in or leaving territory of the other Party shall be exempt from customs duty, even though the fuel and lubricants so retained are used by the aircraft on a flight in that territory, provided that such a flight is part of a journey from or to a place outside that territory.

#### ARTICLE 10

Aircraft of either of the Parties to this arrangement may carry wireless apparatus in the territory of the other Party only if a licence to install and work such apparatus (which licence must be carried in the aircraft) shall have been issued by the competent authorities of the Party in whose territory the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject issued by the competent authorities of the territory within whose air space the aircraft is navigating. Such apparatus shall be used only by such members of the crew as are provided with a special licence for the purpose issued by the competent authorities of the territory in which the aircraft is registered.

The Parties to this arrangement reserve respectively the right, for reasons of safety, to issue regulations relative to the obligatory equipment of aircraft with wireless apparatus.

#### ARTICLE 11

No arms of war, explosives of war, or munitions of war shall be carried by aircraft of either Party in or above the territory of the other Party or by the crew or passengers except by permission of the competent authorities of the territory within whose air space the aircraft is navigating.

#### ARTICLE 12

Upon the departure or landing of any aircraft each Party may within its own territory and through its competent authorities search the aircraft of the other Party and examine the certificates and other documents prescribed.

#### ARTICLE 13

Aerodromes open to public air traffic in the territory of one of the Parties to this arrangement shall in so far as they are under the control of the Party

in whose territory they are situated be open to all aircraft of the other Party, which shall also be entitled to the assistance of the meteorological services, the wireless services, the lighting services and the day and night signalling services, in so far as the several classes of services are under the control of the Party in whose territory they respectively are rendered. Any scale of charges made, namely, landing, accommodation or other charge, with respect to the aircraft of each Party in the territory of the other Party, shall in so far as such charges are under the control of the Party in whose territory they are made be the same for the aircraft of both Parties.

#### ARTICLE 14

All aircraft entering or leaving the territory of either of the Parties to this arrangement shall land at or depart from an aerodrome open to public air traffic and classed as a customs aerodrome at which facilities exist for enforcement of customs, passport, quarantine and immigration regulations and clearance of aircraft, and no intermediate landing shall be effected between the frontier and the aerodrome. In special cases the competent authorities may allow aircraft to land at or depart from other aerodromes, at which the above-mentioned facilities have been arranged. The prohibition of any intermediate landing applies also in such cases.

In the event of a forced landing or of a landing as provided in Article 7 not at an aerodrome of the class mentioned in the first paragraph of this article, the pilot of the aircraft, its crew and the passengers shall conform to the customs, passport, quarantine and immigration regulations in force in the territory in which the landing has been made.

The Parties to this arrangement shall exchange lists of the aerodromes in their territories designated by them as customs aerodromes.

#### ARTICLE 15

Each of the Parties to this arrangement reserves the right to require that all aircraft crossing the frontiers of its territory shall do so between certain points. Subject to the notification of any such requirement by one Party to the other Party, and to the right to prohibit air traffic over certain areas as stipulated in Article 6, the frontiers of the territories of the Parties to this arrangement may be crossed at any point.

#### ARTICLE 16

As ballast, only fine sand or water may be dropped from an aircraft.

#### ARTICLE 17

No article or substance, other than ballast, may be unloaded or otherwise discharged in the course of flight unless special permission for such purpose shall have been given by the authorities of the territory in which such unloading or discharge takes place.

## ARTICLE 18

Whenever questions of nationality arise in carrying out the present arrangement, it is agreed that every aircraft shall be deemed to possess the nationality of the Party in whose territory it is duly registered.

## ARTICLE 19

The Parties to this arrangement shall communicate to each other the regulations relative to air traffic in force in their respective territories.

## ARTICLE 20

The present arrangement shall be subject to termination by either Party upon sixty days' notice given to the other Party or by the enactment by either Party of legislation inconsistent therewith.

I shall be glad to have you inform me whether it is the understanding of your Government that the arrangement agreed to in the negotiations is as herein set forth. If so, it is suggested that the arrangement become effective on the 4th day of December, 1937.

Accept, Excellency, the renewed assurances of my highest consideration.

JOHN CUDAHY

His Excellency  
EAMON DE VALERA,  
*Minister for External Affairs,*  
*Dublin.*

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*The Minister of External Affairs to the American Minister*

DUBLIN  
*4th November, 1937*

EXCELLENCY:

I have the honour to refer to your Note No. 7 of the 29th day of September, in which Your Excellency communicated to me the text of the reciprocal air navigation arrangement between Saorstát Eireann and the United States of America governing the operation of civil aircraft of one country in the other country as understood by you to have been agreed to during the negotiations, now terminated, between the two countries.

The text which you have communicated to me is as follows:—

[For text of arrangement, see U.S. note, above.]

I am glad to assure Your Excellency that the foregoing text is the text which has been accepted by my Government in the course of the negotiations and is approved by them.

In accordance with your suggestion, it is understood that the arrangement will come into force on the 4th day of December, 1937.

Accept, Excellency, the renewed assurance of my highest consideration.

ÉAMON DE VALÉRA  
*Minister for External Affairs*

His Excellency JOHN CUDAHY,  
*Envoy Extraordinary & Minister Plenipotentiary  
of the United States of America,  
Dublin.*

## AIR TRANSPORT SERVICES

*Exchange of notes at Washington February 3, 1945, with text of agreement*

*Entered into force February 3, 1945; operative February 15, 1945*

*Amended by agreements of June 2 and 3, 1947,<sup>1</sup> and March 4, 1958<sup>2</sup>*

59 Stat. 1402; Executive Agreement Series 460

*The Assistant Secretary of State to the Irish Minister*

DEPARTMENT OF STATE

WASHINGTON

*February 3, 1945*

SIR :

I have the honor to refer to discussions which began at the recent International Civil Aviation Conference in Chicago, and which have since been continued, on the subject of a reciprocal air transport agreement between the Government of the United States and the Government of Ireland.

It is my understanding that these discussions and negotiations, now terminated, have resulted in the following agreement :

### AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND IRELAND RELATING TO AIR TRANSPORT SERVICES

Having in mind the resolution recommending a standard form of agreement for provisional air routes and services, included in the Final Act of the International Civil Aviation Conference signed at Chicago on December 7, 1944, and the desirability of mutually stimulating and promoting the sound economic development of air transportation between the United States and Ireland, the two Governments parties to this arrangement agree that the further development of air transport services between their respective territories shall be governed by the following provisions :

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<sup>1</sup> TIAS 1620, *post*, p. 49.

<sup>2</sup> 9 UST 307; TIAS 4007.

## ARTICLE 1

The contracting parties grant the rights specified in the Annex hereto necessary for establishing the international civil air routes and services therein described, whether such services be inaugurated immediately or at a later date at the option of the contracting party to whom the rights are granted.

## ARTICLE 2

(a) Each of the air services so described shall be placed in operation as soon as the contracting party to whom the rights have been granted by Article 1 to designate an airline or airlines for the route concerned has authorized an airline for such route, and the contracting party granting the rights shall, subject to Article 6 hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; provided that the airline so designated may be required to qualify before the competent aeronautical authorities of the contracting party granting the rights under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this agreement; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such inauguration shall be subject to the approval of the competent military authorities.

(b) It is understood that either contracting party granted commercial rights under this agreement should exercise them at the earliest practicable date except in the case of temporary inability to do so.

## ARTICLE 3

In order to prevent discriminatory practices and to assure equality of treatment, both contracting parties agree that:

(a) Each of the contracting parties may impose or permit to be imposed just and reasonable charges for the use of public airports and other facilities under its control. Each of the contracting parties agrees, however, that these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

(b) Fuel, lubricating oils and spare parts introduced into the territory of one contracting party by the other contracting party or its nationals, and intended solely for use by aircraft of such other contracting party shall be accorded national and most-favored-nation treatment with respect to the imposition of customs duties, inspection fees or other national duties or charges by the contracting party whose territory is entered.

(c) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one contracting party

authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other contracting party, be exempt from customs, inspection fees or similar duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

#### ARTICLE 4

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one contracting party shall be recognized as valid by the other contracting party for the purpose of operating the routes and services described in the Annex. Each contracting party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another State.

#### ARTICLE 5

(a) The laws and regulations of one contracting party relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the other contracting party, and shall be complied with by such aircraft upon entering or departing from or while within the territory of the first party.

(b) The laws and regulations of one contracting party as to the admission to or departure from its territory of passengers, crew, or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo of the other contracting party upon entrance into or departure from, or while within the territory of the first party.

#### ARTICLE 6

Each contracting party reserves the right to withhold or revoke a certificate or permit to an airline of the other party in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of either party to this agreement, or in case of failure of an airline to comply with the laws of the State over which it operates as described in Article 5 hereof, or to perform its obligations under this agreement.

#### ARTICLE 7

This agreement and all contracts connected therewith shall be registered with the Provisional International Civil Aviation Organization.

#### ARTICLE 8

Operating rights granted previously by either of the contracting parties shall continue in force according to their terms.

## ARTICLE 9

This agreement or any of the rights for air transport services granted thereunder may, without prejudice to Article 8 above, be terminated by either contracting party upon giving one year's notice to the other contracting party.

## ARTICLE 10

Except as may be modified by the present agreement, the air navigation arrangement between the two contracting parties signed September 29, 1937, and November 4, 1937,<sup>3</sup> shall continue in force until superseded by a multilateral aviation convention to which Ireland and the United States become contracting parties.

## ARTICLE 11

In the event either of the contracting parties considers it desirable to modify the routes or conditions set forth in the attached Annex, it may request consultation between the competent authorities of both contracting parties, such consultation to begin within a period of sixty days from the date of the request. In case the aforementioned authorities mutually agree on new or revised conditions affecting the Annex, their recommendations on the matter will come into effect after they have been confirmed by an exchange of diplomatic notes.

ANNEX TO AIR TRANSPORT AGREEMENT BETWEEN THE UNITED STATES  
OF AMERICA AND IRELAND

A. Airlines of the United States authorized under the present agreement are accorded in the territory of Ireland rights of transit, non-traffic stop, and commercial entry for international traffic at Shannon airport (Foynes and Rineanna), on the following routes:

The United States to Ireland and countries beyond, via intermediate points; in both directions.

It is agreed that in view of the long transoceanic flight necessary on the above routes, and considering the still limited development of aeronautical science, all eastbound aircraft on routes covered in this Annex shall stop at Shannon airport as first European port of call and all westbound aircraft on the same routes shall stop at Shannon airport.<sup>4</sup>

B. Airlines of Ireland authorized under the present agreement are accorded in the territory of the United States rights of transit, non-traffic stop

<sup>3</sup> EAS 110, *ante*, p. 36.

<sup>4</sup> For a modification of para. A, see agreement of Mar. 4, 1958 (9 UST 307; TIAS 4007).

and commercial entry for international traffic at specific airports in connection with such route or routes as may be determined at a later date.<sup>5</sup>

C. Aircraft of either contracting party availing itself of the non-traffic stops granted by this agreement may be required by the other contracting party to offer reasonable commercial services in passengers, cargo and mail, both outward and inward.

You will, of course, understand that this agreement may be affected by subsequent legislation enacted by the Congress of the United States.

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the agreement resulting from the negotiations are as above set forth. If so, it is suggested that February 15, 1945 become the effective date. If your Government concurs in this suggestion the Government of the United States will regard the agreement as becoming effective at such time.

Accept, Sir, the renewed assurances of my highest consideration.

W. L. CLAYTON

The Honorable  
ROBERT BRENNAN,  
*Minister of Ireland.*

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*The Irish Minister to the Secretary of State*

IRISH LEGATION  
WASHINGTON, D.C.  
*February 3, 1945*

SIR:

I have the honor to acknowledge the receipt of your note of February 3, 1945, in which you communicated to me the terms of a reciprocal air transport agreement between Ireland and the United States of America, as understood by you to have been agreed to in negotiations, now terminated, between the Delegations of the Irish Government and the Government of the United States at the International Civil Aviation Conference in Chicago.

The terms of this agreement which you have communicated to me are as follows:

[For terms of agreement, see U.S. note, above.]

I am instructed to state that the terms of the agreement as communicated to me are agreed to by my Government. Furthermore, I am pleased to add

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<sup>5</sup> For an amendment of para. B, see agreement of June 2 and 3, 1947 (TIAS 1620), *post*, p. 49.

that your suggestion that the agreement become effective on February 15, 1945, is acceptable to my Government.

I avail myself of the occasion to renew to you, Sir, the assurances of my highest consideration.

ROBT. BRENNAN  
*Envoy Extraordinary and  
Minister Plenipotentiary*

The Honourable  
EDWARD R. STETTINIUS, Jr.  
*Secretary of State*

## AIR TRANSPORT SERVICES

*Exchange of notes at Washington June 2 and 3, 1947, amending  
agreement of February 3, 1945  
Entered into force June 3, 1947*

61 Stat. 2872; Treaties and Other  
International Acts Series 1620

*The Secretary of State to the Irish Chargé d'Affaires ad interim*

JUNE 2, 1947

SIR:

I refer to previous correspondence with the Legation concerning the air transport agreement concluded between Ireland and the United States of America in February 1945,<sup>1</sup> particularly with respect to the determination of traffic points in the United States to be granted to the Irish air services as referred to in Paragraph B of the Annex.

My Government, after consideration of the wishes of the Government of Ireland in this matter, proposes that Paragraph B of the Annex of the Agreement be amended to read as follows:

“Airlines of Ireland authorized under the present agreement are accorded in the territory of the United States rights of transit, nontraffic stop and commercial entry for international traffic at Boston, New York<sup>2</sup> and Chicago on the following route:

“Ireland via intermediate points to New York (via Boston) and Chicago, in both directions; provided that Chicago shall not be served on any flight serving New York and/or Boston.”

If this proposal is acceptable to your Government it is suggested that this note, together with your reply thereto, constitute an amendment of the Agreement as set forth above.

Accept, Sir, the renewed assurances of my high consideration.

For the Secretary of State:

GARRISON NORTON

MR. JOSEPH D. BRENNAN,  
*Chargé d'Affaires ad interim of Ireland.*

<sup>1</sup> EAS 460, *ante*, p. 43.

<sup>2</sup> By note of Aug. 18, 1971, the Government of the United States gave the Government of Ireland one year's notice of termination of the rights of Irish airlines to serve New York and expressed readiness to enter into consultations respecting rights granted by both parties, including possible withdrawal of the termination notice.

*The Irish Chargé d'Affaires ad interim to the Secretary of State*

IRISH LEGATION  
WASHINGTON, D.C.

*June 3, 1947*

SIR:

I have the honour to acknowledge receipt of your note of June 2nd, 1947 in which you propose that Paragraph B of the Annex to the Air Transport Agreement concluded between Ireland and the United States of America in February, 1945 be amended to read as follows:—

[For text of paragraph B, as amended, see U.S. note, above.]

I am instructed to state that this proposal is acceptable to my Government and that they accept also your suggestion that your note and this reply constitute an amendment of the Agreement as set forth above.

Accept, Sir, the renewed assurances of my high consideration.

JOSEPH D. BRENNAN  
*Chargé d'Affaires ad interim*

The Honourable GEORGE C. MARSHALL,  
*Secretary of State*  
*Washington, D.C.*

## MOST-FAVORED-NATION TREATMENT FOR AREAS UNDER OCCUPATION OR CONTROL

*Exchange of identical notes at Dublin June 28, 1948*

*Entered into force June 28, 1948*

*Expired in accordance with its terms*

62 Stat. 2910; Treaties and Other  
International Acts Series 1828

*The American Minister to the Minister of External Affairs*<sup>1</sup>

No. 232

JUNE 28, 1948

### EXCELLENCY:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and Ireland and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in Western Germany, the Free Territory of Trieste, Japan or Southern Korea, the Government of Ireland will extend to the merchandise trade of such areas the most favored nation treatment for the time being accorded to the merchandise trade of the United States of America. It is understood that the undertaking in this paragraph relating to the extension of most favored nation treatment shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade<sup>2</sup> permitting departures from the application of most favored nation treatment; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent

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<sup>1</sup> An identical note, addressed to the American Minister, was signed by the Minister of External Affairs, Sean MacBride, on the same day, June 28, 1948, at the time of the signing of the Economic Cooperation Agreement between the United States and Ireland (TIAS 1788, *post*, p. 53).

<sup>2</sup> TIAS 1700, *ante*, vol. 4, p. 641.

as such area accords reciprocal most favored nation treatment to the merchandise trade of Ireland.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization<sup>3</sup> relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in Western Germany, Japan or Southern Korea referred to in point 1, above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution of the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Ireland to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Ireland determines that the subsidization is such as to cause or threaten material injury to an established domestic industry, or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Please accept, Excellency, the renewed assurances of my highest consideration.

GEORGE A. GARRETT

His Excellency

SEAN MACBRIDE,

*Minister for External Affairs  
for the Government of Ireland,  
Dublin.*

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<sup>3</sup> Unperfected; for excerpts, see *A Decade of American Foreign Policy: Basic Documents, 1941-49* (S. Doc. 123, 81st Cong., 1st sess.), p. 391.

## ECONOMIC COOPERATION

*Agreement and annex signed at Dublin June 28, 1948*

*Entered into force July 2, 1948*

*Amended by agreements of February 17 and 18, 1950,<sup>1</sup> and April 20 and June 7, 1951<sup>2</sup>*

*Activities of Special Mission for Economic Cooperation terminated April 8, 1952*

62 Stat. 2407; Treaties and Other  
International Acts Series 1788

### ECONOMIC COOPERATION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND IRELAND

#### PREAMBLE

The Governments of the United States of America and Ireland:

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of self-help and mutual cooperation, open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all possible steps to establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Government of Ireland has joined with other like-minded nations in a Convention for European Economic Cooperation signed at Paris on April 16, 1948, under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery program, and that the Government of Ireland is a member of the Organization for European Economic Cooperation created pursuant to the provisions of that Convention;

<sup>1</sup> 1 UST 157; TIAS 2027.

<sup>2</sup> 2 UST 1906; TIAS 2326.

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948,<sup>3</sup> providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

Taking note that the Government of Ireland has already expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948;

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such assistance by Ireland, and the measures which the two Governments will take individually and together in furthering the recovery of Ireland as an integral part of the joint program for European recovery;

Have agreed as follows:

#### ARTICLE I

##### *(Assistance and Cooperation)*

1. The Government of the United States of America undertakes to assist Ireland, by making available to the Government of Ireland or to any person, agency or organisation designated by the latter Government such assistance as may be requested by it and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, conditions and termination provisions, of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder, and will make available to the Government of Ireland only such commodities, services and other assistance as are authorised to be made available by such acts.

2. The Government of Ireland, acting individually and through the Organization for European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery program to become independent of extraordinary outside economic assistance within the period of this Agreement. The Government of Ireland reaffirms its intention to take action to carry out the provisions of the General Obligations of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to con-

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<sup>3</sup> 62 Stat. 137.

tinue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

3. With respect to assistance furnished by the Government of the United States of America to Ireland and procured from areas outside the United States of America, its territories and possessions, the Government of Ireland will cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

## ARTICLE II

### *(General Undertakings)*

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Government of Ireland will use its best endeavours:

a) to adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to it, including

(i) such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Government of Ireland in support of the requirements of assistance to be furnished by the Government of the United States of America;

(ii) the observation and review of the use of such resources through an effective follow-up system approved by the Organization for European Economic Cooperation; and

(iii) to the extent practicable, measures to locate, identify and put into appropriate use in furtherance of the joint program for European recovery, assets, and earnings therefrom which belong to nationals of Ireland and which are situated within the United States of America, its territories or possessions. Nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures or on the Government of Ireland to dispose of such assets;

b) to promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organization for European Economic Cooperation; and when desired by the Government of the United States of America, to communicate to that Government detailed proposals for specific projects contemplated by the Government of Ireland to be undertaken in substantial part

with assistance made available pursuant to this Agreement, including whenever practicable projects for increased production of food;

c) to stabilize its currency, establish or maintain a valid rate of exchange, balance its governmental budget, create or maintain internal financial stability, and generally restore or maintain confidence in its monetary system; and

d) to cooperate with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

2. Taking into account Article 8 of the Convention for European Economic Cooperation looking toward the full and effective use of manpower available in the various participating countries, the Government of Ireland will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organization directed to the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

3. The Government of Ireland will take the measures which it deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the joint program of European recovery.

### ARTICLE III

#### *(Guaranties)*

1. The Governments of the United States of America and Ireland will, upon the request of either Government, consult respecting projects in Ireland proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under section III(b)(3) of the Economic Cooperation Act of 1948.<sup>4</sup>

2. The Government of Ireland agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any Irish pounds or credits in Irish pounds, assigned or transferred to the Government of the United States of America pursuant to that section shall be recognized as property of the Government of the United States of America.<sup>5</sup>

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<sup>4</sup> For an understanding relating to art. III, para. 1, see agreement of Apr. 20 and June 7, 1951 (2 UST 1906; TIAS 2326).

<sup>5</sup> For an understanding relating to art. III, para. 2, see agreement of Feb. 17 and 18, 1950 (1 UST 157; TIAS 2027).

## ARTICLE IV

*(Local Currency)*

1. The provisions of this Article shall apply only with respect to assistance which may be furnished by the Government of the United States of America on a grant basis.

2. The Government of Ireland will establish a special account in the Central Bank of Ireland in the name of the Government of Ireland (hereinafter called the Special Account) and will make deposits in Irish pounds to this account in amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services and technical information (including any costs of processing, storing, transporting, repairing or other services incident thereto) made available to Ireland on a grant basis by any means authorized under the Economic Cooperation Act of 1948. The Government of the United States of America shall from time to time notify the Government of Ireland of the indicated dollar cost of any such commodities, services and technical information, and the Government of Ireland will thereupon deposit in the Special Account a commensurate amount of Irish pounds computed at a rate of exchange which shall be the par value agreed at such time with the International Monetary Fund; provided that this agreed value is the single rate applicable to the purchase of dollars for imports into Ireland. If at the time of notification a par value for the Irish pound is agreed with the Fund and there are one or more other rates applicable to the purchase of dollars for imports into Ireland or, if at the time of notification no par value for the Irish pound is agreed with the Fund, the rate or rates for this particular purpose shall be mutually agreed upon between the Government of Ireland and the Government of the United States of America. The Government of Ireland may at any time make advance deposits in the Special Account which shall be credited against subsequent notifications pursuant to this paragraph.<sup>6</sup>

3. The Government of the United States of America will from time to time notify the Government of Ireland of its requirements for administrative expenditures in Irish pounds within Ireland incident to operations under the Economic Cooperation Act of 1948, and the Government of Ireland will thereupon make such sums available out of any balances in the Special Account in the manner requested by the Government of the United States of America in the notification.

4. Five per cent of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid Appropriation Act, 1949,<sup>7</sup> shall be allocated to the use of the Government of the United States of America for its expenditures in Ireland, and sums made available

<sup>6</sup> For an understanding relating to art. IV, para. 2, see *ibid.*

<sup>7</sup> 62 Stat. 1054.

pursuant to paragraph 3 of this Article shall first be charged to the amounts allocated under this paragraph.<sup>8</sup>

5. The Government of Ireland will further make such sums of Irish pounds available out of any balances in the Special Account as may be required to cover costs (including port, storage, handling and similar charges) of transportation from any point of entry in Ireland to the consignee's designated point of delivery in Ireland of such relief supplies and packages as are referred to in Article VI.

6. The Government of Ireland may draw upon any remaining balance in the Special Account for such purposes as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Government of Ireland for drawings from the Special Account, the Government of the United States of America will take into account the need for promoting or maintaining internal monetary and financial stabilization in Ireland and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within Ireland, including in particular:

a) expenditures upon projects or programs, including those which are part of a comprehensive program for the development of the productive capacity of Ireland and the other participating countries, and projects or programs the external costs of which are being covered by assistance rendered by the Government of the United States of America under the Economic Cooperation Act of 1948 or otherwise, or by loans from the International Bank for Reconstruction and Development;

b) expenditures upon the exploration for and development of additional production of materials which may be required in the United States of America because of deficiencies or potential deficiencies in the resources of the United States of America; and

c) effective retirement of the national debt, especially debt held by the Central Bank or other banking institutions.<sup>9</sup>

7. Any unencumbered balance, other than unexpended amounts allocated under paragraph 4 of this Article, remaining in the Special Account on June 30, 1952, shall be disposed of within Ireland for such purposes as may hereafter be agreed between the Governments of the United States of America and Ireland, it being understood that the agreement of the United States of America shall be subject to approval by Act or joint resolution of the Congress of the United States of America.

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<sup>8</sup> For an understanding relating to art. IV, para. 4, see agreement of Feb. 17 and 18, 1950 (1 UST 157; TIAS 2027).

<sup>9</sup> For an understanding relating to art. IV, para. 6, see agreement of Apr. 20 and June 7, 1951 (2 UST 1906; TIAS 2326).

## ARTICLE V

*(Access to Materials)*

1. The Government of Ireland will facilitate the transfer to the United States of America, for stockpiling or other purposes, of materials originating in Ireland which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Governments of the United States of America and Ireland, after due regard for the reasonable requirements of Ireland for domestic use and commercial export of such materials. The Government of Ireland will take such specific measures as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within Ireland, and the removal of any hindrances to the transfer of such materials to the United States of America. The Government of Ireland will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

2. The Government of Ireland will, when so requested by the Government of the United States of America, negotiate such arrangements as are appropriate to carry out the provisions of paragraph (9) of sub-Section 115 (b) of the Economic Cooperation Act of 1948, which relates to the development and transfer of materials required by the United States of America.

3. The Government of Ireland, when so requested by the Government of the United States of America, will cooperate, wherever appropriate, to further the objectives of paragraphs 1 and 2 of this Article in respect of materials originating outside of Ireland.

## ARTICLE VI

*(Travel Arrangements and Relief Supplies)*

1. The Government of Ireland will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

2. The Government of Ireland will, when so desired by the Government of the United States of America, enter into negotiations for agreements (including the provision of duty-free treatment under appropriate safeguards) to facilitate the entry into Ireland of supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies and of relief packages originating in the United States of America and consigned to individuals residing in Ireland.

## ARTICLE VII

*(Consultation and Transmittal of Information)*

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of Ireland will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Government of Ireland:

a) detailed information of projects, programs and measures proposed or adopted by the Government of Ireland to carry out the provisions of this Agreement and the General Obligations of the Convention for European Economic Cooperation;

b) full statements of operations under this Agreement, including a statement of the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter;

c) information regarding its economy and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation, which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the joint recovery program.

3. The Government of Ireland will assist the Government of the United States of America to obtain information relating to the materials originating in Ireland referred to in Article V which is necessary to the formulation and execution of the arrangements provided for in that Article.

## ARTICLE VIII

*(Publicity)*

1. The Governments of the United States of America and Ireland recognise that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European recovery and of the actions taken in furtherance of that program. It is recognised that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Government of Ireland will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. It will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. It will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the program for economic recovery.

4. The Government of Ireland will make public in Ireland in each calendar quarter, full statements of operations under this Agreement, including information as to the use of funds, commodities and services received.

#### ARTICLE IX

##### *(Missions)*

1. The Government of Ireland agrees to receive a Special Mission for Economic Cooperation which will discharge the responsibilities of the Government of the United States of America in Ireland under this Agreement.

2. The Government of Ireland will, upon appropriate notification from the Minister of the United States of America in Ireland, consider the Special Mission and its personnel, and the United States Special Representative in Europe, as part of the Legation of the United States of America in Ireland for the purpose of enjoying the privileges and immunities accorded to that Legation and its personnel of comparable rank. The Government of Ireland will further accord appropriate courtesies to the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America, and grant them the facilities and assistance necessary to the effective performance of their responsibilities.

3. The Government of Ireland, directly and through its representatives on the Organization for European Economic Cooperation, will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

#### ARTICLE X

##### *(Settlement of Claims of Nationals)*

1. The Governments of the United States of America and Ireland agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of governmental measures (other than measures taken by the Government of

the United States of America concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interest of such national, including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of the Government of the United States of America in respect of claims espoused by the Government of Ireland pursuant to this paragraph is made under the authority of and is limited by the terms and conditions of the recognition by the United States of America of the compulsory jurisdiction of the International Court of Justice under Article XXXVI of the Statute of the Court, as set forth in the Declaration of the President of the United States of America dated August 14, 1946.<sup>10</sup> The provisions of this paragraph shall be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements or principles of international law.

2. The Governments of the United States of America and Ireland further agree that such claims may be referred, in lieu of the Court, to any arbitral tribunal mutually agreed upon.

3. It is further understood that neither Government will espouse a claim pursuant to this Article until its national has exhausted the remedies available to him in the administrative and judicial tribunals of the country in which the claim arose.

#### ARTICLE XI

##### *(Definitions)*

As used in this Agreement, the term "participating country" means

(i) any country which signed the Report of the Committee of European Economic Cooperation at Paris on September 22, 1947, and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and

(ii) any other country (including any of the zones of occupation of Germany, and areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration;

for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purposes of this Agreement.

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<sup>10</sup> TIAS 1598, *ante*, vol. 4, p. 140.

## ARTICLE XII

*(Entry into Force, Amendment, Duration)*

1. This Agreement shall be subject to ratification by the Government of Ireland. It shall become effective on the day on which notice of such ratification is given to the Government of the United States of America. Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

2. If, during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumptions underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification, the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

- a) six months after the date of such notice of intention to terminate, or
- b) after such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of Ireland are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice;

provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms. Article IV shall remain in effect until all the sums in the currency of Ireland required to be deposited in accordance with its own terms have been disposed of as provided in that Article. Paragraph 2 of Article II shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

4. This Agreement may be amended at any time by agreement between the two Governments.

5. The Annex to this Agreement forms an integral part thereof.

6. This Agreement shall be registered with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the respective representatives, duly authorized for the purpose, have signed the present Agreement.

DONE AT DUBLIN, IN DUPLICATE, THIS TWENTY-EIGHTH DAY OF JUNE, 1948.

For the Government of the United States of America  
GEORGE A. GARRETT [SEAL]

For the Government of Ireland  
SEÁN MACBRIDE [SEAL]

#### ANNEX

##### (INTERPRETATIVE NOTES)

1. It is understood that the requirements of paragraph 1(a) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under the Agreement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade.

2. It is understood that the obligation under paragraph 1(c) of Article II to balance the budget would not preclude deficits over a short period but would mean a budgetary policy involving the balancing of the budget in the long run.

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean: (a) fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product; (b) excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas; (c) discriminating against particular enterprises; (d) limiting production or fixing production quotas; (e) preventing by agreement the development or application of technology or invention whether patented or unpatented; (f) extending the use of rights under patents, trademarks or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subject of such grants; and (g) such other practices as the two Governments may agree to include.

4. It is understood that the Government of Ireland is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination.

5. It is understood that the phrase in Article V "after due regard for the reasonable requirements of Ireland for domestic use" would include the

maintenance of reasonable stocks of the materials concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article V might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organization,<sup>11</sup> in the event that stockpiles are liquidated.

6. It is understood that the Government of Ireland will not be requested, under paragraph 2(a) of Article VII, to furnish detailed information about minor projects or confidential commercial or technical information the disclosure of which would injure legitimate commercial interests.

7. It is understood that the Government of the United States of America in making the notifications referred to in paragraph 2 of Article IX would bear in mind the desirability of restricting, so far as practicable, the number of officials for whom full diplomatic privileges would be requested. It is also understood that the detailed application of Article II [IX] would, when necessary, be the subject of intergovernmental discussion.

8. It is understood that if the Government of Ireland should accept the compulsory jurisdiction of the International Court of Justice under Article XXXVI of the Statute of the Court, on suitable terms and conditions, the two Governments will consult with a view to replacing the second sentence of paragraph 1 of Article X with provisions along the following lines:—

"It is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited by the terms and conditions of such effective recognition as it has heretofore given to the compulsory jurisdiction of the International Court of Justice under Article XXXVI of the Statute of the Court."

9. It is understood that any Agreements which might be arrived at pursuant to paragraph 2 of Article X would be subject to ratification by the Senate of the United States of America.

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SMACB.

<sup>11</sup> Unperfected. Art. 32(3) of the Havana Charter reads as follows:

"Such Member shall, at the request of any Member which considers itself substantially interested, consult as to the best means of avoiding substantial injury to the economic interests of producers and consumers of the primary commodity in question. In cases where the interests of several Members might be substantially affected, the Organization may participate in the consultations, and the Member holding the stocks shall give due consideration to its recommendations."

## VISAS AND VISA FEES

*Exchange of notes at Dublin August 1, 1949*  
*Entered into force August 1, 1949*

63 Stat. 2807; Treaties and Other  
International Acts Series 2050

*The American Minister to the Minister of External Affairs*

AMERICAN LEGATION  
*Dublin, Ireland, August 1, 1949*

No. 264

### EXCELLENCY:

I have the honor to inform Your Excellency that the Government of the United States is now prepared to conclude an agreement regarding the relaxation of visa requirements between the Government of the United States and the Government of the Republic of Ireland in the following terms:

1) Beginning August 1, 1949, American citizens, in possession of valid passports issued by the Government of the United States, proceeding to Ireland shall not be required to be in possession of valid visas.

2) Such American citizens shall otherwise be subject to Irish laws and regulations regarding the entry, short sojourn, and residence or employment in Ireland of persons of other than Irish nationality.

3) The Government of the United States, beginning September 1, 1949, will grant to Irish citizens who qualify as temporary visitors for business or pleasure purposes under the provisions of clause (2), Section 3, Immigration Act of 1924,<sup>1</sup> as amended, and who are eligible to receive such visas, gratis non-immigrant passport visas valid for any number of applications for admission into the United States and its possessions during a period of twenty-four (24) months, provided the passports of the bearers remain valid for that period of time.

4) In addition, the Government of the United States, beginning September 1, 1949, will waive existing fee requirements for all other non-immigrant

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<sup>1</sup> 43 Stat. 153.

passport visas granted to eligible, qualified Irish citizens and such visa shall be valid for any number of applications for admission into the United States during a period of twelve (12) months, provided the passports of the bearers remain valid for that period of time.

The period of validity of a visa relates only to the period within which such visa may be used in connection with an application for admission at a port of entry into the United States and its possessions, and not to the length of stay in the United States which may be permitted the bearer after he is admitted. The period of each stay would, as at present, continue to be determined by the Immigration authorities.

If the Government of the Republic of Ireland is prepared to accept the foregoing conditions and provisions, I have the honor to suggest that the present note and Your Excellency's reply in similar terms should be regarded as placing on record the agreement between the two Governments.

Please accept, Excellency, the assurances of my highest consideration.

GEORGE A. GARRETT  
*American Minister*

His Excellency  
SEÁN MACBRIDE,  
*Minister for External Affairs,  
Iveagh House,  
Dublin, Ireland.*

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*The Minister of External Affairs to the American Minister*

DUBLIN  
*1 August, 1949*

351/14

EXCELLENCY,

I have the honour to acknowledge receipt of Your Excellency's Note, No. 264, of the 1st instant stating that the Government of the United States are prepared to conclude an Agreement regarding the relaxation of Visa requirements with the Government of the Republic of Ireland in the following terms:

[For terms of agreement, see second, third, fourth, fifth, and sixth paragraphs of U.S. note, above.]

I have the honour to inform Your Excellency that the Government of the Republic of Ireland are prepared to accept the foregoing conditions and provisions and concur in the suggestion that Your Excellency's Note and this

reply should be regarded as placing on record the Agreement between the two Governments.

Accept, Excellency, the renewed assurance of my highest consideration.

SEÁN MACBRIDE  
*Minister for External Affairs*

His Excellency GEORGE A. GARRETT,  
*Envoy Extraordinary and Minister Plenipotentiary of the  
United States of America,  
American Legation,  
Dublin.*

## DOUBLE TAXATION: ESTATE TAXES

*Convention signed at Dublin September 13, 1949*

*Senate advice and consent to ratification September 17, 1951*

*Ratified by the President of the United States October 18, 1951*

*Ratified by Ireland December 10, 1951*

*Ratifications exchanged at Washington December 20, 1951*

*Entered into force December 20, 1951*

*Proclaimed by the President of the United States December 24, 1951*

[For text, see 2 UST 2294; TIAS 2355.]

## DOUBLE TAXATION: TAXES ON INCOME

*Convention signed at Dublin September 13, 1949; protocol of exchange signed at Washington December 20, 1951*

*Senate advice and consent to ratification, with reservations, September 17, 1951*

*Ratified by Ireland December 10, 1951*

*Ratified by the President of the United States, with reservations, December 13, 1951*

*Ratifications exchanged at Washington December 20, 1951*

*Entered into force December 20, 1951*

*Proclaimed by the President of the United States December 24, 1951*

[For text, see 2 UST 2303; TIAS 2356.]

# *Italy*

## RIGHTS, PRIVILEGES, AND IMMUNITIES OF CONSULAR OFFICERS

*Convention signed at Washington February 8, 1868*

*Senate advice and consent to ratification June 17, 1868*

*Ratified by the President of the United States June 22, 1868*

*Ratified by Italy July 19, 1868*

*Ratifications exchanged at Washington September 17, 1868*<sup>1</sup>

*Entered into force September 17, 1868*

*Proclaimed by the President of the United States February 23, 1869*

*Supplemented by additional article signed at Washington January 21,  
1869*<sup>2</sup>

*Superseded September 18, 1878, by convention of May 8, 1878*<sup>3</sup>

15 Stat. 605; Treaty Series 173

The President of the United States and His Majesty the King of Italy, recognizing the utility of defining the rights, privileges and immunities of Consular officers, in the two Countries, deem it expedient to conclude a Consular Convention for that purpose.

Accordingly, they have named:

The President of the United States, Wm. H. Seward, Secretary of State of the United States;

His Majesty the King of Italy, The Commander Marcello Cerruti, &c. &c.

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following Articles:

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<sup>1</sup> For an additional article regarding the delay in the exchange of ratifications, see TS 175, *post*, p. 80.

<sup>2</sup> TS 175, *post*, p. 80.

<sup>3</sup> TS 178, *post*, p. 91.

## ARTICLE I

Each of the High Contracting Parties agrees to receive from the other, Consuls General, Consuls, Vice Consuls and Consular Agents, in all its ports, cities and places, except those where it may not be convenient to recognize such officers.

This reservation, however, shall not apply to one of the High Contracting Parties, without also applying to every other Power.

## ARTICLE II

Consular officers, on the presentation of their Commissions in the forms established in their respective countries, shall be furnished with the necessary exequatur free of charge, and, on the exhibition of this instrument they shall be permitted to enjoy the rights, prerogatives and immunities granted by this Convention.

## ARTICLE III

Consular officers, citizens or subjects of the State by which they are appointed, shall be exempt from arrest except in the case of offences which the local legislation qualifies as crimes, and punishes as such; from military billets, from service in the militia or in the national guard, or in the regular army; and from all taxation, federal, state, or municipal. If, however, they are citizens or subjects of the State where they reside, or own property, or engage in business there, they shall be liable to the same charges of all kinds, as other citizens or subjects of the country, who are merchants or owners of property.

## ARTICLE IV

No Consular officer who is a citizen or subject of the State by which he was appointed, and who is not engaged in business, shall be compelled to appear as a witness, before the Courts of the country where he may reside. When the testimony of such a Consular officer is needed, he shall be invited in writing to appear in Court; and if unable to do so, his testimony shall be requested in writing, or be taken orally, at his dwelling or office.

It shall be the duty of said Consular officer to comply with this request, without any delay which can be avoided.

In all criminal cases contemplated by the Sixth Article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes, to obtain witnesses in their favor, the appearance in Court of said Consular officer shall be demanded with all possible regard to the Consular dignity, and to the duties of his office.

A similar treatment shall also be extended to United States Consuls in Italy in the like cases.

## ARTICLE V

Consuls General, Consuls, Vice Consuls and Consular Agents, may place over the outer door of their offices or of their dwelling houses, the arms of their nation, with this inscription "Consulate or Vice Consulate or Consular Agency", of the United States or of Italy, &c. &c.

And they may also raise the flag of their country on their offices or dwellings, except in the Capital of the Country, when there is a Legation there.

## ARTICLE VI

The Consular offices and dwellings shall be at all times inviolable. The local authorities shall not under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum. When, however, a Consular officer is engaged in other business, the papers relating to the Consulate shall be kept separate.

## ARTICLE VII

In the event of the death, incapacity or absence of Consul General, Consuls, Vice Consuls and Consular Agents, their Chancellors or Secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Minister for Foreign Affairs in Italy, may temporarily exercise their functions, and while thus acting, they shall enjoy all the rights, prerogatives and immunities, granted to the incumbents.

## ARTICLE VIII

Consuls General, and Consuls, may, with the approbation of their respective Governments, appoint Vice Consuls and Consular Agents, in the cities, ports, and places within their Consular jurisdiction. These officers may be citizens of the United States, Italian subjects or other foreigners. They shall be furnished with a Commission by the Consul who appoints them, and under whose orders they are to act.

They shall enjoy the privileges stipulated for Consular officers in this Convention, subject to the exceptions specified in Articles III and IV.

## ARTICLE IX

Consuls General, Consuls, Vice Consuls and Consular Agents, may complain to the authorities of the respective countries, whether federal or local, judicial or local, judicial or executive, within their consular district, of any infraction of the Treaties and Conventions between the United States and Italy, or for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the Consular officers aforesaid in the absence of a Diplomatic Agent, of their country, may apply directly to the Government of the country where they reside.

## ARTICLE X

Consuls General, Consuls, Vice Consuls and Consular Agents, may take at their offices, at the residence of the parties, at their private residence, or on board ship, the depositions of the Captains and crews of vessels of their own country, of passengers, on board of them, and of any other citizen or subject of their nation.

They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens and subjects of their country, and the citizens, subjects or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which said Consular officer may belong.

Copies of such papers, and official documents of every kind, whether in the original, copy or translation duly authenticated and legalized by the Consuls General, Consuls, Vice Consuls, and Consular Agents, and sealed with their official seal, shall be received as legal documents, in Courts of Justice throughout the United States and Italy.

## ARTICLE XI

Consuls General, Consuls, Vice Consuls and Consular Agents, shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise either at sea or in port, between the captains, officers and crews without exception, particularly in reference to the adjustment of wages, and the execution of contracts. Neither the federal, state, or municipal authorities or Courts, in the United States, nor any Court or authority in Italy, shall on any pretext interfere in these differences, but shall render forcible aid to Consular officers when they may ask it, to search, arrest and imprison all persons composing the crew, whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls addressed in writing to either the federal, state or municipal Courts or authorities in the United States, or to any Court or authority in Italy, and supported by an official extract from the Register of the ship, or the list of the crew, and shall be held during the whole time of their stay in port, at the disposal of the Consular officers.

Their release shall be granted at the mere request of such officers made in writing. The expenses of the arrest and detention of those persons shall be paid by the Consular officers.

## ARTICLE XII

In the conformity with the Act of Congress (5 [3] March 1855, "to regulate the carriage of passengers on steamships and other vessels"),<sup>4</sup> all disputes

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<sup>4</sup> 10 Stat. 715.

and differences of any nature between the captains and their officers on one hand, and the passengers of their ships on the other, shall be brought to and decided by the Circuit or District Courts in the United States, to the exclusion of all other Courts or authorities.

#### ARTICLE XIII

The respective Consuls General, Consuls, Vice Consuls and Consular Agents, may arrest the officers, sailors and all other persons making part of the crew of ships of war, or merchant vessels of their nation, who may be guilty, or be accused of having deserted said ships and vessels, for the purpose of sending them on board, or back to their country. To that end, the Consuls of Italy in the United States may apply in writing to either the federal, state or municipal Courts or authorities, and the Consuls of the United States in Italy, may apply to any of the competent authorities, and make a request in writing for the deserters, supporting it by the exhibition of the Register of the vessel, and list of the crew, or by other official documents, to show that the persons claimed belong to the said crew. Upon such request alone, thus supported, and without the exaction of any oath from the Consular officers, the deserters, not being citizens, or subjects of the country where the demand is made at the time of their shipping, shall be given up. All the necessary aid and protection shall be furnished for the search, pursuit, seizure and arrest of the deserters who shall even be put and kept in the prisons of the country, at the request and expense of the Consular officers, until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself, within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, nor shall he be again arrested for the same cause.

#### ARTICLE XIV

In the absence of an agreement to the contrary, between the owners, freighters and insurers, all damages suffered at sea by the vessels of the two countries whether they enter port voluntarily, or are forced by stress of weather, shall be settled by the Consuls General, Consuls, Vice Consuls and Consular Agents of the respective countries where they reside. If, however, any inhabitant of the country, or citizen or subject of a third power, shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

#### ARTICLE XV

All proceedings relative to the salvage of American vessels wrecked upon the coasts of Italy, and of Italian vessels wrecked upon the coasts of the United States, shall be directed by the Consuls General, Consuls and Vice Consuls of the two countries respectively, and, until their arrival, by the respective Consular Agents, whenever an Agency exists. In the places and

ports where an Agency does not exist, the local authorities until the arrival of the Consul in whose district the wreck may have occurred and who shall immediately be informed of the occurrence, shall take all necessary measures for the protection of persons, and the preservation of property.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

It is understood that such merchandise is not to be subjected to any Custom House charges, unless it be intended for consumption in the country where the wreck may have taken place.

#### ARTICLE XVI

In case of the death of a citizen of the United States in Italy, or of an Italian subject in the United States, without having any known heirs or testamentary executor by him appointed, the competent local authorities shall inform the Consuls or Consular Agents of the nation to which the deceased belongs, of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

#### ARTICLE XVII

The present Convention shall remain in force for the space of ten (10) years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington, within the period of six (6) months, or sooner if possible.<sup>5</sup>

In case neither party gives notice twelve (12) months after the expiration of the said period of ten (10) years, of its intention to renew this Convention, it shall remain in force one (1) year, longer, and so on from year to year, until the expiration of a year from the day on which one of the Parties shall have given such notice.

In faith whereof, the respective Plenipotentiaries have signed this Convention, and have hereunto affixed their seals.

Done in duplicate at Washington, the eighth day of February, 1868, the ninety-second year of the Independence of the United States of America.

WILLIAM H. SEWARD	[SEAL]
MARCELLO CERRUTI	[SEAL]

<sup>5</sup> For an additional article supplementing art. XVII, see TS 175, *post*, p. 80.

## EXTRADITION

*Convention signed at Washington March 23, 1868*

*Senate advice and consent to ratification, with an amendment,<sup>1</sup> June 17, 1868*

*Ratified by the President of the United States, with an amendment,<sup>1</sup> June 22, 1868*

*Ratified by Italy July 19, 1868*

*Ratifications exchanged at Washington September 17, 1868*

*Entered into force September 17, 1868*

*Proclaimed by the President of the United States September 30, 1868*

*Supplemented by additional article of January 21, 1869;<sup>2</sup> convention of June 11, 1884;<sup>3</sup> and agreement of April 16 and 17, 1946<sup>4</sup>*

*Revised (after World War II) February 6, 1948<sup>5</sup> pursuant to article 44 of treaty of peace signed at Paris February 10, 1947<sup>6</sup>*

15 Stat. 629; Treaty Series 174

### CONVENTION FOR THE SURRENDER OF CRIMINALS BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF ITALY

The United States of America and His Majesty the King of Italy, having judged it expedient, with a view to the better administration of justice, and to the prevention of crimes within their respective territories and jurisdiction, that persons convicted of or charged with the crimes hereinafter specified, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their plenipotentiaries: the President of the United States, William H. Seward, Secretary of State; His Majesty the King of Italy, the Commander Marcello Cerruti, envoy extraordinary and minister plenipotentiary; who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

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<sup>1</sup> The U.S. amendment called for deletion in art. II, para. 6, of the words "of all things being titles on instruments of credit" after the phrase "and in general," and the substitution therefor of "of any title and instrument of credit whatsoever."

The text printed here is the amended text as proclaimed by the President.

<sup>2</sup> TS 176, *post*, p. 81.

<sup>3</sup> TS 181, *post*, p. 102.

<sup>4</sup> TIAS 1699, *post*, p. 192.

<sup>5</sup> *Department of State Bulletin*, Feb. 22, 1948, p. 248.

<sup>6</sup> TIAS 1648, *ante*, vol. 4, p. 325.

ARTICLE I<sup>7</sup>

The Government of the United States and the Government of Italy mutually agree to deliver up persons who, having been convicted of or charged with the crimes specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime had been there committed.

## ARTICLE II

Persons shall be delivered up who shall have been convicted of, or be charged, according to the provisions of this convention, with any of the following crimes:

1. Murder, comprehending the crimes designated in the Italian penal code, by the terms of parricide, assassination, poisoning, and infanticide.
2. The attempt to commit murder.
3. The crimes of rape, arson, piracy, and mutiny on board a ship, whenever the crew, or part thereof, by fraud or violence against the commander, have taken possession of the vessel.
4. The crime of burglary, defined to be the action of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the action of feloniously and forcibly taking from the person of another goods or money, by violence or putting him in fear.
5. The crime of forgery, by which is understood the utterance of forged papers, the counterfeiting of public, sovereign, or government acts.
6. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank notes, and obligations, and in general of any title and instrument of credit whatsoever, the counterfeiting of seals, dies, stamps, and marks of state and public administrations, and the utterance thereof.
7. The embezzlement of public moneys committed within the jurisdiction of either party, by public officers or depositors.
8. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.<sup>8</sup>

<sup>7</sup> For an understanding relating to art. I, see agreement of Apr. 16 and 17, 1946 (TIAS 1699), *post*, p. 192.

<sup>8</sup> For an amendment of art. II, para. 8, see additional article signed at Washington Jan. 21, 1869 (TS 176), *post*, p. 81. For an addition to the list of crimes, see supplementary convention of June 11, 1884 (TS 181), *post*, p. 102.

## ARTICLE III

The provisions of this treaty shall not apply to any crime or offense of a political character, and the person or persons delivered up for the crimes enumerated in the preceding article shall in no case be tried for any ordinary crime, committed previously to that for which his or their surrender is asked.

## ARTICLE IV

If the person whose surrender may be claimed, pursuant to the stipulations of the present treaty, shall have been arrested for the commission of offenses in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

## ARTICLE V

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or in the event of the absence of these from the country, or its seat of government, they may be made by superior consular officers. If the person whose extradition may be asked for shall have been convicted of a crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority, and of the latter by the minister or consul of the United States or of Italy, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, or of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States, or the proper executive authority in Italy, may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to law and the evidence, the extradition is due pursuant to the treaty, the fugitive may be given up according to the forms prescribed in such cases.<sup>9</sup>

## ARTICLE VI

The expenses of the arrest, detention, and transportation of the persons claimed, shall be paid by the government in whose name the requisition has been made.

## ARTICLE VII

This convention shall continue in force during five (5) years from the day of exchange of ratification, but if neither party shall have given to the other

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<sup>9</sup> For an addition to art. V, see *ibid.*

six (6) months' previous notice of its intention to terminate the same, the convention shall remain in force five years longer, and so on.

The present convention shall be ratified, and the ratifications exchanged at Washington, within six (6) months, and sooner, if possible.

In witness whereof, the respective plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at Washington, the twenty-third day of March, A.D. one thousand eight hundred and sixty-eight, and of the Independence of the United States the ninety-second.

WM. H. SEWARD [SEAL]

M. CERRUTI [SEAL]

## RIGHTS, PRIVILEGES, AND IMMUNITIES OF CONSULAR OFFICERS

*Additional article signed at Washington January 21, 1869, supplementing convention of February 8, 1868*

*Senate advice and consent to ratification February 16, 1869*

*Ratified by the President of the United States February 24, 1869*

*Ratified by Italy April 1, 1869*

*Ratifications exchanged at Washington May 7, 1869*

*Entered into force May 7, 1869*

*Proclaimed by the President of the United States May 11, 1869*

*Superseded September 18, 1878, by convention of May 8, 1878*<sup>1</sup>

16 Stat. 769; Treaty Series 175

### ADDITIONAL ARTICLE TO THE CONVENTION BETWEEN THE UNITED STATES AND HIS MAJESTY THE KING OF ITALY FOR REGULATING THE JURISDICTION OF CONSULS

The exchange of ratifications of the Convention for regulating the jurisdiction of Consuls between the United States and His Majesty the King of Italy, which was signed on the 8th of February, 1868,<sup>2</sup> having been unavoidably delayed beyond the period stipulated in Article XVII, it is agreed between the High Contracting Parties, that the said Convention shall have the same force and effect as it would have had if the exchange had been effected within the stipulated period.

In witness whereof the respective Plenipotentiaries have signed the present Article in duplicate, and have affixed thereto the seal of their arms.

Done at Washington, the 21st day of January 1869.

WILLIAM H. SEWARD [SEAL]

M. CERRUTI [SEAL]

<sup>1</sup> TS 178, *post*, p. 91.

<sup>2</sup> TS 173, *ante*, p. 70.

## EXTRADITION

*Additional article signed at Washington January 21, 1869, supplementing convention of March 23, 1868*

*Senate advice and consent to ratification February 16, 1869*

*Ratified by the President of the United States February 23, 1869*

*Ratified by Italy April 1, 1869*

*Ratifications exchanged at Washington May 7, 1869*

*Entered into force May 7, 1869*

*Proclaimed by the President of the United States May 11, 1869*

*Revived (after World War II) February 6, 1948,<sup>1</sup> pursuant to article 44 of treaty of peace signed at Paris February 10, 1947<sup>2</sup>*

16 Stat. 767; Treaty Series 176

It is agreed that the concluding paragraph of the second article of the convention aforesaid<sup>3</sup> shall be so amended as to read as follows:

8. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment according to the laws of the United States, and criminal punishment according to the laws of Italy.

In witness whereof the respective plenipotentiaries have signed the present article in duplicate, and have affixed thereto the seal of their arms.

Done at Washington, the 21st day of January, 1869.

WM. H. SEWARD [SEAL]

M. CERRUTI [SEAL]

<sup>1</sup> *Department of State Bulletin*, Feb. 22, 1948, p. 248.

<sup>2</sup> TIAS 1648, *ante*, vol. 4, p. 325.

<sup>3</sup> Convention signed at Washington Mar. 23, 1868 (TS 174, *ante*, p. 76).

## COMMERCE AND NAVIGATION

*Treaty signed at Florence February 26, 1871*

*Senate advice and consent to ratification April 15, 1871*

*Ratified by the President of the United States April 29, 1871*

*Ratified by Italy June 25, 1871*

*Ratifications exchanged at Washington November 18, 1871*

*Entered into force November 18, 1871*

*Proclaimed by the President of the United States November 23, 1871*

*Article III amended by treaty of February 25, 1913<sup>1</sup>*

*Provisions inconsistent with convention of August 24, 1918,<sup>2</sup> regarding  
military service held in abeyance for duration of that agreement*

*Terminated December 15, 1937<sup>3</sup>*

17 Stat. 845; Treaty Series 177

The United States of America and His Majesty the King of Italy, desiring to extend and facilitate the relations of commerce and navigation between the two countries, have determined to conclude a treaty for that purpose and have named as their respective plenipotentiaries:

The United States of America, George Perkins Marsh, their Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of Italy;

And His Majesty the King of Italy, the Noble Emilio Visconti Venosta, Grand Cordon of his orders of the Saints Maurice and Lazarus, and of the Crown of Italy, Deputy in Parliament, and his Minister Secretary of State for Foreign Affairs.

And the said Plenipotentiaries, having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

### ARTICLE I

There shall be between the territories of the High Contracting Parties a reciprocal liberty of commerce and navigation.

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<sup>1</sup> TS 580, *post*, p. 120.

<sup>2</sup> TS 637, *post*, p. 136.

<sup>3</sup> Pursuant to protocol of denunciation signed at Rome Dec. 15, 1936.

Italian citizens in the United States, and citizens of the United States in Italy, shall mutually have liberty to enter with their ships and cargoes all the ports of the United States and of Italy respectively, which may be open to foreign commerce.

They shall also have liberty to sojourn and reside in all parts whatever of said territories. They shall enjoy respectively, within the states and possessions of each party, the same rights, privileges, favors, immunities and exemptions for their commerce and navigation as the natives of the country wherein they reside, without paying other or higher duties or charges than are paid by the natives, on condition of their submitting to the laws and ordinances there prevailing.

War vessels of the two Powers shall receive, in their respective ports, the treatment of those of the most favored nation.

## ARTICLE II

The citizens of each of the high contracting parties shall have liberty to travel in the states and territories of the other, to carry on trade, wholesale and retail, to hire and occupy houses and ware houses, to employ agents of their choice, and generally to do anything incident to or necessary for trade upon the same terms as the natives of the country, submitting themselves to the laws there established.

## ARTICLE III <sup>4</sup>

The citizens of each of the high contracting parties shall receive, in the states and territories of the other, the most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or shall be granted to the natives, on their submitting themselves to the conditions imposed upon the natives.

They shall, however, be exempt in their respective territories, from compulsory military service either on land or sea, in the regular forces, or in the national guard, or in the militia.

They shall likewise be exempt from any judicial or municipal office and from any contribution whatever in kind or in money, to be levied in compensation for personal services.

## ARTICLE IV

The citizens of neither of the contracting parties shall be liable in the states or territories of the other, to any embargo, nor shall they be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatsoever, without allowing to those interested a sufficient indemnification, previously agreed upon when possible.

<sup>4</sup> For an amendment of art. III, see TS 580, *post*, p. 120.

## ARTICLE V

The high contracting parties agree, that whatever kind of produce, manufactures or merchandise of any foreign country can be from time to time lawfully imported into the United States, in their own vessels, may be also imported in Italian vessels; that no other or higher duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and in like manner, that whatsoever kind of produce, manufactures or merchandise of any foreign country can be from time to time lawfully imported into Italy, in its own vessels, may be also imported in vessels of the United States, and that no higher or other duties upon the tonnage of the vessels or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and they further agree that whatever may be lawfully exported and re-exported from the one country, in its own vessels, to any foreign country, may in the like manner be exported or re-exported in the vessels of the other country, and the same bounties, duties and drawbacks shall be allowed and collected whether such exportation or re-exportation be made in vessels of the United States or of Italy.

## ARTICLE VI

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of Italy, and no higher or other duties shall be imposed on the importation into Italy of any articles, the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or the manufactures of any other foreign country; nor shall any other or higher duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States or to Italy respectively, than such as are payable on the exportation of the like articles to any foreign country, nor shall any prohibition be imposed on the importation or the exportation of any articles, the produce or manufactures of the United States or of Italy, to or from the territories of the United States, or to or from the territories of Italy, which shall not equally extend to all other nations.

## ARTICLE VII

Vessels of the United States arriving at a port of Italy, and reciprocally, vessels of Italy arriving at a port of the United States, may proceed to any other port of the same country, and may there discharge such part of their original cargoes as may not have been discharged at the port where they first arrived; it is however understood and agreed, that nothing contained in this article shall apply to the coastwise navigation, which each of the two contracting parties reserves exclusively to itself.

## ARTICLE VIII

The following shall be exempt from paying tonnage, anchorage and clearance duties in the respective ports.

1st. Vessels entering in ballast, and leaving again in ballast, from whatever port they may come.

2. Vessels passing from a port of either of the two states into one or more ports of the same state, therein to discharge a part or all of their cargo, or take in or complete their cargo, whenever they shall furnish proof of having already paid the aforesaid duties.

3. Loaded vessels entering a port, either voluntarily or forced from stress of weather, and leaving it without having disposed of the whole or part of their cargoes, or having therein completed their cargoes.

No vessel of the one country which may be compelled to enter a port of the other, shall be regarded as engaging in trade if it merely breaks bulk for repairs, transfers her cargo to another vessel on account of unseaworthiness, purchases stores or sells damaged goods for re-exportation. It is, however, understood that all portions of such damaged goods destined to be sold for internal consumption shall be liable to the payment of custom duties.

## ARTICLE IX

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage, on the coasts or within the dominions of the other, there shall be given to it all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, and to reload the same, or part thereof, paying no duties whatsoever but such as shall be due upon the articles left for consumption.

## ARTICLE X

Vessels of either of the contracting parties shall have liberty, within the territories and dominions of the other, to complete their crew, in order to continue their voyage, with sailors articulated in the country, provided they submit to the local regulations, and their enrolment be voluntary.

## ARTICLE XI

All ships, merchandise and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction, or on the high seas, and may be carried or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim should be

made within the term of one year by the parties themselves, their attorneys, or agents of the respective Governments.

#### ARTICLE XII

The high contracting parties agree that in the unfortunate event of a war between them, the private property of their respective citizens and subjects with the exception of contraband of war, shall be exempt from capture or seizure on the high seas or elsewhere, by the armed vessels or by the military forces of either party; it being understood that this exemption shall not extend to vessels and their cargoes, which may attempt to enter a port blockaded by the naval forces of either party.

#### ARTICLE XIII

The high contracting parties having agreed that a state of war between one of them and a third Power shall not, except in the cases of blockade, and contraband of war, affect the neutral commerce of the other, and being desirous of removing every uncertainty which may hitherto have arisen respecting that which upon principles of fairness and justice ought to constitute a legal blockade, they hereby expressly declare, that such places only shall be considered blockaded as shall be actually invested by naval forces capable of preventing the entry of neutrals, and so stationed as to create an evident danger on their part to attempt it.

#### ARTICLE XIV

And whereas it frequently happens that vessels sail for a port or a place belonging to an enemy, without knowing that the same is besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband of war, be confiscated, unless, after a warning of such blockade or investment from an officer commanding a vessel of the blockading forces, by an endorsement of such officer on the papers of the vessel mentioning the date, and the latitude and longitude where such endorsement was made, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either that may have entered into such a port before the same was actually besieged, blockaded or invested by the other, be restrained from quitting such place with her cargo, nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof; and if any vessel, having thus entered any port before the blockade took place, shall take on board a cargo after the blockade be established, she shall be subject to being warned by the blockading forces to return to the port blockaded, and discharge the said cargo, and if after receiving the said warning, the vessel shall persist in going

out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port, after being warned off by the blockading forces.

#### ARTICLE XV

The liberty of navigation and commerce secured to neutrals by the stipulations of this Treaty, shall extend to all kinds of merchandise excepting those only which are distinguished by the name of contraband of war. And, in order to remove all causes of doubt and misunderstanding upon this subject, the contracting parties expressly agree and declare that the following articles and no others shall be considered as comprehended under this denomination;

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuseses, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts, bombs, grenades, powder, matches, balls, and all other things belonging to and expressly manufactured for the use of these arms.

2. Infantry belts, implements of war, and defensive weapons, clothes cut or made up in a military form, and for a military use.

3. Cavalry belts, war saddles and holsters.

4. And generally all kinds of arms and instruments of iron, steel, brass, and copper or of any other materials, manufactured, prepared and formed expressly to make war by sea or land.

#### ARTICLE XVI

It shall be lawful for the citizens of the United States, and for the subjects of the Kingdom of Italy, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port, to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party, without any opposition or disturbance whatever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several; and it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt from capture which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading or any part thereof should appertain to the enemies of the other, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board of a free ship; and they shall not be taken out

of that free ship, unless they are officers or soldiers, and in the actual service of the enemy. Provided however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle and not of others.

#### ARTICLE XVII

All vessels sailing under the flag of the United States, and furnished with such papers as their laws require, shall be regarded in Italy as vessels of the United States, and reciprocally, all vessels sailing under the flag of Italy and furnished with the papers which the laws of Italy require, shall be regarded in the United States as Italian vessels.

#### ARTICLE XVIII

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that, whenever a vessel of war shall meet with a vessel not of war of the other contracting party, the first shall remain at a convenient distance, and may send its boat with two or three men only, in order to execute the said examination of the papers, concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill-treatment, and it is expressly agreed that the unarmed party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

#### ARTICLE XIX

It is agreed that the stipulations contained in the present Treaty, relative to the visiting and examining of a vessel, shall apply only to those which sail without a convoy; and when said vessels shall be under convoy the verbal declaration of the Commander of the Convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

#### ARTICLE XX

In order effectually to provide for the security of the citizens and subjects of the contracting parties, it is agreed between them that all Commanders of ships of war of each party respectively, shall be strictly enjoined to forbear from doing any damage to, or committing any outrage against, the citizens or subjects of the other, or against their vessels or property; and if the said Commanders shall act contrary to this stipulation, they shall be severely

punished, and made answerable in their persons and estates for the satisfaction and reparation of said damages, of whatever nature they may be.

#### ARTICLE XXI

If by any fatality which cannot be expected, and which may God avert, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please with the safe conduct necessary to protect them and their property, until they arrive at the ports designated for their embarkation. And all women and children, scholars of every faculty, cultivators of the earth, artisans, mechanics, manufacturers and fishermen, unarmed and inhabiting the unfortified towns, villages or places, and, in general, all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt, or otherwise destroyed, nor their fields wasted by the armed force of the belligerent, in whose power, by the events of war, they may happen to fall, but if it be necessary that anything should be taken from them for the use of such belligerent, the same shall be paid for at a reasonable price.

And it is declared that neither the pretence that war dissolves treaties, nor any other whatever, shall be considered as annulling or suspending this article; but on the contrary, that the state of war is precisely that for which it is provided, and during which its provisions are to be sacredly observed, as the most acknowledged obligations in the law of nations.

#### ARTICLE XXII

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament or otherwise, and their representatives, being citizens of the other party, shall succeed to their personal goods, whether by testament, or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein such goods are shall be subject to pay in like cases.

As for the case of real estate, the citizens and subjects of the two contracting parties shall be treated on the footing of the most favored nation.

#### ARTICLE XXIII

The citizens of either party shall have free access to the courts of justice, in order to maintain and defend their own rights, without any other conditions,

restrictions, or taxes than such as are imposed upon the natives; they shall, therefore, be free to employ, in defense of their rights, such advocates, solicitors, notaries, agents and factors, as they may judge proper, in all their trials at law, and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the Tribunals, in all cases which may concern them; and likewise at the taking of all examinations and evidences which may be exhibited in the said trials.

#### ARTICLE XXIV

The United States of America and the Kingdom of Italy mutually engage not to grant any particular favor to other nations, in respect to commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely if the concession was freely made, or on allowing the same compensation if the concession was conditional.

#### ARTICLE XXV

The present Treaty shall continue in force for five (5) years—from the day of the exchange of the ratifications, and, if twelve (12) months before the expiration of that period, neither of the high contracting parties, shall have announced to the other, by an official notification, its intention to terminate the said Treaty, it shall remain obligatory on both parties one (1) year beyond that time; and so on until the expiration of the twelve (12) months which will follow a similar notification, whatever may be the time when such notification shall be given.

#### ARTICLE XXVI

The present Treaty shall be approved and ratified by His Majesty the King of Italy, and by the President of the United States by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at Washington within twelve months from the date hereof or sooner if possible.

In faith whereof, the plenipotentiaries of the contracting Parties have signed the present Treaty, in duplicate, in the English and Italian languages, and thereto affixed their respective seals.

Done at Florence this twenty-sixth day of February, in the year of our Lord one thousand eight hundred and seventy-one.

GEORGE P. MARSH [SEAL]  
 VISCONTI VENOSTA [SEAL]

## RIGHTS, PRIVILEGES, AND IMMUNITIES OF CONSULAR OFFICERS

*Convention signed at Washington May 8, 1878*

*Senate advice and consent to ratification May 28, 1878*

*Ratified by the President of the United States June 4, 1878*

*Ratified by Italy July 9, 1878*

*Ratifications exchanged at Washington September 18, 1878*

*Entered into force September 18, 1878*

*Proclaimed by the President of the United States September 27, 1878*

*Article XI annulled and replaced by convention of February 24, 1881; <sup>1</sup>*

*articles XI and XIII abrogated by the United States July 1, 1916,  
in accordance with Seamen's Act of March 4, 1915 <sup>2</sup>*

*Revived (after World War II) February 6, 1948,<sup>3</sup> pursuant to arti-  
cle 44 of treaty of peace signed at Paris February 10, 1947 <sup>4</sup>*

20 Stat. 725; Treaty Series 178

### CONSULAR CONVENTION BETWEEN THE UNITED STATES AND ITALY

The President of the United States and His Majesty the King of Italy, recognizing the utility of defining the rights, privileges and immunities of consular officers in the two countries, have determined to conclude a consular convention for that purpose, and accordingly, have named:

The President of the United States, William M. Evarts, Secretary of State of the United States: His Majesty the King of Italy, Baron Alberto Blanc, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

Who, after communicating to each other their full powers found in good and due form, have agreed upon the following articles:

#### ARTICLE I

Each of the high contracting parties pledges itself to admit the Consuls General, Consuls, Vice-Consuls and Consular Agents of the other, in all its

<sup>1</sup> TS 179, *post*, p. 98.

<sup>2</sup> 38 Stat. 1164.

<sup>3</sup> *Department of State Bulletin*, Feb. 22, 1948, p. 248.

<sup>4</sup> TIAS 1648, *ante*, vol. 4, p. 325.

ports, places and cities, with the exception of those in which it may not be deemed proper to recognize such functionaries.

This reservation, however, shall not be applied to one of the high contracting parties without being applied in like manner to all the other Powers.

## ARTICLE II

Consular officers shall receive, after presenting their commissions, and according to the formalities established in the respective countries, the *exequatur* required for the exercise of their functions which shall be furnished to them free of cost; and on presentation of this document, they shall be admitted by all the authorities of their place of residence, to the enjoyment of the rights, prerogatives and immunities granted them by this convention.

## ARTICLE III

Consular officers, citizens of the State by which they were appointed, shall be exempt from arrest or imprisonment in civil cases and from preliminary arrest in penal cases, except in the case of offenses which the local law qualifies as crimes and punishes as such; and they shall be exempt from military billettings and from the performance of service in the army, in the militia, or national guard, and in the navy.

The aforesaid consular officers shall be exempt from all national, State or municipal taxes, imposed upon persons either in the nature of capitation tax or in respect of their property unless such taxes become due on account of the possession of real estate or for interest on capital invested in the State in which they reside. If they are engaged in trade, manufactures or commerce, they shall not enjoy such exemption, but shall be obliged to pay the same taxes as are paid by other foreigners under similar circumstances.

## ARTICLE IV

Consular officers, citizens of the State which appointed them, and who are not engaged in trade, professional business or any kind of manufactures, shall not be obliged to appear as witnesses before the Courts of the Country in which they reside. If their testimony should be necessary, they shall be requested in writing to appear in Court, and in case of impediment their written deposition shall be requested, or it shall be received *viva voce*, at their residence or office.

It shall be the duty of the aforementioned consular officers to comply with such request without unnecessary delay.

In all the criminal cases contemplated by the VI<sup>th</sup> Article of the amendments of the Constitution of the United States, by virtue of which the right is guaranteed to persons charged with crimes, of obtaining witnesses in their favor, Consular officers shall be required to appear, all possible regard being paid to their dignity and to the duties of their office.

Consuls of the United States in Italy shall receive the same treatment in similar cases.

#### ARTICLE V

Consuls general, Consuls, Vice-Consuls and Consular Agents may place over the outer door of their office, the arms of their nation with this inscription: *Consulate* or *Vice-Consulate* or *Consular Agency of the United States or of Italy*. They may also hoist the flag of their country, over the house in which the Consular office is, provided they do not reside in the capital in which the Legation of their country is established.

#### ARTICLE VI

The Consular offices shall be at all times inviolable. The local authorities shall not be allowed to enter them under any pretext, nor shall they in any case examine or sequester the papers therein deposited. These offices, however, shall never serve as places of asylum.

When the Consular officer is engaged in trade, professional business or manufactures, the papers relating to the business of the Consulate must be kept separate.

#### ARTICLE VII

In case of death, incapacity or absence of the Consuls General, Consuls, Vice-Consuls and Consular Agents, their Chancellors and Secretaries, whose official character shall have been previously announced to the Department of State at Washington, or to the Ministry of Foreign Affairs in Italy, shall be permitted to discharge their functions *ad interim*, and they shall enjoy, while thus acting, the same rights, prerogatives and immunities as the officers whose places they fill, on the condition and with the reserves prescribed for those offices.

#### ARTICLE VIII

Vice-Consuls or Consular Agents, may be appointed by the respective governments or by the Consuls General or Consuls, with the approval of said governments, in the cities, ports, and places of each Consular district.

These Agents may be selected from the citizens of the United States or from Italian citizens or other foreigners, and they shall be furnished with a commission by the government or by the Consul appointing them, under whose orders they are to discharge their functions.

They shall enjoy the privileges provided in this Convention for consular officers, subject to the exceptions and reservations provided for the same.

#### ARTICLE IX

Consuls General, Consuls, Vice-Consuls and Consular Agents may have recourse to the authorities of the respective countries within their district, whether federal or local, judicial or executive, for the purpose of complain-

ing of any infraction of the treaties or conventions existing between the United States and Italy, as also in order to defend the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the Consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the Government of the country where they reside.

#### ARTICLE X

Consuls General, Consuls, Vice-Consuls, and Consular Agents, and their Chancellors or Consular Clerks, shall have the right to take in their offices, at the residence of the parties, in their own dwelling and even on board ship the depositions of captains and crews of the vessels of their nation, of passengers on board of the same, and of any other citizen or subject of their country.

They shall also have the right to receive at their offices, conformably to the laws and regulations of their country, any contract between citizens or subjects and other inhabitants of the country in which they reside, and also any contract between these latter, provided it relates to real estate situated in the territory of the nation to which the consular officer belongs, or to business which is to be transacted in said country.

Copies of papers relative to such contracts and official documents of all kinds, whether originals, copies or translations, duly authenticated by the Consuls General, Consuls, Vice-Consuls and Consular Agents, and sealed with the seal of office of the Consulate, shall be received as evidence in the United States and Italy.

#### ARTICLE XI <sup>5</sup>

Consuls General, Consuls, Vice Consuls and Consular Agents shall have exclusive charge of the internal order on board of the merchant vessels of their nation, and shall alone take cognizance of questions, of whatever kind, that may arise, both at sea and in port, between the Captain, officers and seamen, without exception, and especially of those relating to wages and the fulfilment of agreements reciprocally made. The Courts, or Federal, State or Municipal authorities in the United States, and the Tribunals or authorities in Italy, shall not under any pretext, interfere in such questions, but they shall lend aid to Consular officers when the latter shall request it, in order to find out, arrest and imprison any person belonging to the crew, whom they may think proper to place in custody. These persons shall be arrested at the sole demand of the Consular officers, made in writing to the courts or Federal, State or Municipal authorities in the United States, or to the competent court or authority in Italy, such demands being supported by an official extract from the register of the vessel and from the crew-list, and they shall be

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<sup>5</sup> For a revision of art. XI, see supplementary convention of Feb. 24, 1881 (TS 179), *post*, p. 98.

detained during the stay of the vessel in the port, at the disposal of the Consular officers.

They shall be released at the written request of the said officer, and the expenses of the arrest and detention shall be paid by the Consular officer.

#### ARTICLE XII

According to the Act of Congress of March 5[3], 1855,<sup>6</sup> *to regulate the carriage of passengers in steamships and other vessels*, all disputes and questions of any nature that may arise between Captains and officers on the one hand, and passengers on board of vessels on the other, shall be brought to and decided by the Circuit or district courts of the United States to the exclusion of all other courts and authorities.

#### ARTICLE XIII <sup>7</sup>

The respective Consuls General, Consuls, Vice-Consuls and Consular Agents, may arrest the officers, seamen and any other person forming part of the crew of the merchant and war vessels of their nation, who have been guilty of or charged with deserting from said vessels, in order to return them to their vessels, or to send them back to their country.

To this effect the Consular officers of Italy in the United States, may apply in writing, to either the Courts or the Federal, State or Municipal authorities of the United States, and the Consular officers of the United States may apply to any of the competent authorities in Italy, and make a demand for the deserters, showing by exhibiting the register of the vessel and the crew-list, or other official documents, that the persons claimed really belong to said crew. Upon such request, alone, thus supported, and without the exaction of any oath from the Consular officers, the deserters, not being citizens or subjects of the country in which the demand is made, at the time of their shipment, shall be given up.

All assistance and necessary aid moreover, shall be furnished for the search and arrest of said deserters, who shall be placed in the prisons of the country, and kept there at the request and at the expense of the Consular officer, until he finds an opportunity to send them home.

If, however, such an opportunity shall not present itself within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, nor shall he be again imprisoned for the same cause.

#### ARTICLE XIV

In the absence of an agreement to the contrary, between the owners, freighters and insurers, all damages suffered at sea, by the vessels of the two

<sup>6</sup> 10 Stat. 715.

<sup>7</sup> Abrogated by the United States July 1, 1916, in accordance with Seamen's Act of Mar. 4, 1915 (38 Stat. 1164).

countries whether they enter the respective ports voluntarily, or are forced by stress of weather or other causes over which the officers have no control, shall be settled by the Consuls General, Consuls, Vice Consuls and Consular Agents of the country in which they respectively reside; in case, however, any citizen of the country in which said Consular officers reside, or subjects of a third power, should be interested in these damages, and the parties cannot come to an amicable agreement, the competent local authorities shall decide.

#### ARTICLE XV

All operations relative to the salvage of United States vessels wrecked upon the coasts of Italy, and of Italian vessels upon the coasts of the United States, shall be directed by the respective Consuls General, Consuls and Vice Consuls of the two countries, and until their arrival, by the respective Consular Agents, where Consular Agencies exist.

In places and ports where there is no such agency, the local authorities shall give immediate notice of the shipwreck to the Consul of the district in which the disaster has taken place, and until the arrival of the said Consul, they shall take all necessary measures for the protection of persons and the preservation of property.

The local authorities shall intervene only to preserve order, and to protect the interests of the salvors, if they do not belong to the crew of the wrecked vessel, and to secure the execution of the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any customhouse charges, unless it be intended for consumption in the country in which the wreck took place.

#### ARTICLE XVI

In case of the death of a citizen of the United States in Italy, or of an Italian citizen in the United States, who has no known heir, or testamentary executor designated by him, the competent local authorities shall give notice of the fact to the Consuls or Consular Agents of the nation to which the deceased belongs, to the end that information may be at once transmitted to the parties interested.

#### ARTICLE XVII

The respective Consuls General, Consuls, Vice Consuls and Consular Agents, as likewise the Consular Chancellors, Secretaries, clerks or attachés, shall enjoy in both countries, all the rights, prerogatives, immunities and privileges which are or may hereafter be granted to the officers of the same grade, of the most favored nation.

#### ARTICLE XVIII

This Convention shall remain in force for the space of ten years from the date of the exchange of the ratifications, which shall take place in conformity

with the respective constitutions of the two countries, at Washington or at Rome, within the period of six months, or sooner, if possible.

In case neither party gives notice twelve months previously to the expiration of said period of ten years, of its intention not to renew the Convention, this shall remain in force until the expiration of a year from the day on which one of the parties shall have made such announcement.

In faith whereof, the respective Plenipotentiaries have signed this Convention, and have thereunto affixed their seals.

Done at Washington the Eighth day of May, Anno Domini, one thousand eight hundred and seventy-eight.

WILLIAM MAXWELL EVARTS      [SEAL]  
A. BLANC                              [SEAL]

## RIGHTS, PRIVILEGES, AND IMMUNITIES OF CONSULAR OFFICERS

*Convention signed at Washington February 24, 1881, supplementing  
convention of May 8, 1878*

*Senate advice and consent to ratification May 5, 1881*

*Ratified by Italy May 8, 1881*

*Ratified by the President of the United States May 10, 1881*

*Ratifications exchanged at Washington June 18, 1881*

*Entered into force June 18, 1881*

*Proclaimed by the President of the United States June 29, 1881*

*Abrogated by the United States July 1, 1916, in accordance with Sea-  
man's Act of March 4, 1915<sup>1</sup>*

22 Stat. 831; Treaty Series 179

### CONVENTION SUPPLEMENTARY TO THE CONSULAR CONVENTION OF MAY 8, 1878, BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF ITALY

Whereas question has arisen at divers times between the government of the United States of America and the government of His Majesty the King of Italy, touching the interpretation of the eleventh article of the Convention between the two countries, concerning the rights, privileges and immunities of Consular Officers, signed at Washington on the eighth day of May, one thousand eight hundred and seventy-eight,<sup>2</sup> and especially with respect to so much of said article as defines and limits the jurisdiction of the authorities of the country and of the Consular Officers, with regard to offenses and disturbances on shipboard, while in port; and whereas the high contracting parties, have deemed it expedient to remove for the future all ground of question in the premises, by substituting a new article in place of the said eleventh article of that Convention; the United States of America and His Majesty the King of Italy, have resolved to conclude a special supplementary Convention to that end and have appointed as their Plenipotentiaries:

The President of the United States: William Maxwell Evarts, Secretary of State of the United States, and His Majesty the King of Italy: Paul

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<sup>1</sup> 38 Stat. 1164.

<sup>2</sup> TS 178, *ante*, p. 94.

Beccadelli Bologna, Prince of Camporeale, his Chargé d'Affaires in the United States of America; who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE I

The eleventh article of the Consular Convention of May 8, 1878, between the United States of America and Italy, is hereby annulled and in its place the following article is substituted, namely:

Consuls General, Consuls, Vice Consuls and Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation and shall alone take cognizance of differences which may arise either at sea or in port between the captains, officers and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. In case any disorder should happen on board of vessels of either party, in the territorial waters of the other, neither the Federal, State or Municipal Authorities or Courts in the United States nor any Court or Authority in Italy, shall on any pretext interfere except when the said disorders are of such a nature as to cause or be likely to cause a breach of the peace or serious trouble in the port or on shore; or when, in such trouble or breach of the peace, a person or persons shall be implicated, not forming a part of the crew. In any other case, said Federal, State or Municipal Authorities or Courts in the United States, or Courts or Authority in Italy, shall not interfere but shall render forcible aid to Consular Officers, when they may ask it, to search, arrest and imprison all persons composing the crew, whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls addressed in writing to either the Federal, State or Municipal Courts or Authorities in the United States, or to any Court or Authority in Italy, and supported by an official extract from the register of the ship or the list of the crew, and the prisoners shall be held during the whole time of their stay, in the port at the disposal of the Consular Officers. Their release shall be granted at the mere request of such officers made in writing. The expenses of the arrest and detention of those persons, shall be paid by the Consular Officers.

#### ARTICLE II

This supplementary Convention shall be ratified in conformity with the laws of the respective countries, and the ratifications thereof shall be exchanged at Washington, as soon as possible after the date hereof, and immediately upon such exchange, the foregoing form of the said article XI shall become effective and have the same force as the other articles of the Convention of the eighth day of May of the year 1878 and the same duration.

In faith whereof, the respective Plenipotentiaries have signed this Convention and have thereunto affixed their seals.

Done in duplicate at Washington, the twenty-fourth day of February, Anno Domini, one thousand eight hundred and eighty-one.

WILLIAM MAXWELL EVARTS [SEAL]

CAMPOREALE [SEAL]

## TRADEMARKS

*Declaration signed at Washington June 1, 1882*

*Entered into force June 1, 1882*<sup>1</sup>

*Senate advice and consent to ratification February 25, 1884*

*Proclaimed by the President of the United States March 19, 1884*

*Revived (after World War II) February 6, 1948,<sup>2</sup> pursuant to article 44 of treaty of peace signed at Paris February 10, 1947<sup>3</sup>*

23 Stat. 726; Treaty Series 180

### DECLARATION

The Government of the United States of America and the Government of His Majesty the King of Italy, wishing to provide for the reciprocal protection of the marks of manufacture and trade, have agreed as follows:

The citizens of each of the high contracting parties shall enjoy, in the dominions and possessions of the other the same rights as belong to native citizens, or as are now granted or may hereafter be granted to the subjects or citizens of the most favored nation, in everything relating to property in trade-marks and trade-labels.

It is understood that any person who desires to obtain the aforesaid protection must fulfil the formalities required by the laws of the respective countries.

In witness whereof the undersigned, having been duly authorized to this effect, have signed the present declaration, and have affixed thereto the seal of their arms.

Done in duplicate original at Washington, this first day of June, one thousand eight hundred and eighty-two.

FRED'K T. FRELINGHUYSEN [SEAL]

FAVA [SEAL]

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<sup>1</sup> An Act of Congress approved Aug. 5, 1882 (22 Stat. 298), gives the right of trademark registry to subjects of any foreign country which by law admits the like right for citizens of the United States.

<sup>2</sup> *Department of State Bulletin*, Feb. 22, 1948, p. 248.

<sup>3</sup> TIAS 1648, *ante*, vol. 4, p. 325.

## EXTRADITION

*Convention signed at Washington June 11, 1884, supplementing convention of March 23, 1868*

*Senate advice and consent to ratification July 5, 1884*

*Ratified by Italy August 8, 1884*

*Ratified by the President of the United States April 10, 1885*

*Ratifications exchanged at Washington April 24, 1885*

*Entered into force April 24, 1885*

*Proclaimed by the President of the United States April 24, 1885*

*Revived (after World War II) February 6, 1948,<sup>1</sup> pursuant to article 44 of treaty of peace signed at Paris February 10, 1947<sup>2</sup>*

24 Stat. 1001; Treaty Series 181

The President of the United States of America and His Majesty the King of Italy, being convinced of the necessity of adding some stipulations to the extradition convention concluded between the United States and Italy on the 23d of March, 1868,<sup>3</sup> with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a supplementary convention for this purpose, and have appointed as their Plenipotentiaries, to wit:

The President of the United States, Frederick T. Frelinghuysen, Secretary of State of the United States;

And His Majesty the King of Italy, Baron Saverio Fava, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, after reciprocal communication of their full powers, which were found to be in good and due form, have agreed upon the following articles:

### ARTICLE I

The following paragraph is added to the list of crimes on account of which extradition may be granted, as provided in Article II of the aforesaid convention of March 23, 1868:

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<sup>1</sup> *Department of State Bulletin*, Feb. 22, 1948, p. 248.

<sup>2</sup> TIAS 1648, *ante*, vol. 4, p. 325.

<sup>3</sup> TS 174, *ante*, p. 76.

9. Kidnapping of minors or adults, that is to say, the detention of one or more persons for the purpose of extorting money from them or their families, or for any other unlawful purpose.

#### ARTICLE II

The following clause shall be inserted after Article V of the aforesaid Convention of March 23, 1868:

Any competent judicial magistrate of either of the two countries shall be authorized after the exhibition of a certificate signed by the Minister of Foreign Affairs or the Secretary of State attesting that a requisition has been made by the Government of the other country to secure the preliminary arrest of a person condemned for or charged with having therein committed a crime for which, pursuant to this Convention, extradition may be granted, and on complaint duly made under oath by a person cognizant of the fact, or by a diplomatic or consular officer of the demanding Government, being duly authorized by the latter, and attesting that the aforesaid crime was thus perpetrated, to issue a warrant for the arrest of the person thus inculpated, to the end that he or she may be brought before the said magistrate, so that the evidence of his or her criminality may be heard and considered; and the person thus accused and imprisoned shall from time to time be remanded to prison until a formal demand for his or her extradition shall be made and supported by evidence as above provided; if, however, the requisition, together with the documents above provided for, shall not be made, as required, by the diplomatic representative of the demanding Government, or, in his absence, by a consular officer thereof, within forty days from the date of the arrest of the accused, the prisoner shall be set at liberty.

#### ARTICLE III

These supplementary articles shall be considered as an integral part of the aforesaid original extradition convention of March 23, 1868, and together with the additional article of January 21, 1869, as having the same value and force as the Convention itself, and as destined to continue and terminate in the same manner.

The present Convention shall be ratified, and the ratifications exchanged at Washington as speedily as possible, and it shall take effect immediately after the said exchange of ratifications.

In testimony whereof, the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at Washington, this eleventh day of the month of June in the year of our Lord one thousand eight hundred and eighty-four.

FRED'K. T. FRELINGHUYSEN [SEAL]

FAVA [SEAL]

## COPYRIGHT

*Exchange of notes at Washington October 28, 1892*

*Entered into force October 28, 1892*

*Revived (after World War II) March 12, 1948,<sup>1</sup> pursuant to article 44  
of treaty of peace signed at Paris February 10, 1947<sup>2</sup>*

Department of State files

### *The Italian Legation to the Secretary of State*

[TRANSLATION]

ROYAL LEGATION OF ITALY

*Washington, October 28, 1892*

MR. SECRETARY OF STATE,

The Government of His Majesty the King of Italy has carefully examined the copyright act of March 3d, 1891,<sup>3</sup> especially that part of article 13 which provides that the benefit guaranteed by the aforesaid act "shall only be secured to the subjects or citizens of a foreign nation or State when such State or nation guarantees to the citizens of the United States of America the benefit of copyright on substantially the same basis as to its own subjects or citizens, and I now have the honor to inform you, in obedience to the instructions of His Excellency His Majesty's Minister for Foreign Affairs, that the Italian Government is prepared to give that of the United States the assurance required by the law in question.

I have consequently been instructed to carry to Your Excellency the formal assurance that "the Italian law permits to the citizens of the United States the benefit of copyright on substantially the same basis on which it is guaranteed to the subjects of the King of Italy," and to request that, in virtue of this declaration, the President may be requested to admit Italian subjects to the enjoyment of the afore-mentioned copyright act of March 3d, 1891.

In making this announcement to, and this request of Your Excellency, it is proper for me to express the desire of my Government that the agreement may take place in such a manner that each of the two Governments may at

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<sup>1</sup> *Department of State Bulletin*, Apr. 4, 1948, p. 455.

<sup>2</sup> TIAS 1648, *ante*, vol. 4, p. 325.

<sup>3</sup> 26 Stat. 1106.

all times be fully at liberty to give notice of its desire for the cessation of its effects.

Be pleased to accept, Mr. Secretary of State, the assurances of my highest consideration.

FAVA

To His Excellency

JOHN W. FOSTER,  
*Secretary of State,*  
*etc., etc., etc.*  
*Washington.*

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*The Acting Secretary of State to the Italian Legation*

DEPARTMENT OF STATE  
*Washington, October 28, 1892*

Baron Fava,  
 etc. etc. etc.

SIR,

I have the honor to acknowledge the receipt of your note of the 28th. instant, wherein you refer to the provisions of the 13th. Section of the Act of Congress approved March 3, 1891, in relation to the extension of copyright in the United States to foreign citizens or subjects under certain conditions therein expressed.

By direction of your Government, you give "formal assurance that the law of Italy permits to citizens of the United States the benefit of literary, artistic and musical copyright on substantially the same basis as to Italian subjects"; and ask that, in view of the declaration so made, the President be moved to issue his Proclamation admitting Italian subjects to the benefits of the aforesaid Copyright Act.

In reply I have the pleasure to inform you that, accepting the declaration thus conveyed by you as a satisfactory official assurance that the first of the conditions specified in Section 13 of the Act of March 3, 1891, now exists and is fulfilled in respect to the subjects of Italy, the President will forthwith issue his Proclamation in accordance with the provisions of that Act.

I am further directed by the President to state that it is understood to be a part of the agreement thus reached that each Government reserves the liberty to terminate the same at pleasure upon giving notice to the other.

Expressing my gratification at this satisfactory and friendly outcome of the proposals made by this Government in the interest of international copyright, I avail myself, etc.

WILLIAM F. WHARTON  
*Acting Secretary*

## COMMERCIAL RELATIONS

*Agreement and memorandum note signed at Washington February 8, 1900*

*Proclaimed by the President of the United States July 18, 1900*

*Entered into force July 18, 1900*

*Supplemented by agreement of March 2, 1909*<sup>1</sup>

*Terminated August 7, 1910*<sup>2</sup>

31 Stat. 1979; Treaty Series 182

### AGREEMENT

The President of the United States of America and His Majesty the King of Italy, mutually desirous to improve the commercial relations between the two countries by a Special Agreement relative thereto, have appointed as their Plenipotentiaries for that purpose, namely:

The President of the United States of America, the Honorable John A. Kasson, Special Commissioner Plenipotentiary, etc. and

His Majesty the King of Italy, His Excellency the Baron S. Fava, Senator of the Kingdom, his Ambassador at Washington, etc.,

Who being duly empowered thereunto have agreed upon the following Articles.

### ARTICLE I

It is agreed on the part of the United States, pursuant to and in accordance with the provisions of the third Section of the Tariff Act of the United States approved July 24, 1897,<sup>3</sup> and in consideration of the concessions hereinafter made on the part of Italy in favor of the products and manufactures of the United States, that the existing duties imposed upon the following articles being the product of the soil or industry of Italy imported into the United States shall be suspended during the continuance in force of this Agreement, and in place thereof the duties to be assessed and collected thereon shall be as follows, namely:

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<sup>1</sup> TS 523, *post*, p. 118.

<sup>2</sup> Pursuant to notice of termination given by the United States Aug. 7, 1909.

<sup>3</sup> 30 Stat. 203.

On argols, or crude tartar, or wine lees, crude, five per centum ad valorem.

On brandies, or other spirits manufactured or distilled from grain or other materials, one dollar and seventy-five cents per proof gallon.

On still wines, and vermouth, in casks, thirty-five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty-four bottles or jugs containing each not more than one pint, one dollar and twenty-five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

On paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.

## ARTICLE II

It is reciprocally agreed on the part of Italy, in consideration of the provisions of the foregoing Article, that so long as this Convention shall remain in force the duties to be assessed and collected on the following described merchandise, being the product of the soil or industry of the United States, imported into Italy shall not exceed the rates hereinafter specified, namely:

Upon cotton seed oil	lire 21.50 per quintal.
“ fish, pickled or in oil, excluding the tunny, preserved in boxes or barrels, sardines and anchovies	“ 15.00 “ “
“ other fish, preserved	“ 25.00 “ “
“ agricultural machinery	“ 9.00 “ “
“ detached parts of agricultural machinery:	
(1) of cast iron	“ 10.00 “ “
(2) of other iron or steel	“ 11.00 “ “
“ scientific instruments:	
(a) of copper, bronze, brass or steel:	
(1) with spy-glasses or microscopes, or graduated scales or circles, spy-glasses for use on land, monacles, binocles, lenses, detached and mounted	“ 30.00 “ “
(2) not provided with any optical instrument, nor with graduated scales or circles	“ 30.00 “ “
(b) of all kinds, in the construction of which iron is evidently predominant	“ 30.00 “ “
“ dynamo-electrical machines:	
(1) the weight of which exceeds 1000 kilograms	“ 16.00 “ “
(2) weighing 1000 kilograms or less	“ 25.00 “ “
“ detached parts of dynamo-electrical machines	“ 25.00 “ “
“ sewing machines:	
(1) with stands	“ 25.00 “ “
(2) without stands	“ 30.00 “ “
“ varnishes, not containing spirits nor mineral oils	“ 20.00 “ “

The following articles shall be admitted free of duty:

Turpentine oil.

Natural fertilizers of all kinds.

Skins, crude, fresh or dried, not suitable for fur; and fur skins.

## ARTICLE III

This Agreement is subject to the approval of the Italian Parliament. When such approval shall have been given, and official notification shall have been given to the United States Government of His Majesty's ratification, the President shall publish his proclamation, giving full effect to the provisions contained in Article I of this Agreement. From and after the date of such proclamation this Agreement shall be in full force and effect, and shall continue in force until the expiration of the year 1903, and if not denounced by either Party one year in advance of the expiration of said term shall continue in force until one year from the time when one of the High Contracting Parties shall have given notice to the other of its intention to arrest the operation thereof.

In witness whereof we the respective Plenipotentiaries have signed this Agreement, in duplicate, in the English and Italian texts, and have affixed thereunto our respective seals.

Done at Washington this eighth day of February, A. D. one thousand and nine hundred.

JOHN A. KASSON      [SEAL]  
FAVA                      [SEAL]

## MEMORANDUM NOTE

DEPARTMENT OF STATE  
*Washington*

The Government of the United States of America takes note of the assurance which the Italian Government has been pleased to give to it that it will not raise the question of the interpretation of the most favored nation clause so long as the commercial Agreement (signed of this date) based upon Section 3 of the Tariff of the United States shall be in force.

The Government of His Majesty has desired to declare that by this purely amicable abstention it does not mean to renounce the interpretation which it believes to be most conformable to the Articles 6 and 24 of the Treaty of 1871.<sup>4</sup>

The Government of the United States while recognizing the friendly nature of this act of the Italian Government assures it that account thereof

<sup>4</sup> TS 177, *ante*, pp. 84 and 90.

will be taken in favor of Italy, in the estimation of the reciprocal concessions which shall be offered on both sides when the two Governments shall engage in negotiations on the subject of a Treaty of commerce upon a more extended basis.

Signed at Washington this eighth day of February, A.D. 1900.

JOHN HAY

# PROTECTION OF TRADEMARKS IN MOROCCO

*Exchange of notes at Tangier June 13, 1903, and March 12, 1904*

*Entered into force March 12, 1904*

*Revived (after World War II) March 12, 1948,<sup>1</sup> pursuant to article 44  
of treaty of peace signed at Paris February 10, 1947<sup>2</sup>*

*Became obsolete October 6, 1956<sup>3</sup>*

Treaty Series 475

*The Italian Minister to the American Consul General*

[TRANSLATION]

TANGIER, June 13th 1903

DEAR COLLEAGUE: I have the honor to inform you that the Government of my Sovereign gives its adherence to the agreements concluded and resulting from the declarations exchanged in 1892, 1894, 1895, 1896, 1899 and 1900 between the Consulate-General of the United States and the Legations of France, Portugal, Belgium, Germany, Spain, Austria-Hungary, the Consulate-General of Holland and the Legation of His Britannic Majesty, with regard to the mutual protection of property in Trade-Marks in Morocco.

I. By virtue of the civil and criminal jurisdiction which they have acquired and exercise, in that country, the Consuls and Consular Courts of His Majesty have jurisdiction over all claims regarding the infringement of Trade-Marks by Italian subjects.

II. Consequently, all complaints addressed to them by American manufacturers to obtain protection for Trade-Marks duly registered in the Kingdom, against infringement by Italian subjects should in future be prosecuted, in the first place before the Consular Court and finally before the Royal Court of Appeal in Genoa.

III. The right of proprietorship in Trade-Marks is regulated in Italy by the law of August 30th 1868.

I beg you, dear Colleague, to take note of the present declaration and let me know whether Italian subjects will have the same legal protection before

<sup>1</sup> *Department of State Bulletin*, Apr. 4, 1948, p. 455.

<sup>2</sup> TIAS 1648, *ante*, vol. 4, p. 325.

<sup>3</sup> Date on which the United States relinquished extraterritorial rights in Morocco. For text of U.S. note, see *Department of State Bulletin*, Nov. 26, 1956, p. 844.

the Consular authorities of the United States in all that concerns the proprietorship of their Trade-Marks duly registered in the United States.

Accept, dear Colleague, the assurances of my high consideration.

MALMUSI

Mr. GUMMERE,  
*Consul-General of the United States of America.*

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*The American Acting Consul General to the Italian Minister*

TANGIER, *July 29th 1903*

YOUR EXCELLENCY:

In pursuance of your letter to the Consul-General of June 13th last, I have the honor to inform you that I am in receipt of Instructions from my Government, authorizing me to enter into a reciprocal agreement with the Government of the Kingdom of Italy and the United States. The agreement to be for the mutual protection of Trade-Marks registered in Italy and the United States against infringement in Morocco by subjects of the respective nations, on the lines of that now existing between the United States and Great Britain.

Accept, Mr. Minister, the assurance of my high consideration.

HOFFMAN PHILIP  
*Acting Consul-General*

Mr. MALMUSI,  
*Minister of Italy.*

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*The American Consul General to the Italian Chargé d'Affaires ad interim*

TANGIER, *March 12th 1904*

SIR: Referring to the letter of the 13th of June 1903, received from His Excellency the Italian Minister, and to our interview of the 10th instant, I beg to assure you that I am authorized by my Government to declare that the same protection will be accorded by the Consular Authorities of the United States in Morocco, to Italian Trade-Marks duly registered in the United States in conformity with the laws, as that accorded to American Trade-Marks under the same circumstances, by Italian tribunals in Morocco.

Accept, Sir, the assurance of my distinguished consideration.

S. R. GUMMERE

Mr. GIANATELLI GENTILE,  
*Chargé d'Affaires of Italy.*

*The Italian Ambassador to the Secretary of State*

[TRANSLATION]

ROYAL EMBASSY OF ITALY  
*Washington, D.C., December 19, 1903*

MR. SECRETARY OF STATE:

As Your Excellency is aware, an agreement was reached by an exchange of notes dated August 13 [June 13] and 4<sup>4</sup> last between the Minister of Italy at Tangiers and the representative, there, of the United States of America, respectively to defer to the Italian and American Consular courts in Morocco disputes arising from the counterfeiting of trade marks committed by the citizens of either country to the prejudice of those of the other.

The Government of the King has issued to the Royal Legation at Tangiers appropriate instructions for the execution of this agreement in accordance with articles 65, 67 and 111 of the existing Consular laws of Italy. I am directed by my Government and have, in consequence, the honor to transmit herewith to your Excellency the text of those instruction together with its two accompaniments, for the due information of the Government of the United States and in completion of the agreement made at Tangiers by the representatives of the two States.

I embrace the opportunity, &c.,

V. MACCHI DI CELLERE

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<sup>4</sup> The note of Aug. 4, 1903, is a duplicate of the note of July 29, 1903.

## PROTECTION OF TRADEMARKS IN CHINA

*Exchange of notes at Peking December 18, 1905, and related note of  
January 22, 1906*

*Entered into force December 18, 1905*

*Became obsolete May 20, 1943*<sup>1</sup>

Treaty Series 482

*The American Minister to the Italian Minister*

PEKING, *December 18, 1905*

MR. MINISTER AND DEAR COLLEAGUE:

The Government of the United States being desirous of reaching an understanding with the Government of Italy for the reciprocal protection against infringement in China by citizens and subjects of our respective nations of trade marks duly registered in the United States and Italy, I am authorized by the Secretary of State of the United States to inform you that effectual provision exists in American Consular Courts in China for the trial and punishment<sup>2</sup> of all persons subject to the jurisdiction of the United States who may be charged with and found guilty of infringing in any way trade marks of persons subject to the jurisdiction of Italy which have been duly registered in the United States.

I beg that you will kindly inform me whether American citizens are entitled to the same legal remedies in the Consular Courts of Italy in China as regards the protection from infringement of their trade marks duly registered in Italy.

I have the honor to be,

Mr. Minister and dear Colleague,

Your obedient servant,

W. W. ROCKHILL

His Excellency, Monsieur CARLO BAROLI,

*etc. etc. etc.*

*Italian Legation, Peking.*

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<sup>1</sup> Date on which the United States relinquished extraterritorial rights in China pursuant to treaty of Jan. 11, 1943 (TS 984, *ante*, vol. 6, p. 739, CHINA).

<sup>2</sup> See U.S. note, p. 114.

*The Italian Minister to the American Minister*

[TRANSLATION]

PEKING, *December 18, 1905*

MR. MINISTER:

I have the honor to acknowledge the receipt of your note of today's date by which you inform me that you have been authorized by your Government to conclude an arrangement with the Italian Legation by means of an exchange of notes, for the reciprocal protection in China of American and Italian trade marks, and that hereafter infringements of trade marks the property of Italian subjects and duly registered in the United States by persons subject to the jurisdiction of American Consular Courts in China will be tried by the latter according to law.

Having been duly authorized thereto by the Royal Government, I am pleased to inform you that hereafter infringements of trade marks of American citizens, duly registered in Italy, by persons subject to the jurisdiction of the Italian Consular Courts in China will in first instance be tried according to the law by said Courts and on appeal by the Royal Court of Appeal of Ancona.

Please accept, etc. etc.

C. BAROLI

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*The American Minister to the Italian Minister*PEKING, *January 22, 1906*

MR. MINISTER AND DEAR COLLEAGUE:

In connection with the notes which I had the honor to exchange with Your Excellency on December 18, 1905, looking to the reciprocal protection from infringement by our respective nationals in China of trade marks belonging to them I duly transmitted copies of the same to my Government.

In reply the Secretary of State has called to my attention, as possibly misleading, the use made in my note to you of the word "punishment" by our Consular Courts in China of American citizens who may have infringed in China trade marks the property of persons under the jurisdiction of Italy.

In view of the fact that there is no statute in the United States making the infringement, counterfeiting, etc. of a trade mark a criminal offense, and that effectual provision exists by a civil action for damages by the owner of a trade mark, my Government is of the opinion that the word "punishment" should be understood to refer to a civil action only, and not to a criminal procedure, as might be inferred from the use of the word in question without the present explanation added thereto.

I beg leave to call Your Excellency's attention to the above provision of our law, so that nothing in my note of December 18, last, may be construed as conflicting therewith.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

W. W. ROCKHILL

To His Excellency CARLO BAROLI,  
*etc., etc., etc.*

## ARBITRATION

*Convention signed at Washington March 28, 1908*

*Senate advice and consent to ratification April 2, 1908*

*Ratified by the President of the United States June 19, 1908*

*Ratified by Italy June 19, 1908*

*Ratifications exchanged at Washington January 22, 1909*

*Entered into force January 22, 1909*

*Proclaimed by the President of the United States January 25, 1909*

*Extended by agreements of May 28, 1913,<sup>1</sup> and March 20, 1919<sup>2</sup>*

*Expired January 22, 1924*

35 Stat. 2091; Treaty Series 516

The Government of the United States of America and the Government of His Majesty the King of Italy, signatories of the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899;<sup>3</sup>

Taking into consideration that by Article XIX of that Convention the High Contracting Parties have reserved to themselves the right of concluding agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment,

Have authorized the Undersigned to conclude the following Convention:

### ARTICLE I

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of either of the two Contracting States, and do not concern the interests of third Parties.

### ARTICLE II

In each individual case the High Contracting Parties before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement

<sup>1</sup> TS 588, *post*, p. 124.

<sup>2</sup> TS 645, *post*, p. 139.

<sup>3</sup> TS 392, *ante*, vol. 1, p. 230.

defining clearly the matter in dispute, the scope of the powers of the Arbitrators and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereof.

### ARTICLE III

The present Convention is concluded for a period of five years, dating from the day of the exchange of its ratifications.

### ARTICLE IV

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the Government of His Majesty the King of Italy in accordance with its constitution and laws. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

Done in duplicate at the City of Washington in the English and Italian languages, this twenty-eighth day of March, in the year 1908.

ELIHU ROOT	[SEAL]
MAYOR	[SEAL]

## COMMERCIAL RELATIONS

*Agreement signed at Washington March 2, 1909, supplementing agreement of February 8, 1900*

*Ratified by Italy April 15, 1909*

*Proclaimed by the President of the United States April 24, 1909*

*Entered into force April 24, 1909*

*Terminated August 7, 1910*<sup>1</sup>

36 Stat. 2492; Treaty Series 523

The President of the United States of America and His Majesty the King of Italy, considering it appropriate to supplement by an Additional Agreement the Commercial Agreement signed between the two Governments at Washington, on February 8, 1900,<sup>2</sup> have appointed as their plenipotentiaries, to wit:

The President of the United States of America, the Honorable Robert Bacon, Secretary of State of the United States; and

His Majesty the King of Italy, His Excellency the Baron Mayor des Planches, His Ambassador Extraordinary and Plenipotentiary at Washington,

Who, after an exchange of their respective full powers, found to be in due and proper form, have agreed upon the following Articles:

### ARTICLE I

It is agreed on the part of the United States, in accordance with the provisions of section 3 of the Tariff Act of the United States approved July 24, 1897,<sup>3</sup> that the rates of duty heretofore imposed and collected, under the said Act, on Italian sparkling wines upon entering the United States, including the island of Porto Rico, shall be suspended during the continuance in force of this agreement, and instead, the following duties shall be imposed and collected, to wit:

On all sparkling wines, in bottles containing not more than one quart and more than one pint, six dollars per dozen; containing not more than one pint each and more than one-half pint, three dollars per dozen; containing

<sup>1</sup> Pursuant to notice of termination given by the United States Aug. 7, 1909.

<sup>2</sup> TS 182, *ante*, p. 106.

<sup>3</sup> 30 Stat. 203.

one-half pint each or less, one dollar and fifty cents per dozen; in bottles or other vessels containing more than one quart each, in addition to six dollars per dozen bottles on the quantities in excess of one quart, at the rate of one dollar and ninety cents per gallon.

## ARTICLE II

It is reciprocally agreed on the part of Italy, in consideration of the provisions of the foregoing Article, that during the term of this Additional Agreement the duty to be assessed and collected on mowers and tedders, included in item No. 240, paragraph "f," of the Customs Tariff of Italy, products of the industry of the United States, imported into Italy, shall not exceed the rate of four lire per one hundred kilograms.

## ARTICLE III

When official notification of His Majesty's ratification shall have been given to the Government of the United States, the President of the United States shall publish his proclamation, giving full effect to the provisions contained in Article I of this Agreement. From and after the date of such proclamation this Agreement shall be in full force and effect, and shall continue in force until the expiration of one year from the time when either of the High Contracting Parties shall have given notice to the other of its intention to terminate the same.

In witness whereof we, the respective Plenipotentiaries, have signed this Agreement, in duplicate, in the English and Italian texts, and have affixed hereunto our respective seals.

Done at Washington, this second day of March, A. D. one thousand nine hundred and nine.

ROBERT BACON [SEAL]  
E. MAYOR DES PLANCHES [SEAL]

## COMMERCE AND NAVIGATION

*Treaty signed at Washington February 25, 1913, amending treaty of February 26, 1871*

*Senate advice and consent to ratification February 26, 1913*

*Ratified by the President of the United States March 1, 1913*

*Ratified by Italy June 21, 1913*

*Ratifications exchanged at Washington July 3, 1913*

*Entered into force July 3, 1913*

*Proclaimed by the President of the United States July 3, 1913*

*Terminated December 15, 1937*<sup>1</sup>

38 Stat. 1669; Treaty Series 580

### TREATY BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF ITALY, AMENDING THE TREATY OF COMMERCE AND NAVIGATION CONCLUDED FEBRUARY 26, 1871, BETWEEN THE SAME HIGH CONTRACTING PARTIES

The United States of America and His Majesty the King of Italy, desiring to define more accurately the rights of their respective citizens in the territories of the other, have for that purpose determined to conclude a treaty amendatory of Article III of the Treaty of Commerce and Navigation of February 26, 1871,<sup>2</sup> between the two countries and have named as their respective Plenipotentiaries:

The President of the United States of America: Philander C. Knox, Secretary of State of the United States of America;

His Majesty the King of Italy: The Marquis Cusani Confalonieri, Commander of the Order of Saint Maurice and Saint Lazarus, Grand Cordon of the Order of the Crown of Italy, etc., etc., His Ambassador Extraordinary and Plenipotentiary at Washington:

And the said Plenipotentiaries having exhibited, each to the other, their full powers, found to be in good and due form, have concluded and signed the following articles:

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<sup>1</sup> Pursuant to protocol of denunciation signed at Rome Dec. 15, 1936.

<sup>2</sup> TS 177, *ante*, p. 82.

## ARTICLE I

It is agreed between the High Contracting Parties that the first paragraph of Article III of the Treaty of Commerce and Navigation of February 26, 1871, between the United States and Italy shall be replaced by the following provision:

The citizens of each of the High Contracting Parties shall receive in the States and Territories of the other the most constant security and protection for their persons and property and for their rights, including that form of protection granted by any State or national law which establishes a civil responsibility for injuries or for death caused by negligence or fault and gives to relatives or heirs of the injured party a right of action, which right shall not be restricted on account of the nationality of said relatives or heirs; and shall enjoy in this respect the same rights and privileges as are or shall be granted to nationals, provided that they submit themselves to the conditions imposed on the latter.

## ARTICLE II

The present Treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Italy, in accordance with the constitutional forms of that Kingdom, and shall go into operation upon the exchange of the ratifications thereof, which shall be effected at Washington as soon as practicable.

In faith whereof the Plenipotentiaries of the High Contracting Parties have signed the present Treaty in duplicate in the English and Italian languages, and have affixed thereto their respective seals.

Done at Washington this 25th day of February in the year of our Lord one thousand nine hundred and thirteen.

PHILANDER C. KNOX      [SEAL]  
CUSANI                      [SEAL]

# RELINQUISHMENT OF EXTRATERRITORIAL RIGHTS IN LIBYA

*Exchange of notes at Washington October 30, 1912, and February 28,  
1913*

*Entered into force November 1, 1912*

*Obsolete*

1913 For. Rel. 608

*The Italian Chargé d'Affaires to the Secretary of State*

[TRANSLATION]

ITALIAN EMBASSY

*Washington, October 30, 1912*

No. 1704

MR. SECRETARY OF STATE: In accordance with the telegraphic instructions that I have received from His Excellency the Minister for Foreign Affairs, I have the honor to inform Your Excellency that in consequence of the recognition by the foreign powers of our sovereignty over Tripolitania and Cyrenaica, the special régime formerly enjoyed by foreigners in those territories, by virtue of the Capitulations of the Ottoman Empire, has ended, in conformity with universally accepted principles of international law. The necessary instructions have consequently been issued to the Royal authorities in Libya for the application to foreigners, from November 1, of the dispositions of the general law, with the reservation of providing for the settlement of all pending questions by eventual accords and further dispositions.

Begging Your Excellency kindly to acknowledge this communication, I have [etc.]

G. CATALANI

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*The Secretary of State to the Italian Chargé d'Affaires*

DEPARTMENT OF STATE

*Washington, February 28, 1913*

No. 380

SIR: I have the honor to acknowledge the receipt of the note (No. 1704) of October 30, 1912, by which, under instruction from your Government, you informed me that in view of the cessation of the special régime formerly

enjoyed by foreigners in Tripolitania and Cyrenaica by virtue of the Capitulations of the Ottoman Empire, the necessary instructions have been issued to the Royal authorities in Libya in order that, from November 1st, 1912, the dispositions of the general law should be forthwith applied to foreigners, under the reserve of providing for the settlement of all pending questions by eventual accords and further dispositions.

In taking note of this communication, I have the honor to inform you that the appropriate diplomatic and consular representatives of this Government have now been instructed to conform to the legal situation thus established in Libya.

I take this occasion further to inform you that the American Consulate at Tripoli will henceforth be administered as subordinate to the Consulate General at Genoa, under the supervision of the American Embassy at Rome. It is assumed that it will not be necessary to make application for a new exequatur for the Consul who has been exercising his functions at Tripoli since before the occupation of Libya by the Italian forces.

Accept [etc.]

P. C. KNOX

## ARBITRATION

*Agreement signed at Washington May 28, 1913, extending agreement of March 28, 1908*

*Senate advice and consent to ratification February 21, 1914*

*Ratified by Italy March 12, 1914*

*Ratified by the President of the United States April 13, 1914*

*Ratifications exchanged at Washington April 13, 1914*

*Entered into force April 13, 1914*

*Proclaimed by the President of the United States April 15, 1914*

*Expired January 22, 1919*

38 Stat. 1769; Treaty Series 588

The Government of the United States of America and the Government of His Majesty the King of Italy, being desirous of extending the period of five years during which the Arbitration Convention concluded between them on March 28, 1908,<sup>1</sup> is to remain in force, which period is about to expire, have authorized the undersigned, to wit: the Honorable William Jennings Bryan, Secretary of State of the United States, and His Excellency The Marquis Cusani Confalonieri, Commander of the Order of Saint Maurice and Saint Lazarus, Grand Cordon of the Order of the Crown of Italy, etc., etc., His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington, to conclude the following agreement:

### ARTICLE I

The Convention of Arbitration of March 28, 1908, between the Government of the United States of America and the Government of His Majesty the King of Italy, the duration of which by Article III thereof was fixed at a period of five years from the date of the exchange of ratifications of said Convention, which period will terminate on January 22, 1914, is hereby extended and continued in force for a further period of five years from January 22, 1914.

### ARTICLE II

The present Agreement shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Government of His Majesty the King of Italy, in accordance with

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<sup>1</sup> TS 516, *ante*, p. 116.

its Constitution and laws, and it shall become effective upon the date of the exchange of ratifications, which shall take place at Washington as soon as possible.

Done in duplicate, in the English and Italian languages, at Washington this twenty-eighth day of May, one thousand nine hundred and thirteen.

WILLIAM JENNINGS BRYAN      [SEAL]  
CUSANI                                      [SEAL]

## ADVANCEMENT OF PEACE

*Treaty signed at Washington May 5, 1914*

*Senate advice and consent to ratification August 13, 1914*

*Ratified by Italy November 29, 1914*

*Ratified by the President of the United States March 17, 1915*

*Ratifications exchanged at Washington March 19, 1915*

*Entered into force March 19, 1915*

*Proclaimed by the President of the United States March 24, 1915*

*Article II modified by agreement of September 18, 1915,<sup>1</sup> and treaty of September 23, 1931<sup>2</sup>*

*Revived (after World War II) February 6, 1948,<sup>3</sup> pursuant to article 44 of treaty of peace signed at Paris February 10, 1947<sup>4</sup>*

39 Stat. 1618; Treaty Series 615

The President of the United States of America and His Majesty the King of Italy, being desirous to strengthen the bonds of amity that bind the two countries, and also to advance the cause of general peace, have resolved to enter into a treaty for those purposes, and to that end have appointed as their Plenipotentiaries:

The President of the United States of America, the Honorable William Jennings Bryan, Secretary of State; and

His Majesty the King of Italy, His Excellency the Marquis Cusani Con-falonieri, Commander of the Order of Saint Maurice and Saint Lazarus, Grand Cordon of the Order of the Crown of Italy, etc., His Ambassador Extraordinary and Plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon the following articles:

### ARTICLE I

The High Contracting Parties engage to submit for investigation and report to a Commission, to be constituted according to the provisions of the

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<sup>1</sup> TS 615½, *post*, p. 132.

<sup>2</sup> TS 848, *post*, p. 164.

<sup>3</sup> *Department of State Bulletin*, Feb. 22, 1948, p. 248.

<sup>4</sup> TIAS 1648, *ante*, vol. 4, p. 325.

following Article, all differences of whatever nature they may be which may occur between them which can not be composed by diplomatic methods or are not submitted to a tribunal of arbitration; they bind themselves not to declare war nor to open hostilities during the examination by the Commission and before the Commission has presented its report.

## ARTICLE II<sup>5</sup>

The International Commission shall be composed of five members appointed according to the following rules:

Each country, by means of its Government, chooses two members, one from among its own subjects, the other from among those of a third State; the two Governments, after agreement, will name the fifth member, on condition, however, that he be not a citizen of either of these two countries. Each Commissioner shall hold his place during a term of four years; at the expiration of this term, or in the event of vacancy, the confirmation or the substitution of the Commissioner whose term may have expired or whose place may be vacant shall be made in the same manner.

Each of the High Contracting Parties shall have the right, before the investigation has begun, to substitute for one of the members of the Commission appointed by it another one chosen from the category to which the Commissioner to be replaced belonged.

When the Commissioners be actually occupied in the examination of a question they shall receive a compensation which will be mutually agreed upon by the High Contracting Parties.

The expenses of the Commission shall be borne by the two Governments in equal proportion. The International Commission shall be appointed within six months after the exchange of the ratifications of this treaty.<sup>6</sup>

## ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods or by means of a tribunal of arbitration, it shall at once be referred, either by common agreement or by one or the other party, to the International Commission for investigation and report.

The Commission must inform the two Governments of the date on which it will begin its labors, inviting them to furnish it with all the documents and to lend it the cooperation necessary for the investigation.

The High Contracting Parties engage to furnish all the documents and to afford all facilities for the investigation and the report, provided that in their judgment this does not conflict with the laws or with the supreme in-

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<sup>5</sup> For modifications of art. II, see treaty of Sept. 23, 1931 (TS 848), *post*, p. 165.

<sup>6</sup> For an extension of time for organization of commission, see agreement of Sept. 18, 1915 (TS 615½), *post*, p. 132.

terest of the State, and provided that the interests and rights of third States shall not thereby suffer damage.

In the absence of an agreement to the contrary between the High Contracting Parties, the Commission will itself adopt regulations governing its procedure.

The report of the Commission must be presented within a period of one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties may have shortened or prolonged by mutual agreement this term. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third shall be placed in the archives of the Commission.

The High Contracting Parties reserve to themselves the right to act independently on the subject matter of the dispute after the Commission shall have presented its report.

#### ARTICLE IV

The present Treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate, and by His Majesty the King of Italy, and the ratifications shall be exchanged as soon as possible.

The Treaty will come into force, for a period of five years, immediately after the exchange of ratifications. It will thereafter remain in force for twelve months more after one of the High Contracting Parties shall have notified the other of its intention to terminate it.

In witness whereof the respective plenipotentiaries have signed the present Treaty and have affixed thereunto their seals.

Done in duplicate in the English and Italian languages at Washington this fifth day of May, in the year 1914.

WILLIAM JENNINGS BRYAN      [SEAL]  
CUSANI                                      [SEAL]

## COPYRIGHT

*Exchange of notes at Washington February 12 and March 4 and 11,  
1915*

*Entered into force March 11, 1915; operative May 1, 1915*

*Revived (after World War II) March 12, 1948,<sup>1</sup> pursuant to article 44  
of treaty of peace signed at Paris February 10, 1947<sup>2</sup>*

III Redmond 2705

*The Secretary of State to the Italian Ambassador*

No. 36

WASHINGTON, February 12, 1915

### EXCELLENCY:

Referring to your embassy's note of the 2d of September, 1914, conveying certain assurances from the Royal Italian Ministry of Agriculture, Industry, and Commerce that citizens of the United States may now enjoy in the Kingdom of Italy, by virtue of Italian law, rights in regard to copyright similar to those granted by section 1(e) of the copyright act of the United States of the 4th of March, 1909,<sup>3</sup> including copyright controlling the parts of instruments serving to reproduce mechanically musical works, I have the honor to say that it seems advisable that the proclamation of the President of the United States and the Italian royal decree should be issued simultaneously, and the department therefore suggests that the 1st of March, 1915, be the day selected, if that day meets with the approval of the Italian Government.

The department will, therefore, recommend to the President the issue of the proclamation on that date, in view of the assurances contained in M. Borghetti's note above mentioned of the 2d of September, 1914.

The department will be glad to be informed by you, as soon as possible, whether the date, 1st of March next, is acceptable to your Government.

Accept, etc.

W. J. BRYAN

<sup>1</sup> *Department of State Bulletin*, Apr. 4, 1948, p. 455.

<sup>2</sup> TIAS 1648, *ante*, vol. 4, p. 325.

<sup>3</sup> 35 Stat. 1075.

*The Italian Ambassador to the Secretary of State*

[TRANSLATION]

No. 620

WASHINGTON, *March 4, 1915*

M. LE SECRÉTAIRE D'ÉTAT:

The Government of His Majesty the King of Italy, my august Sovereign:

Considering that by virtue of the proclamation of the 9th of April, 1910,<sup>4</sup> his Excellency the President of the United States, while recognizing the enjoyment by the citizens and subjects of the Kingdom of Italy of all the benefits of the law of the 4th of March, 1909, excluded, however, those provided for in article 1(e) of the said law, declaring in regard thereto that the matter was still under consideration;

And bearing in mind that article 1(e) of the said law exacts that its provisions, in so far as they guarantee the author's right for the reproduction and mechanical execution of musical works, shall not apply to works of foreign authors or composers unless the State or the nation, of which such author or composer is a citizen or subject, assures to the citizens of the United States similar rights, whether by means of treaties, conventions, or agreements, or by force of law;

Have instructed me to give to your Excellency a formal assurance that, by virtue of the issue of the aforesaid proclamation of the 9th of April, 1910, American citizens and subjects enjoy in the Kingdom, by virtue of article 44 of the law T. U. of the 19th of September, 1882, fully and absolutely, the author's rights for every form of reproduction of their works, including the reproduction and mechanical execution of musical works.

I have accordingly the honor to request that, on the basis of this declaration, his Excellency the President will be good enough to issue the necessary proclamation to the end that Italian subjects may be admitted to enjoy also the special benefits provided by the aforesaid article 1(e) of the law of the 4th of March, 1909, the Italian Government on its part undertaking to recommend the publication of a royal decree sanctioning the foregoing declarations concerning the citizens and subjects of the United States.

In order that the date of the issue of the presidential proclamation may coincide with that of the royal decree, I have the honor to propose to your Excellency, in the name of the Government of the King, the date of 1st of May next.

Accept, etc.,

V. MACCHI DI CELLERE

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<sup>4</sup> 36 Stat. 2685.

*The Secretary of State to the Italian Ambassador*

No. 44

WASHINGTON, *March 11, 1915*

## EXCELLENCY:

I have the honor to acknowledge the receipt of your note of the 4th instant, in which you state that you are instructed by your Government to give the Government of the United States formal assurance that, by virtue of the issue of the proclamation of the 9th April, 1910, by the President of the United States, American citizens enjoy in the Kingdom of Italy, by virtue of article 44 of the Law T. U. of the 19th of September, 1882, full and absolute copyright for any form of reproduction of their works, including the reproduction and mechanical execution of musical works. You therefore ask that the President will be good enough to issue the requisite proclamation to the end that Italian subjects be admitted to enjoy the special benefits provided by article 1(e) of the act of the 4th of March, 1909, your Government on its part undertaking to issue a royal decree sanctioning the declaration made above in your note concerning citizens of the United States.

You suggest that the royal decree and the President's proclamation be issued on the 1st of May, 1915,<sup>5</sup> and in order that the dates of issue may coincide.

I have the honor to say in reply that the department will lay before the President the necessary proclamation for signature on the 1st of May, 1915.

Accept, etc.

W. J. BRYAN

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<sup>5</sup> 39 Stat. 1725.

## ADVANCEMENT OF PEACE

*Exchange of notes at Washington September 18, 1915, modifying treaty of May 5, 1914*

*Entered into force September 18, 1915*

*Expired January 1, 1916*

Treaty Series 615½

*The Secretary of State to the Italian Ambassador*

DEPARTMENT OF STATE

*Washington, September 18, 1915*

No. 118

EXCELLENCY:

It not having been found feasible to complete the international commission provided for in the treaty of May 5, 1914,<sup>1</sup> between the United States and Italy, looking to the advancement of the general cause of peace, within the time specified in the treaty, which expires tomorrow, I have the honor to suggest for the consideration of your Government that the time within which the organization of the commission may be completed be extended by an exchange of notes from September 19, 1915, to January 1, 1916.

Your formal notification in writing, of the same date as this, that your Government receives the suggestion favorably, will be regarded on this Government's part as sufficient to give effect to the extension, and I shall be glad to receive your assurance that it will be so regarded by your Government also.

Accept, Excellency, the renewed assurances of my highest consideration.

ROBERT LANSING

His Excellency

Count V. MACCHI DI CELLERE,  
*Ambassador of Italy.*

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<sup>1</sup> TS 615, *ante*, p. 126.

*The Italian Ambassador to the Secretary of State*

[TRANSLATION]

ROYAL EMBASSY OF ITALY

*Washington, September 18, 1915*

No. 3509

MR. SECRETARY OF STATE:

By note of today's date Your Excellency, in view of the fact that it had not been feasible to complete the Commission provided for in Article 2 of the Convention of May 5, 1914, between Italy and the United States, for the prevention of international conflicts, and that, on the other hand, the time set by the Convention for the appointment of the said Commission expires tomorrow, was pleased to propose through me to the King's Government that the time within which the Commission may be completed be extended by an exchange of notes from September 19, 1915, to January 1, 1916, Your Excellency added that my formal notification in writing, of the same date of today, that the said proposition is accepted by the Italian Government would be regarded on the part of the Government of the United States as sufficient to give effect to the extension.

I have the honor and hasten, for my part, to inform Your Excellency that my Government readily agrees to an extension of the time within which the above mentioned Commission may be appointed until January 1, 1916, and that it also regards the exchange of today's notes as sufficient to give effect to the extension.

Accept, Mr. Secretary of State, the assurances of my highest consideration.

MACCHI DI CELLERE

To His Excellency

The Honorable ROBERT LANSING,  
*Secretary of State,*  
*Washington.*

# RADIO COMMUNICATIONS

*Protocol signed at Washington March 27, 1918*

*Entered into force March 27, 1918*

*Not revived after World War II*<sup>1</sup>

Treaty Series 631-A

## PROTOCOL

between the United States and Italy relative to Italo-American Radio Service.

The undersigned, representatives of the Governments of the United States and Italy met the 27th day of March nineteen hundred and eighteen, at 11:30 a.m., at the State Department, Washington, D.C., and agreed upon the following articles:

### ARTICLE I

The Government of the United States and the Government of Italy, considering that there are no direct submarine cables connecting the two Countries, think it is most urgent to establish immediately a regular radio-service between the United States and Italy.

### ARTICLE II

The Government of the United States and the Government of Italy acquiesce in designating one American and one Italian wireless station of sufficient power to insure the radio communications between the two Countries. These stations will be determined upon and respectively notified by both parties in the agreement mentioned in Article VIII of this protocol.

### ARTICLE III

The radio line cannot be considered a duplicate of submarine cable route. Therefore, the Government of the United States and the Government of Italy, considering that there is no other direct system of communication between the two Countries, will insure transmission by priority over all other messages between the two Countries of their official urgent messages.

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<sup>1</sup>Not included among treaties and other agreements continued in force or revived Feb. 6, 1948, pursuant to art. 44 of treaty of peace signed at Paris Feb. 10, 1947 (TIAS 1648, *ante*, vol. 4, p. 325).

## ARTICLE IV

In principle radiograms regularly handled shall be limited in character to official, political, military, or naval urgent communications. This does not prevent the regular handling of official government press information.

## ARTICLE V

This new transatlantic radio line is to be used also to insure communications with Italy in case the cable lines by way of France and England should prove to be insufficient.

## ARTICLE VI

Official radiograms shall be in cipher; however radiograms conveying only official press information will be transmitted unciphered.

## ARTICLE VII

The United States and Italian authorities who are authorized to employ radio communications are the following:

Authorities residing in Washington: The Department of State; the Department of War; the Department of the Navy; the Italian Embassy; the Italian Military Attaché; the Italian Naval Attaché; and the Director of Naval Communications.

Authorities residing in Rome: The Ministry of Foreign Affairs; the Ministry of War; the Ministry of Marine; the Ministry of Posts and Telegrams; the Embassy of the United States; the Military Attaché of the United States; and the Naval Attaché of the United States.

## ARTICLE VIII

The technical and practical conditions under which the United States and Italy will employ this radio line will be determined in a further agreement between the communication services of the respective Governments. It is, of course, understood that systematic trials have to be made to perfect the various conditions, specially to determine the hours of service, in order to improve this important service.

ROBERT LANSING [SEAL]  
MACCHI DI CELLERE [SEAL]

## MILITARY SERVICE

*Convention signed at Washington August 24, 1918*

*Ratified by Italy October 2, 1918*

*Senate advice and consent to ratification October 24, 1918*

*Ratified by the President of the United States November 2, 1918*

*Ratifications exchanged at Washington and Rome November 12, 1918*

*Entered into force November 12, 1918*

*Proclaimed by the President of the United States November 18, 1918*

*Obsolete*

40 Stat. 1633; Treaty Series 637

The President of the United States of America and His Majesty the King of Italy being convinced that for the better prosecution of the present war it is desirable that citizens of the United States in Italy and Italian citizens in the United States shall either return to their own country to perform military service in its army or shall serve in the army of the country in which they remain, have resolved to enter into a Convention to that end, and have accordingly appointed as their Plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States, and

His Majesty the King of Italy Count Vincenzo Macchi di Cellere, Ambassador Extraordinary and Plenipotentiary to the United States,

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

### ARTICLE I

All male citizens of the United States in Italy and all male citizens of Italy in the United States shall, unless before the time limited by this Convention they enlist or enroll in the forces of their own country or return to the United States or Italy, respectively, for the purpose of military service, be subject to military service and entitled to exemption or discharge therefrom under the laws and regulations from time to time in force of the country in which they are: Provided, that in respect to citizens of the United States in Italy the ages for military service shall be the ages specified in the laws of the

United States prescribing compulsory military service, and in respect to Italian citizens in the United States the ages for military service shall be for the time being twenty to forty-four years, both inclusive.

## ARTICLE II

Citizens of the United States and Italian citizens within the age limits aforesaid, who desire to enter the military service of their own country, must enlist or enroll or must leave Italy or the United States, as the case may be, for the purpose of military service in their own country, before the expiration of sixty days after the date of the exchange of ratifications of this Convention, if liable to military service in the country in which they are at said date; or if not so liable, then, before the expiration of thirty days after the time when liability shall accrue; or, as to those holding certificates of exemption under Article III of this Convention, before the expiration of thirty days after the date on which any such certificate becomes inoperative unless sooner renewed; or, as to those who apply for certificates of exemption under Article III, and whose applications are refused, then before the expiration of thirty days after the date of such refusal, unless the application be sooner granted.

## ARTICLE III

The Government of the United States and the Government of Italy may, through their respective diplomatic representatives or by other authorities appointed for that purpose by the respective Governments, issue certificates of exemption from military service to citizens of the United States in Italy and Italian citizens in the United States, respectively, upon application or otherwise, within sixty days from the date of the exchange of ratifications of this Convention or within thirty days from the date when such citizens become liable to military service in accordance with Article I, provided that the applications be made or the certificates be granted prior to their entry into the military service of either country. Such certificates may be special or general, temporary or conditional and may be modified, renewed, or revoked, in the discretion of the Government granting them. Persons holding such certificates shall, so long as the certificates are in force, not be liable to military service in the country in which they are.

## ARTICLE IV

The Government of the United States and the Italian Government will, respectively, so far as possible, facilitate the return of citizens of Italy and of the United States who may desire to return to their own country for military service, but shall not be responsible for providing transport or the cost of transport for such persons.

## ARTICLE V

No citizen of either country who, under the provisions of this Convention, enters the military service of the other shall, by reason of such service, be considered, after this Convention shall have expired or after his discharge, to have lost his nationality or to be under any allegiance to the United States or to His Majesty the King of Italy, as the case may be.

## ARTICLE VI

This agreement while in force, holds in abeyance any provisions inconsistent therewith, in the treaty of February 26, 1871,<sup>1</sup> or in any other treaty between the United States and Italy.

## ARTICLE VII

The present Convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate of the United States and by His Majesty the King of Italy, and the ratifications shall be exchanged at Washington or at Rome as soon as possible. It shall come into operation on the date on which the ratifications are exchanged and shall remain in force until the expiration of sixty days after either of the contracting parties shall have given notice of termination to the other; whereupon any citizen of either country incorporated into the military service of the other under this Convention, shall be, as soon as possible, discharged therefrom.

In witness whereof, the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done in duplicate at Washington the twenty-fourth day of August in the year of our Lord one thousand nine hundred and eighteen.

ROBERT LANSING [SEAL]  
MACCHI DI CELLERE [SEAL]

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<sup>1</sup> TS 177, *ante*, p. 82.

## ARBITRATION

*Agreement signed at Washington March 20, 1919, extending convention of March 28, 1908*

*Senate advice and consent to ratification July 17, 1919*

*Ratified by the President of the United States July 29, 1919*

*Ratified by Italy August 18, 1919*

*Ratifications exchanged at Washington October 13, 1919*

*Entered into force October 13, 1919*

*Proclaimed by the President of the United States October 15, 1919*

*Expired January 22, 1924*

41 Stat. 1675; Treaty Series 645

The Government of the United States of America and the Government of His Majesty the King of Italy, being desirous of extending for another five years the period during which the Arbitration Convention concluded between them on March 28, 1908,<sup>1</sup> extended by the Agreement concluded between the two Governments on May 28, 1913<sup>2</sup> shall remain in force, have authorized the undersigned, to wit: the Honorable Frank L. Polk, Acting Secretary of State of the United States, and Baron Pietro Arone di Valentino, His Majesty's Chargé d'Affaires at Washington, to conclude the following agreement:

### ARTICLE I

The Convention of Arbitration of March 28, 1908, between the Government of the United States of America and the Government of His Majesty the King of Italy, the duration of which by Article III thereof was fixed at a period of five years from the date of the exchange of ratifications of the said Convention on January 22, 1909 which period, by the agreement of May 28, 1913, between the two Governments was extended for five years from January 22, 1914, is hereby renewed and declared in force for a further period of five years from January 22, 1919.

### ARTICLE II

The present Agreement shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof,

<sup>1</sup> TS 516, *ante*, p. 116.

<sup>2</sup> TS 588, *ante*, p. 124.

and by the Government of His Majesty, the King of Italy, in accordance with its Constitution and laws, and it shall become effective upon the date of the exchange of ratifications, which shall take place at Washington as soon as possible.

Done in duplicate, in the English and Italian languages, at Washington this 20th day of March nineteen hundred and nineteen.

FRANK L. POLK [SEAL]

PIETRO ARONE DI VALENTINO [SEAL]

## SUPPRESSION OF SMUGGLING

*Convention signed at Washington June 3, 1924*

*Senate advice and consent to ratification June 4, 1924*

*Ratified by Italy July 7, 1924*

*Ratified by the United States October 16, 1924*

*Ratifications exchanged at Washington October 22, 1924*

*Entered into force October 22, 1924*

*Proclaimed by the President of the United States October 22, 1924*

*Not revived after World War II*<sup>1</sup>

43 Stat. 1844; Treaty Series 702

The President of the United States of America and His Majesty the King of Italy being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages have decided to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States of America, Charles Evans Hughes, Secretary of State of the United States;

His Majesty the King of Italy, Signor Augusto Rosso, Counselor of His Embassy at Washington;

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

### ARTICLE I

The High Contracting Parties respectively retain their rights and claims, without prejudice by reason of this agreement, with respect to the extent of their territorial jurisdiction.

### ARTICLE II

(1) The Italian Government agrees that it will raise no objection to the boarding of private vessels under the Italian flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions in

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<sup>1</sup> Not included among treaties and other agreements continued in force or revived Feb. 6, 1948, pursuant to art. 44 of treaty of peace signed at Paris Feb. 10, 1947 (TIAS 1648, *ante*, vol. 4, p. 325).

order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be initiated.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its territories or possessions than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

### ARTICLE III

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions on board Italian vessels voyaging to or from ports of the United States, or its territories or possessions or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

### ARTICLE IV

Any claim by an Italian vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this Treaty or on the ground that it has not been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the High Contracting Parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to

the Permanent Court of Arbitration at The Hague described in the Convention for the Pacific Settlement of International Disputes, concluded at The Hague, October 18, 1907.<sup>2</sup> The Arbitral Tribunal shall be constituted in accordance with Article 87 (Chapter IV) and with Article 59 (Chapter III) of the said Convention. The proceedings shall be regulated by so much of Chapter IV of the said Convention and of Chapter III thereof (special regard being had for Articles 70 and 74, but excepting Articles 53 and 54) as the Tribunal may consider to be applicable and to be consistent with the provisions of this agreement. All sums of money which may be awarded by the Tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified. Each Government shall bear its own expenses. The expenses of the Tribunal shall be defrayed by a ratable deduction of the amount of the sums awarded by it, at a rate of five per cent. on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moieties by the two Governments.

#### ARTICLE V

This Treaty shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year, either of the High Contracting Parties may give notice of its desire to propose modifications in the terms of the Treaty.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the Treaty shall lapse.

If no notice is given on either side of the desire to propose modifications, the Treaty shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the Treaty, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the Treaty shall lapse.

#### ARTICLE VI

In the event that either of the High Contracting Parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present Treaty the said Treaty shall automatically lapse, and, on such lapse or whenever this Treaty shall cease to be in force, each High Contracting Party shall enjoy all the rights which it would have possessed had this Treaty not been concluded.

The present Convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate

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<sup>2</sup> TS 536, *ante*, vol. 1, p. 577.

thereof, and by His Majesty the King of Italy; and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the present Convention in duplicate, in the English and Italian languages, and have thereunto affixed their seals.

Done at the city of Washington this third day of June in the year of our Lord one thousand nine hundred and twenty-four.

CHARLES EVANS HUGHES      [SEAL]  
AUGUSTO ROSSO              [SEAL]

## DEBT FUNDING

*Agreement signed at Washington November 14, 1925*

*Operative from June 15, 1925*

*Approved by Italy by law No. 246 of February 14, 1926*

*Approved by Act of Congress of April 28, 1926*<sup>1</sup>

*Modified by agreement of June 3, 1932*<sup>2</sup>

*Revived (after World War II) February 6, 1948,*<sup>3</sup> *pursuant to article 44 of treaty of peace signed at Paris February 10, 1947*<sup>4</sup>

Treasury Department print

### AGREEMENT

Made the fourteenth day of November, 1925, at the City of Washington, District of Columbia, between the KINGDOM OF ITALY, hereinafter called ITALY, party of the first part, and the UNITED STATES OF AMERICA, hereinafter called the UNITED STATES, party of the second part.

WHEREAS, Italy is indebted to the United States as of June 15, 1925, upon obligations in the aggregate principal amount of \$1,647,869,197.96, together with interest accrued and unpaid thereon; and

WHEREAS, Italy desires to fund said indebtedness to the United States, both principal and interest, through the issue of bonds to the United States, and the United States is prepared to accept bonds from Italy upon the terms hereinafter set forth;

Now, therefore, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. *Amount of Indebtedness.* The amount of indebtedness to be funded, after allowing for certain cash payments made or to be made by Italy, is \$2,042,000,000, which has been computed as follows:

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<sup>1</sup> 44 Stat. 329.

<sup>2</sup> *Post*, p. 176.

<sup>3</sup> *Department of State Bulletin*, Feb. 22, 1948, p. 248.

<sup>4</sup> TIAS 1648, *ante*, vol. 4, p. 325.

Obligations taken for cash advanced by Treasury.....	\$1, 648, 034, 050. 90	
Accrued and unpaid interest at $4\frac{1}{4}\%$ per annum to December 15, 1922.....	251, 846, 654. 79	
		\$1, 899, 880, 705. 69
Accrued interest at 3% per annum from December 15, 1922, to June 15, 1925.....		142, 491, 052. 93
		\$2, 042, 371, 758. 62
Deduct payments made on account of principal since December 15, 1922.....	\$164, 852. 94	
Interest on principal payments at 3% per annum to June 15, 1925.....	7, 439. 34	
		\$172, 292. 28
Total net indebtedness as of June 15, 1925....		\$2, 042, 199, 466. 34
To be paid in cash upon execution of agreement..		199, 466. 34
		\$2, 042, 000, 000. 00

2. *Payment.* In order to provide for the payment of the indebtedness thus to be funded Italy will issue to the United States at par bonds of Italy in the aggregate principal amount of \$2,042,000,000, dated June 15, 1925, and maturing serially on the several dates and in the amounts fixed in the following schedule:

June 15—		June 15—	
1926.....	\$5, 000, 000	1958.....	\$29, 600, 000
1927.....	5, 000, 000	1959.....	30, 500, 000
1928.....	5, 000, 000	1960.....	31, 500, 000
1929.....	5, 000, 000	1961.....	32, 500, 000
1930.....	5, 000, 000	1962.....	33, 500, 000
1931.....	12, 100, 000	1963.....	34, 500, 000
1932.....	12, 200, 000	1964.....	35, 500, 000
1933.....	12, 300, 000	1965.....	36, 500, 000
1934.....	12, 600, 000	1966.....	38, 000, 000
1935.....	13, 000, 000	1967.....	39, 500, 000
1936.....	13, 500, 000	1968.....	41, 500, 000
1937.....	14, 200, 000	1969.....	43, 500, 000
1938.....	14, 600, 000	1970.....	44, 500, 000
1939.....	15, 200, 000	1971.....	46, 000, 000
1940.....	15, 800, 000	1972.....	47, 500, 000
1941.....	16, 400, 000	1973.....	49, 000, 000
1942.....	17, 000, 000	1974.....	50, 500, 000
1943.....	17, 600, 000	1975.....	52, 000, 000
1944.....	18, 300, 000	1976.....	54, 000, 000
1945.....	19, 000, 000	1977.....	56, 000, 000
1946.....	19, 600, 000	1978.....	59, 000, 000
1947.....	20, 000, 000	1979.....	61, 000, 000
1948.....	20, 600, 000	1980.....	62, 000, 000
1949.....	21, 200, 000	1981.....	64, 000, 000
1950.....	22, 000, 000	1982.....	67, 000, 000
1951.....	23, 000, 000	1983.....	69, 000, 000
1952.....	23, 800, 000	1984.....	72, 000, 000
1953.....	24, 600, 000	1985.....	74, 000, 000
1954.....	25, 400, 000	1986.....	77, 000, 000
1955.....	26, 500, 000	1987.....	79, 400, 000
1956.....	27, 500, 000		
1957.....	28, 500, 000	Total.....	\$2, 042, 000, 000

PROVIDED, HOWEVER, That Italy, at its option, upon not less than ninety days' advance notice to the United States, may postpone any payment on account of principal falling due as hereinabove provided, after June 15, 1930, to any subsequent June 15 or December 15 not more than two years distant from its due date, but only on condition that in case Italy shall at any time exercise this option as to any payment of principal, the payment falling due in the second succeeding year can not be postponed at all unless and until the payments of principal due two years and one year previous thereto shall actually have been made. All such postponed payments of principal shall bear interest at the rate of  $4\frac{1}{4}\%$  per annum payable semiannually.

3. *Form of Bond.* All bonds issued or to be issued hereunder to the United States shall be payable to the Government of the United States of America, or order, and shall be signed for Italy by its Ambassador at Washington, or by its other duly authorized representative. The bonds shall be substantially in the form set forth in the exhibit thereto annexed and marked "Exhibit A", and shall be issued in 62 pieces with maturities and in denominations as hereinabove set forth and shall bear no interest until June 15, 1930, and thereafter shall bear interest at the rate of  $\frac{1}{8}$  of 1% per annum from June 15, 1930, to June 15, 1940; at the rate of  $\frac{1}{4}$  of 1% per annum from June 15, 1940, to June 15, 1950; at the rate of  $\frac{1}{2}$  of 1% per annum from June 15, 1950, to June 15, 1960; at the rate of  $\frac{3}{4}$  of 1% per annum from June 15, 1960, to June 15, 1970; at the rate of 1% per annum from June 15, 1970, to June 15, 1980, and at the rate of 2% per annum after June 15, 1980, all payable semiannually on June 15 and December 15 of each year.

4. *Method of Payment.* All bonds issued or to be issued hereunder shall be payable, as to both principal and interest, in United States gold coin of the present standard of value, or, at the option of Italy, upon not less than thirty days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

All payments, whether in cash or in obligations of the United States, to be made by Italy on account of the principal of or interest on any bonds issued or to be issued hereunder and held by the United States, shall be made at the Treasury of the United States in Washington, or, at the option of the Secretary of the Treasury of the United States, at the Federal Reserve Bank of New York, and if in cash shall be made in funds immediately available on the date of payment, or if in obligations of the United States shall be in form acceptable to the Secretary of the Treasury of the United States under the general regulations of the Treasury Department governing transactions in United States obligations.

5. *Exemption from Taxation.* The principal and interest of all bonds issued or to be issued hereunder shall be paid without deduction for, and shall be exempt from, any and all taxes or other public dues, present or future, imposed by or under authority of Italy or any political or local taxing authority within Italy, whenever, so long as, and to the extent that beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Italy, or (c) a corporation not organized under the laws of Italy.

6. *Payments before Maturity.* Italy, at its option, on June 15 or December 15 of any year, upon not less than ninety days' advance notice to the United States, may make advance payments in amounts of \$1,000 or multiples thereof, on account of the principal of any bonds issued or to be issued hereunder and held by the United States. Any such advance payments shall be applied to the principal of such bonds as may be indicated by Italy at the time of the payment.

7. *Exchange for Marketable Obligations.* Italy will issue to the United States at any time, or from time to time, at the request of the Secretary of the Treasury of the United States, in exchange for any or all of the bonds issued hereunder and held by the United States, definitive engraved bonds in form suitable for sale to the public, in such amounts and denominations as the Secretary of the Treasury of the United States may request, in bearer form, with provision for registration as to principal, and/or in fully registered form, and otherwise on the same terms and conditions, as to dates of issue and maturity, rate or rates of interest, if any, exemption from taxation, payment in obligations of the United States issued after April 6, 1917, and the like, as the bonds surrendered on such exchange. Italy will deliver definitive engraved bonds to the United States in accordance herewith within six months of receiving notice of any such request from the Secretary of the Treasury of the United States, and pending the delivery of the definitive engraved bonds will deliver, at the request of the Secretary of the Treasury of the United States, temporary bonds or interim receipts in form satisfactory to the Secretary of the Treasury of the United States within thirty days of the receipt of such requests, all without expense to the United States. The United States, before offering any such bonds or interim receipts for sale in Italy, will first offer them to Italy for purchase at par and accrued interest, if any, and Italy shall likewise have the option, in lieu of issuing any such bonds or interim receipts, to make advance redemption, at par and accrued interest, if any, of a corresponding principal amount of bonds issued hereunder and held by the United States. Italy agrees that the definitive engraved bonds called for by this paragraph shall contain all such provisions, and that it will cause to be promulgated all such rules, regulations, and orders as shall be deemed necessary or desirable by

the Secretary of the Treasury of the United States in order to facilitate the sale of the bonds in the United States, in Italy or elsewhere, and that if requested by the Secretary of the Treasury of the United States, it will use its good offices to secure the listing of the bonds on such stock exchanges as the Secretary of the Treasury of the United States may specify.

8. *Cancellation and Surrender of Obligations.* Upon the execution of this Agreement, the delivery to the United States of the principal amount of bonds of Italy to be issued hereunder, together with satisfactory evidence of authority for the execution of this Agreement by the representative of Italy and for the execution of the bonds to be issued hereunder, the United States will cancel and surrender to Italy at the Treasury of the United States in Washington, the obligations of Italy held by the United States.

9. *Notices.* Any notice, request, or consent under the hand of the Secretary of the Treasury of the United States, shall be deemed and taken as the notice, request, or consent of the United States, and shall be sufficient if delivered at the Embassy of Italy at Washington or at the office of the Ministry of Finance at Rome; and any notice, request, or election from or by Italy shall be sufficient if delivered to the American Embassy at Rome or to the Secretary of the Treasury at the Treasury of the United States in Washington. The United States in its discretion may waive any notice required hereunder, but any such waiver shall be in writing and shall not extend to or affect any subsequent notice or impair any right of the United States to require notice hereunder.

10. *Compliance with Legal Requirements.* Italy represents and agrees that the execution and delivery of this Agreement have in all respects been duly authorized and that all acts, conditions, and legal formalities which should have been completed prior to the making of this Agreement have been completed as required by the laws of Italy and in conformity therewith.

11. *Counterparts.* This Agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

IN WITNESS WHEREOF Italy has caused this Agreement to be executed on its behalf by Giuseppe Volpi di Misurata, its Plenipotentiary at Washington, thereunto duly authorized, subject, however, to ratification in Italy, and the United States has likewise caused this Agreement to be executed on its behalf by the Secretary of the Treasury, as Chairman of the World War Foreign Debt Commission, with the approval of the President, subject, however, to the approval of Congress, pursuant to the Act of Congress approved February 9, 1922,<sup>5</sup> as amended by the Act of Congress approved February 28,

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<sup>5</sup> 42 Stat. 363.

1923,<sup>6</sup> and as further amended by the Act of Congress approved January 21, 1925,<sup>7</sup> all on the day and year first above written.

The Kingdom of Italy

By GIUSEPPE VOLPI DI MISURATA

The United States of America

For the World War Foreign Debt

Commission:

By A. W. MELLON

*Secretary of the Treasury and  
Chairman of the Commission*

Approved:

CALVIN COOLIDGE,  
*President.*

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<sup>6</sup> 42 Stat. 1325.

<sup>7</sup> 43 Stat. 763.

## DOUBLE TAXATION: SHIPPING PROFITS

*Exchange of notes at Washington March 10 and May 5, 1926*  
*Entered into force May 5, 1926; operative from January 1, 1921*  
*Revived (after World War II) February 6, 1948,<sup>1</sup> pursuant to article 44 of treaty of peace signed at Paris February 10, 1947<sup>2</sup>*  
*Suspended October 26, 1956, by convention of March 30, 1955<sup>3</sup>*

47 Stat. 2599; Executive Agreement Series 10

### *The Italian Ambassador to the Secretary of State*

The Italian Ambassador presents his compliments to His Excellency the Secretary of State and, referring to his note of June 24th, 1925, has the honor to bring to his knowledge the following.

From a communication received from the Italian Steamship Companies operating in ports of the United States it appears that the provisions contained in Royal Decree 891 issued on June 12, 1925, the text of which was submitted to the Department by the above mentioned note, did not seem to the competent Departments of the American Government to correspond exactly to the provisions contained in Section 213(b)(8) of the Revenue Act of 1921<sup>4</sup> and was therefore considered insufficient to obtain to the Italian Companies exemption from the payment of the Income Tax, retroactively to 1921, on the basis of reciprocity.

In order to establish the required adequate basis of reciprocity, the Italian Government issued on March 4th, 1926 a Royal Decree N.340, the text of which is literally translated as follows:

“Companies organized in the United States and citizens of the United States not domiciled in Italy exercising maritime traffic in Italian ports, by means of ships flying the United States flag are exempt, with effect starting from January 1st, 1921, from the Imposta di Ricchezza Mobile, Income Tax, on income derived exclusively from such traffic, provided the United States likewise exempt from Income Tax, Imposta di Ricchezza Mobile, the income originating in the United States to Italian citizens not domiciled in the United States and to Italian Companies, and derived exclusively from the exercise of one or more ships flying the Italian flag.”

<sup>1</sup> *Department of State Bulletin*, Feb. 22, 1948, p. 248.

<sup>2</sup> TIAS 1648, *ante*, vol. 4, p. 325.

<sup>3</sup> 7 UST 2999; TIAS 3679.

<sup>4</sup> 42 Stat. 239.

The provisions set forth in this Decree being exactly equivalent to those contained in Section 213, the Italian Government is confident that the competent American Authorities will extend to the Italian Steamship Companies operating in United States ports the treatment contemplated by Section 213 of the Revenue Act of 1921, and this with effect starting from January 1st, 1921.

The Italian Ambassador would much appreciate receiving some assurance in the matter.

WASHINGTON, D. C., *March 10th, 1926.*

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*The Secretary of State to the Italian Ambassador*

The Secretary of State presents his compliments to His Excellency, the Royal Italian Ambassador, and has the honor to acknowledge the receipt of his note of April 24, 1926, in further relation to a decree issued by the Italian Government on March 4, 1926, exempting American shipping interests from the income tax of Italy, in which the Ambassador requests to be informed what decision has been taken by the Treasury Department concerning the exemption of Italian shipping interests from the payment of income tax.

In reply, the Secretary of State has the honor to inform the Italian Ambassador that he is in receipt of a communication from the Treasury Department concerning this matter, a copy of which is enclosed,<sup>5</sup> from which it will be observed that the Treasury Department holds that in view of the Royal Italian Decree No. 340 of March 4, 1926, Italy satisfies the equivalent exemption provision of Section 213(b)(8) of the Revenue Acts of 1921, 1924<sup>6</sup> and 1926,<sup>7</sup> and that consequently so much of the income from sources within the United States received by a non-resident alien or a foreign corporation as consists exclusively of earnings derived from the operation of a ship or ships documented under the laws of Italy is exempt from the Federal income tax.

DEPARTMENT OF STATE,  
WASHINGTON, *May 5, 1926.*

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<sup>5</sup> Not printed here.

<sup>6</sup> 43 Stat. 269.

<sup>7</sup> 44 Stat. 25.

## ARBITRATION

*Treaty signed at Washington April 19, 1928*

*Senate advice and consent to ratification May 10, 1928*

*Ratified by the President of the United States May 15, 1928*

*Ratified by Italy November 27, 1930*

*Ratifications exchanged at Washington January 20, 1931*

*Entered into force January 20, 1931*

*Proclaimed by the President of the United States January 21, 1931*

*Revived (after World War II) February 6, 1948,<sup>1</sup> pursuant to article 44 of treaty of peace signed at Paris February 10, 1947<sup>2</sup>*

46 Stat. 2890; Treaty Series 831

The President of the United States of America and His Majesty the King of Italy

Determined to prevent so far as in their power lies any interruption in the peaceful relations that happily have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention signed at Washington on March 28, 1908,<sup>3</sup> which expired by limitation on January 22, 1924, and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America, Frank B. Kellogg, Secretary of State of the United States, and

His Majesty the King of Italy, Nobile Giacomo de Martino, Ambassador Extraordinary and Plenipotentiary to the United States,

who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

<sup>1</sup> *Department of State Bulletin*, Feb. 22, 1948, p. 248.

<sup>2</sup> TIAS 1648, *ante*, vol. 4, p. 325.

<sup>3</sup> TS 516, *ante*, p. 116.

## ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to the Permanent International Commission constituted pursuant to the treaty signed at Washington May 5, 1914,<sup>4</sup> between Italy and the United States and still in force, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907,<sup>5</sup> or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of the Kingdom of Italy in accordance with the constitutional laws of that Kingdom.

## ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties;

(b) involves the interests of third Parties;

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine;

(d) depends upon or involves the observance of the obligations of Italy in accordance with the Covenant of the League of Nations.<sup>6</sup>

## ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by the Kingdom of Italy in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

<sup>4</sup> TS 615, *ante*, p. 126.

<sup>5</sup> TS 536, *ante*, vol. 1, p. 577.

<sup>6</sup> *Ante*, vol. 2, p. 48.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Italian languages, both texts having equal force, and hereunto affix their seals.

Done at Washington the nineteenth day of April in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]  
GIACOMO DE MARTINO [SEAL]

## NARCOTIC DRUGS

*Exchange of notes verbales at Rome January 5 and April 27, 1928*

*Entered into force April 27, 1928*

*Revived (after World War II) February 6, 1948,<sup>1</sup> pursuant to article 44 of treaty of peace signed at Paris February 10, 1947<sup>2</sup>*

Department of State files

### *The American Embassy to the Ministry for Foreign Affairs*

F.O. No. 1048

#### NOTE VERBALE

The American Embassy presents its compliments to the Royal Ministry of Foreign Affairs, and has the honor to state that in an endeavor to bring about stricter control of the illicit traffic in narcotic drugs the Treasury Department of the Government of the United States has requested that an effort be made to establish closer cooperation between the appropriate administrative officials of the United States and certain European countries and desires that an arrangement be made for—

(1) The direct exchange between the United States Treasury Department and the corresponding office in the foreign country of information and evidence with reference to persons engaged in the illicit traffic. This would include such information as photographs, criminal records, finger prints, Bertillon measurements, description of the methods which the persons in question have been found to use, the places from which they have operated, the partners they worked with, et cetera.

(2) The immediate direct forwarding of information by letter or cable as to the suspected movements of narcotic drugs or of those involved in smuggling drugs if such movements might concern the other country. Unless such information as this reaches its destination directly and speedily it is useless.

(3) Mutual cooperation in detective and investigating work.

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<sup>1</sup> *Department of State Bulletin*, Feb. 22, 1948, p. 248.

<sup>2</sup> TIAS 1648, *ante*, vol. 4, p. 325.

The American Embassy is, therefore, instructed to endeavor to arrange with the Royal Italian Government, should the latter see fit, for such a direct exchange of information along the lines above outlined.

ROME, *January 5, 1928.*

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*The Ministry for Foreign Affairs to the American Embassy*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
League of Nations

222817/76

NOTE VERBALE

Pursuant to its Note Verbale No. 201763/8 of January 12th, last, and with reference to the Embassy's Note No. 1104 of March 2d, last, the Royal Ministry of Foreign Affairs has the honor to state that the Italian Government willingly adheres to the proposal of the United States Treasury Department to organize between the competent administrative officials of the two countries a direct exchange of all information relative to the illicit traffic in narcotic drugs, in the manner described in the Embassy's Note Verbale of January 5, 1928.

The Royal Ministry of Foreign Affairs begs the Ambassador of the United States to take note and inform his Government that, according to standing agreements between the Public Health and Police Administrations, the exchange of communications with the United States Treasury Department will be carried out, on the Italian side, by the Director General of Public Health (Ministry of the Interior).

Subsequent telegraphic communications should be addressed as follows: "Direzione Generale Sanita Pubblica, Roma."

ROME, *April 27, 1928.*

## WAIVER OF VISA FEES FOR NONIMMIGRANTS

*Exchange of notes at Rome February 11, 21, and 26, 1929*

*Entered into force March 1, 1929*

*Revived (after World War II) February 6, 1948,<sup>1</sup> pursuant to article 44 of treaty of peace signed at Paris February 10, 1947<sup>2</sup>*

Department of State files

*The Ministry for Foreign Affairs to the American Embassy*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
Div. Office IV

100750/1

### NOTE VERBALE

The Royal Ministry of Foreign Affairs has the honor to inform the Embassy of the United States of America that, beginning on March 1st, next, all American citizens who come to Italy will be relieved of the necessity of having an Italian Consular visa on their passports.

The Royal Ministry of Foreign Affairs, while requesting the American Embassy to bring the above-mentioned communication to the attention of its Government, also for the information of those American citizens who may be interested therein, has the honor to inquire whether, with reference to the contents of the Embassy's Note Verbale of April 6, 1925, the latter would be disposed to request instructions from its Government in order to assure the Royal Government that there will be applied, beginning with the same date, to non-immigrant Italians who proceed to the United States the exemption from the fees for passport visas as provided in the aforesaid Note Verbale; and awaits a response thereto.

ROME, *February 11, 1929-VII.*

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<sup>1</sup> *Department of State Bulletin*, Feb. 22, 1948, p. 248.

<sup>2</sup> TIAS 1648, *ante*, vol. 4, p. 325.

*The American Ambassador to the Minister of Foreign Affairs*

F.O. No. 1402

ROME, February 21, 1929

## EXCELLENCY:

I have the honor to state that, as a result of recent conversations held at Rome on behalf of the Government of the United States and the Royal Italian Government, and the Notes Verbales of this Embassy dated April 6, 1925, and of the Royal Ministry of Foreign Affairs dated February 11, 1929, with reference to the reciprocal agreement to waive fees for non-immigrant visas and applications therefor, it is understood that the Government of the United States will from the 1st of March, 1929, collect no fees for visaing passports or executing applications therefor in the case of citizens or subjects of Italy desiring to visit the United States, including the insular possessions, who are not "immigrants" as defined in the Immigration Act of the United States of 1924,<sup>3</sup> namely, "(1) a government official, his family, attendants, servants and employees, (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the United States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation;" and from the same date the Government of Italy will not require citizens of the United States desiring to visit Italy to present visaed passports.

I should be glad to have Your Excellency's confirmation of the agreement thus reached, and avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

HENRY P. FLETCHER

His Excellency

BENITO MUSSOLINI,

*Royal Minister for Foreign Affairs,  
Rome.**The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS

1075

ROME, February 26, 1929

MR. AMBASSADOR:

With reference to Note No. 1402 of February 21, 1929, in which Your Excellency has communicated to me that the Federal Government is pleased

<sup>3</sup> 43 Stat. 153.

to concede, beginning March 1st, next, exemption from the visa fee on passports of non-emigrant Italian citizens who go, extra quota, to the United States of America, I have the honor to confirm to Your Excellency that beginning March 1st, next, the citizens of the United States of America who come to Italy will be relieved of the necessity of obtaining the visa on their passport from the Royal Consular Authorities.

I am pleased to express to You, Mr. Ambassador, the assurances of my highest consideration.

MUSSOLINI

To His Excellency

Mr. HENRY PRATHER FLETCHER,

*Ambassador of the United States of America,*

*Rome.*

## RECOGNITION OF CERTIFICATES OF INSPECTION OF PASSENGER VESSELS

*Exchange of notes at Washington June 1 and August 5 and 17, 1931  
Entered into force August 17, 1931; effective August 15, 1931  
Superseded November 7, 1936, by convention of May 31, 1929,<sup>1</sup> on  
safety of life at sea*

47 Stat. 2665; Executive Agreement Series 23

*The Acting Secretary of State to the Italian Chargé d'Affaires ad interim*

DEPARTMENT OF STATE  
WASHINGTON, June 1, 1931

SIR:

I have the honor to refer to previous correspondence with the Italian Embassy concerning an agreement between the United States and Italy for the reciprocal recognition of certificates of inspection of vessels assigned to the transportation of passengers. Particular reference is made to the Embassy's note of October 1, 1930, submitting additional data relating to the Italian laws and regulations, regarding the building and classification of vessels and the inspection of their structure and machinery. The laws and regulations of Italy have been found to approximate those of the United States on the subjects mentioned.

Accordingly, I have the honor to inform you that, in consideration of a like courtesy being extended to vessels of the United States in Italian ports, the appropriate agency of this Government will recognize in United States ports the unexpired certificates of inspection of passenger vessels of Italy issued and determined pursuant to the laws of Italy as fulfilling the requirements of the steamboat inspection laws and regulations of the United States, and that it will not be necessary in this regard for vessels of Italy to be reinspected at any port of the United States.

I shall be glad to be informed when appropriate steps under Italian laws and regulations have been taken to give effect to a reciprocal exemption in favor of vessels of the United States.

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<sup>1</sup> TS 910, *ante*, vol. 2, p. 782.

This Government considers that the existence of the arrangement between the two countries on this subject may appropriately be evidenced by this note and your reply thereto.

Accept, Sir, the renewed assurances of my high consideration.

W. R. CASTLE, Jr.  
*Acting Secretary of State*

865.854/20

COUNT ALBERTO MARCHETTI DI MURIAGLIO,  
*Chargé d'Affaires ad interim of Italy.*

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*The Italian Ambassador to the Acting Secretary of State*

ROYAL ITALIAN EMBASSY  
WASHINGTON, August 5th, 1931

SIR,

I have the honor to refer to previous correspondence with the United States Department of State, particularly to your Note No. 865.854/20 dated June 1st, 1931, concerning an agreement between Italy and the United States for the reciprocal recognition of certificates of inspection of vessels assigned to the transportation of passengers.

In reply thereto I take pleasure in informing you that the Italian Authorities have assured that, in consideration of the fact that both Governments have now established the equivalence of their laws and regulations regarding the building and classification of vessels and the inspection of their structure and machinery, the unexpired Certificates of Inspection of passenger vessels of the United States will be equally recognized and accepted by the competent Italian Authorities as will the Certificates of Inspection of passenger vessels of Italy be recognized and accepted by the competent American Authorities.

I am glad to state that the Italian Government has expressed the desire that the agreement become effective, if satisfactory to your Government, on August 15th 1931. This reciprocity in the recognition of certificates of inspection would, in that event, be made effective in Italy by means of a Decree bearing said date.

I shall greatly appreciate to receive your kind advices in this matter at your earliest convenience.

Accept, Sir, the renewed assurances of my high consideration.

G. DE MARTINO

No. Uff. Em. 4605

Honorable W. R. CASTLE,  
*Acting Secretary of State,*  
*Washington, D.C.*

*The Acting Secretary of State to the Italian Ambassador*

DEPARTMENT OF STATE  
WASHINGTON, August 17, 1931

EXCELLENCY:

I have the honor to acknowledge your note No. Uff. Em. 4608 of August 5, 1931, regarding an agreement between the United States and Italy for the reciprocal recognition of certificates of inspection of vessels assigned to the transportation of passengers.

With reference to the Italian Government's desire that the agreement become effective on August 15, 1931, I have pleasure in informing you that this Government will consider the agreement to be effective as of that date. Instructions necessary for this Government to give effect to the agreement have been issued to the inspectors of the Steamboat Inspection Service. Copies of the circular letter containing these instructions will be furnished you for transmittal to the proper Italian authorities as soon as they have been printed.

In order that this Government's record of the agreement may be complete I shall appreciate it if you will furnish the Department with a copy in duplicate of your Government's decree of August 15, 1931, giving effect to the agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

W. R. CASTLE, Jr.  
*Acting Secretary of State*

865.854/27

His Excellency  
NOBILE GIACOMO DE MARTINO,  
*Ambassador of Italy.*

## ADVANCEMENT OF PEACE

*Treaty signed at Washington September 23, 1931, modifying treaty of May 5, 1914*

*Ratified by Italy February 18, 1932*

*Senate advice and consent to ratification June 18, 1932*

*Ratified by the President of the United States June 25, 1932*

*Ratifications exchanged at Rome July 30, 1932*

*Entered into force July 30, 1932*

*Proclaimed by the President of the United States August 9, 1932*

*Revived (after World War II) February 6, 1948,<sup>1</sup> pursuant to article 44 of treaty of peace signed at Paris February 10, 1947<sup>2</sup>*

47 Stat. 2102; Treaty Series 848

The President of the United States of America and His Majesty the King of Italy, being desirous of modifying the terms of Article II of the treaty to advance the cause of general peace between the United States of America and Italy, signed on May 5, 1914,<sup>3</sup> with respect to the appointment of and other provisions relating to the members of the International Commission constituted in accordance with the provisions of that Article, have resolved to enter into a treaty for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States of America: Henry L. Stimson, Secretary of State of the United States of America; and

His Majesty the King of Italy: His Excellency Nobile Giacomo de Martino, Knight of Grand Cross, Senator of the Kingdom, Royal Ambassador at Washington;

Who, after having communicated to each other their respective full powers found to be in proper form, have agreed upon the following articles:

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<sup>1</sup> *Department of State Bulletin*, Feb. 22, 1948, p. 248.

<sup>2</sup> TIAS 1648, *ante*, vol. 4, p. 325.

<sup>3</sup> TS 615, *ante*, p. 126.

## ARTICLE I

Article II of the treaty between the High Contracting Parties, signed on May 5, 1914, is hereby abrogated and the following provisions are substituted therefor:

The International Commission shall be composed of five members, as follows:

One member shall be appointed from each country by the Government thereof;

The other three members shall be designated by the two Governments by common agreement. The three members designated by common agreement shall not be nationals of either the United States of America or Italy, or domiciled within the territories of either country, or employed in the service of either Government. The two Governments shall, also, by common agreement, designate one of these three members to be President of the Commission.

At any time when there is no case pending before the Commission, either Government may revoke the appointment of the member who is its own national and may appoint his successor. Either Government may, moreover, at any time when there is no case pending before the Commission, revoke the designation of one or more of the members chosen by the two Governments in common agreement.

Vacancies occurring by revocation or in any other manner shall be filled as soon as possible in the manner of the original appointments. Revocation by either Government of the designation of a member chosen by the two Governments in common agreement shall not become effective except simultaneously with the designation of his successor. The term of office of the members of the Commission shall continue indefinitely.

When the members of the Commission are occupied in the examination of a question they shall receive a compensation which will be mutually agreed upon by the two Governments. Such compensation and also the other expenses of the Commission shall be paid by the two Governments in equal parts.

## ARTICLE II

The members of the International Commission at present in office under the provisions of Article II of the treaty of May 5, 1914, are continued in office in accordance with the provisions of the present treaty.

## ARTICLE III

The present treaty shall be ratified and the ratifications thereof shall be exchanged at Rome as soon as possible. It shall take effect on the day of the exchange of ratifications and shall remain in force during the term of the treaty concluded between the High Contracting Parties on May 5, 1914.

In faith whereof, the respective Plenipotentiaries have signed this treaty in duplicate, in the English and Italian languages, and have hereunto affixed their seals.

Done at Washington this twenty-third day of September in the year of our Lord one thousand nine hundred and thirty-one.

HENRY L. STIMSON      [SEAL]  
G. DE MARTINO      [SEAL]

## AIR NAVIGATION

*Exchange of notes at Washington October 13 and 14, 1931, with text of arrangement*

*Entered into force October 31, 1931*

*Revised (after World War II) February 6, 1948,<sup>1</sup> pursuant to article 44 of treaty of peace signed at Paris February 10, 1947<sup>2</sup>*

*Article 9 terminated by agreement of November 12, 1954, and January 26, 1955<sup>3</sup>*

47 Stat. 2668; Executive Agreement Series 24

*The Secretary of State to the Italian Chargé d'Affaires ad interim*

DEPARTMENT OF STATE  
WASHINGTON, *October 13, 1931*

SIR:

Reference is made to the negotiations which have taken place between this Department and your Embassy for the conclusion of a reciprocal arrangement between the United States and Italy for the admission of civil aircraft, the issuance of pilots' licenses, and the acceptance of certificates for aircraft and accessories imported as merchandise.

It is my understanding that it has been agreed in the course of the negotiations that this arrangement shall be as follows:

### ARTICLE 1

Subject to the conditions and limitations hereinafter contained and set forth, Italian civil aircraft shall be permitted to operate in the United States of America and, in like manner, civil aircraft of the United States of America shall be permitted to operate in Italy.

Wherever either country is referred to herein it shall be understood to include its territories and possessions.

The right of aircraft of either country to enter the territory of the other country shall be understood to include the right of transit across such territory.

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<sup>1</sup> *Department of State Bulletin*, Feb. 22, 1948, p. 248.

<sup>2</sup> TIAS 1648, *ante*, vol. 4, p. 325.

<sup>3</sup> 6 UST 25; TIAS 3164.

## ARTICLE 2

All state aircraft other than military, naval, customs and police aircraft, shall be treated as civil aircraft and as such shall be subject to the requirements hereinafter provided for civil aircraft.

## ARTICLE 3

Italian aircraft, before entering the United States, must be registered and passed as airworthy by the Italian Ministry of Aeronautics and must bear the registration markings allotted to them by that Ministry, preceded by the letter "I", placed on them in accordance with the Air Navigation Regulations of the Ministry of Aeronautics.

Aircraft of the United States, before entering Italy, must be registered and passed as airworthy by the United States Department of Commerce, and must bear the registration markings allotted to them by that Department, preceded by the letter "N", placed on them in accordance with the Air Commerce Regulations of the Department of Commerce.

## ARTICLE 4

Italian aircraft making flights into the United States must carry:

- (a) The Journey Log (compulsory for all aircraft, regardless of the purpose for which used);
- (b) The Aircraft Log;
- (c) The Engine Log (both compulsory only for aircraft assigned to public transportation of passengers and cargo).

United States aircraft making flights into Italy must carry:

- (a) The Journey Log (compulsory for all aircraft, regardless of the purpose for which used);
- (b) The Aircraft Log;
- (c) The Engine Log (both compulsory only for aircraft assigned to public transportation of passengers and cargo).

Italian aircraft making flights into the United States must also carry the certificates of registration and airworthiness issued by the Italian Ministry of Aeronautics or by the authority recognized for the purpose by the said Ministry. The pilots shall bear a license issued by the said Italian Ministry of Aeronautics, as well as such permit as may be prescribed by that Ministry. Like requirements shall be applicable in Italy with respect to aircraft of the United States and American pilots making flights into Italy. The certificates and licenses in the latter case shall be those issued by the United States Department of Commerce, and the permits shall be such as may be prescribed by that Department.

## ARTICLE 5

Pilots who are nationals of the one country shall be licensed by the other under the following conditions:

(a) The Italian Ministry of Aeronautics will issue pilots' licenses to American nationals upon a showing that they are qualified under the regulations of that Ministry covering the licensing of pilots; and the United States Department of Commerce will issue pilots' licenses to Italian nationals upon a showing that they are qualified under the regulations of that Department covering the licensing of pilots.

(b) The pilots' licenses issued by the Italian Ministry of Aeronautics to American nationals and those issued by the United States Department of Commerce to Italian nationals pursuant to the provisions of the preceding paragraph shall be valid in each instance for a period of six months. At the expiration of a period for which a license has been issued the holder may make application for a renewal to the authority issuing the license.

(c) Pilots' licenses issued by the United States Department of Commerce to Italian nationals shall entitle them to the same privileges as are granted by pilots' licenses to American nationals, and pilots' licenses issued by the Italian Ministry of Aeronautics to American nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to Italian nationals.

(d) Pilots' licenses granted to nationals of the one country by the other country shall not be construed to accord to them the right to register aircraft in such other country.

(e) Pilots' licenses granted to nationals of the one country by the other country shall not be construed to accord to them the right to operate aircraft in air commerce unless the aircraft is registered in such other country in accordance with its registration requirements except as provided for in Paragraphs (a) and (b) of Article 7, with respect to discharging and taking on passengers and/or cargo.

(f) Italian nationals holding unexpired pilot licenses issued by the Italian Ministry of Aeronautics shall be permitted to operate in the United States, for non-industrial or non-commercial purposes for a period of six months from the time of entering that country, any civil aircraft registered by the Italian Ministry of Aeronautics or by the authority recognized for the purpose by the said Ministry, and/or any civil aircraft registered by the United States Department of Commerce; provided, however, that if the license issued by the said Ministry expires before the expiration of such six month period, the period for which the Italian pilot may operate civil aircraft of Italian registry and/or civil aircraft registered by the United States Department of Commerce, for non-industrial or non-commercial purposes, in the United States shall be limited to the period for which the Italian license is still valid. No pilot to whom this provision applies shall be allowed to operate civil aircraft in the United States for non-industrial or non-commercial purposes after

the expiration of the period for which he may operate by virtue of this provision unless he shall, prior to the expiration of such period, have obtained a pilot's license from the United States Department of Commerce in the manner provided for in this article.

American nationals holding unexpired pilot licenses issued by the Department of Commerce of the United States shall be permitted to operate in Italy for non-industrial or non-commercial purposes for a period of six months from the time of entering that country, any civil aircraft registered by the United States Department of Commerce, and/or any civil aircraft registered by the Italian Ministry of Aeronautics or by the authority recognized for the purpose by the said Ministry; provided, however, that if the license issued by the said Department expires before the expiration of such six month period, the period for which the American pilot may operate civil aircraft of United States registry and/or civil aircraft of Italian registry, for non-industrial or non-commercial purposes, in Italy shall be limited to the period for which the American license is still valid. No pilot to whom this provision applies shall be allowed to operate civil aircraft in Italy for non-industrial or non-commercial purposes after the expiration of the period for which he may operate by virtue of this provision unless he shall, prior to the expiration of such period, have obtained a pilot's license from the Italian Ministry of Aeronautics in the manner provided for in this article.

#### ARTICLE 6

No Italian aircraft in which photographic apparatus has been installed shall be permitted to operate in the United States, nor shall any photographs be taken from Italian aircraft while operating in or over United States territory, except in cases where the entrance of such aircraft or the taking of photographs is specifically authorized by the Department of Commerce of the United States.

Like restrictions shall be applicable to aircraft of the United States with respect to their operation in or over Italian territory, and in such cases the entrance of aircraft in which photographic apparatus has been installed, and the taking of photographs shall not be permissible without the specific authorization of the Italian Ministry of Aeronautics.

#### ARTICLE 7

(a) If the Italian aircraft and pilots are licensed to carry passengers and/or cargo in Italy, they may do so between Italy and the United States in the operation of a regular Italian air transport line; provided, however, that the establishment of such lines shall be subject to the prior consent of the United States Government given on the principle of reciprocity. Such lines, if established, may not engage in air commerce between points in the United States,

except that subject to compliance with customs, quarantine and immigration requirements, such aircraft shall be permitted to discharge passengers and/or cargo destined to the United States from points beyond the boundaries of United States territory at one airport in the United States, according landing facilities to foreign aircraft, and to proceed with the remaining passengers and/or cargo to any other airports in the United States, according landing facilities to foreign aircraft, for the purpose of discharging the remaining passengers and/or cargo; and they shall in like manner be permitted to take on at different airports in United States territory passengers and/or cargo destined to points beyond the boundaries of that territory.

(b) If the United States aircraft and pilots are licensed to carry passengers and/or cargo in the United States, they may do so between the United States and Italy in the operation of a regular American air transport line; provided, however, that the establishment of such lines shall be subject to the prior consent of the Italian Government given on the principle of reciprocity. Such lines, if established, may not engage in air commerce between points in Italy, except that subject to compliance with customs, quarantine, and immigration requirements such aircraft shall be permitted to discharge passengers and/or cargo destined to Italy from points beyond the boundaries of Italian territory at one airport in Italy, according landing facilities to foreign aircraft, and to proceed with the remaining passengers and/or cargo to any other airports in Italy, according landing facilities to foreign aircraft, for the purpose of discharging the remaining passengers and/or cargo; and they shall in like manner be permitted to take on at different airports in Italian territory passengers and/or cargo destined to points beyond the boundaries of that territory.

(c) Each of the parties to this arrangement shall, with respect to all matters concerning the operation of civil aircraft and so far as the executive branch of the Government shall possess authority under the provisions of legislation on this subject, accord to the civil aircraft of the other party, subject to the foregoing provisions of this Article, and on condition of reciprocity, most favored nation treatment.

#### ARTICLE 8

The right accorded to Italian pilots and aircraft to make flights over United States territory under the conditions provided for in the present arrangement shall be subject to compliance with the laws, rules and regulations in effect in the United States and its territories and possessions governing the operation of civil aircraft.

The right accorded to American pilots and aircraft of the United States to make flights over Italian territory, under the conditions herein provided for, shall be subject to compliance with the laws, rules and regulations in effect in

Italy and its territories and possessions governing the operation of civil aircraft.

ARTICLE 9<sup>4</sup>

Certificates of airworthiness issued in connection with aircraft, and acceptance test certificates issued in connection with aircraft engines and spare parts of aircraft and engines, built in Italy and imported into the United States from Italy as merchandise, will be accepted by the Department of Commerce of the United States if issued by the Italian Ministry of Aeronautics or by the authority designated for the purpose by the said Ministry in accordance with their requirements as to airworthiness. Certificates of airworthiness for export issued in connection with aircraft, aircraft engines, and spare parts of aircraft and engines, built in the United States and imported into Italy from the United States as merchandise, will, in like manner, be accepted by the Italian Ministry of Aeronautics, if issued by the Department of Commerce of the United States in accordance with its requirements as to airworthiness.

The competent authority of Italy will have the right periodically to check and test the materials of the classes specified in the preceding paragraph after being brought into Italy for the purpose of ascertaining their proper condition as to preservation and maintenance, according to the rules and regulations in force in Italy. Likewise, the United States Department of Commerce will have the right periodically to check and test such materials after being brought into the United States, for the purpose of ascertaining their proper condition as to preservation and maintenance, according to the rules and regulations in force in the United States.

ARTICLE 10

It shall be understood that this arrangement shall be subject to termination by either Government on sixty days' notice given to the other Government, or by a further arrangement between the two Governments dealing with the same subject.

I shall be glad to have you inform me whether it is the understanding of your Government that the arrangement agreed to in the negotiations is as herein set forth. If so, it is suggested that the arrangement become effective on October 31, 1931.

Accept, Sir, the renewed assurances of my high consideration.

HENRY L. STIMSON

Count ALBERTO MARCHETTI DI MURIAGLIO,  
*Chargé d'Affaires ad interim of Italy.*

<sup>4</sup> Art. 9 terminated by agreement of Nov. 12, 1954, and Jan. 26, 1955 (6 UST 25; TIAS 3164).

*The Italian Chargé d'Affaires ad interim to the Secretary of State*

[TRANSLATION]

ROYAL ITALIAN EMBASSY

*October 14, 1931, Year IX*

MR. SECRETARY OF STATE:

I have the honor to acknowledge the receipt of the note of the 13th instant in which Your Excellency communicated to me the text, agreed upon, of the reciprocal arrangement between Italy and the United States for the admission of civil aircraft into the respective countries, the issuance of pilot licenses, and the acceptance of certificates for aircraft and accessories imported as merchandise. This text, in the opinion of Your Excellency, is in accord with the understandings reached during the negotiations, now terminated, between the two countries.

The text communicated to me by Your Excellency is reproduced in Italian below:

[For English text of arrangement, see U.S. note, above.]

I am glad to assure Your Excellency that the foregoing text is what has been accepted by my Government in the course of the negotiations and is approved by it.

In accordance with the suggestion of Your Excellency, it is understood that the arrangement will come into force on the 31st of October, 1931.

Please accept, Mr. Secretary of State, the assurances of my high consideration.

A. MARCHETTI

*Royal Chargé d'Affaires*

The Honorable

HENRY L. STIMSON,

*Secretary of State,**Washington, D.C.*

## RECOGNITION OF LOAD-LINE CERTIFICATES

*Exchange of notes at Rome September 8, 1931, and June 1, 1932*  
*Entered into force June 1, 1932*  
*Terminated January 1, 1933*<sup>1</sup>

47 Stat. 2711; Executive Agreement Series 36

*The American Chargé d'Affaires ad interim to the Minister of Foreign Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

F.O. No. 693

*Rome, September 8, 1931*

EXCELLENCY:

I have the honor to inform Your Excellency that I have been instructed by my Government to notify Your Excellency that the competent executive authorities of the Government of the United States have examined the Italian rules and tables of freeboard, which were enclosed in the esteemed *Note Verbale* No. 11196-22 of February 7, 1931, and have found them to be as effective as the United States load line regulations.

I have also been instructed to notify Your Excellency in regard to the reciprocal agreement relating to this matter, which was referred to in the abovementioned *Note Verbale*; that my Government understands that the Governments of the United States and of Italy will each recognize as equivalent the load line marks and the certificates of such marking of merchant vessels of the other country pending the coming into force of the international load line convention in the United States and Italy; provided, that the load line marks are in accordance with the load line certificates; that the hull and superstructures of the vessel certificated have not been so materially altered since the issuance of the certificate as to affect the calculations on which the load line was based, and that alterations have not been made so that the—

- (1) Protection of openings,
- (2) Guard Rails,
- (3) Freeing Ports,
- (4) Means of Access to Crews Quarters,

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<sup>1</sup>Date of entry into force for the United States and Italy of international load-line convention of July 5, 1930 (TS 858, *ante*, vol. 2, p. 1076).

have made the vessel manifestly unfit to proceed to sea without danger to human life.

I have the honor to add that it will be understood by my Government that on the receipt of a communication signed by Your Excellency expressing the concurrence of the Royal Italian Government in the understanding of the Government of the United States as above set forth, the agreement in question will become effective.

Accept, Excellency, the assurance of my highest consideration.

ALEXANDER KIRK  
*Chargé d'Affaires ad interim*

His Excellency  
Mr. DINO GRANDI,  
*Minister for Foreign Affairs,*  
*Rome.*

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*The Ministry for Foreign Affairs to the American Embassy*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS

21281-72

NOTE VERBALE

The Royal Ministry of Foreign Affairs has the honor to inform the Embassy of the United States of America that the competent Italian offices have carefully examined the communications referred to in *Note Verbale* No. 693 of September 8, 1931, regarding reciprocal recognition by Italy and the United States of freeboard certificates until such time as the load line convention signed at London on July 5, 1930, goes into effect.

The Royal Ministry of Foreign Affairs accordingly has the honor to assure the Embassy that the Italian Government fully agrees with the ideas manifested by the American Government and begs the Embassy of the United States of America kindly to communicate with the Department of State at Washington for the purposes of the entrance into effect of the present agreement.

ROME, *June 1, 1932.*

TO THE EMBASSY OF THE UNITED STATES OF AMERICA,  
*Rome.*

## DEBT FUNDING

*Agreement signed at Washington June 3, 1932, modifying agreement of November 14, 1925*

*Operative from July 1, 1931*

*Revised (after World War II) February 6, 1948,<sup>1</sup> pursuant to article 44 of treaty of peace signed at Paris February 10, 1947<sup>2</sup>*

Treasury Department print

### AGREEMENT,

Made the 3rd day of June, 1932, at the City of Washington, District of Columbia, between the GOVERNMENT OF THE KINGDOM OF ITALY, hereinafter called ITALY, party of the first part, and the GOVERNMENT OF THE UNITED STATES OF AMERICA, hereinafter called the UNITED STATES, party of the second part.

WHEREAS, under the terms of the debt funding agreement between Italy and the United States, dated November 14, 1925,<sup>3</sup> there is payable by Italy to the United States during the fiscal year beginning July 1, 1931 and ending June 30, 1932, in respect of bonded indebtedness of Italy to the United States, the aggregate amount of \$14,706,125, including principal and interest; and

WHEREAS, a Joint Resolution of the Congress of the United States, approved December 23, 1931,<sup>4</sup> authorizes the Secretary of the Treasury, with the approval of the President, to make on behalf of the United States an agreement with Italy on the terms hereinafter set forth, to postpone the payment of the amount payable by Italy to the United States during such year in respect of its bonded indebtedness to the United States; and

WHEREAS, the Government of Italy hereby gives assurance, to the satisfaction of the President of the United States, of the willingness and readiness of Italy to make with the Government of each country indebted to Italy in respect of war, relief, or reparation debts an agreement in respect of the payment of the amount or amounts payable to Italy with respect to such debt

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<sup>1</sup> *Department of State Bulletin*, Feb. 22, 1948, p. 248.

<sup>2</sup> TS 1648, *ante*, vol. 4, p. 325.

<sup>3</sup> *Ante*, p. 145.

<sup>4</sup> 47 Stat. 3.

or debts during such fiscal year, substantially similar to this Agreement authorized by the Joint Resolution above mentioned;

Now, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. Payment of the amount of \$14,706,125, payable by Italy to the United States during the fiscal year beginning July 1, 1931 and ending June 30, 1932, in respect of the bonded indebtedness of Italy to the United States, according to the terms of the agreement of November 14, 1925, above mentioned, is hereby postponed so that such amount together with interest thereon at the rate of 4 per centum per annum from July 1, 1933, shall be paid by Italy to the United States in ten equal annuities of \$1,792,311.76 each, payable in equal semiannual installments on December 15 and June 15 of each fiscal year beginning with the fiscal year July 1, 1933 and ending June 30, 1934, and concluding with the fiscal year beginning July 1, 1942 and ending June 30, 1943. The bond No. 7, dated June 15, 1925, maturing June 15, 1932, in the principal amount of \$12,200,000, and delivered by Italy to the United States under the agreement of November 14, 1925, shall be retained by the United States until the annuities due under this Agreement shall have been paid.

2. Except so far as otherwise expressly provided in this Agreement, payments of annuities under this Agreement shall be subject to the same terms and conditions as payments under the agreement of November 14, 1925, above mentioned. The proviso in paragraph 2 of such agreement, authorizing the postponement of payments on account of principal, and the option of Italy provided for in paragraph 4, to pay in obligations of the United States, shall not apply to annuities payable under this Agreement.

3. The agreement of November 14, 1925, between Italy and the United States, above mentioned, shall remain in all respects in full force and effect except so far as expressly modified by this Agreement.

4. Italy and the United States, each for itself, represents and agrees that the execution and delivery of this Agreement have in all respects been duly authorized and that all acts, conditions and legal formalities which should have been completed prior to the making of this Agreement have been completed as required by the laws of Italy and the United States, respectively, and in conformity therewith.

5. This Agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

IN WITNESS WHEREOF, Italy has caused this Agreement to be executed on its behalf by the Royal Italian Ambassador Extraordinary and Plenipotentiary at Washington, thereunto duly authorized, and the United States has likewise caused this Agreement to be executed on its behalf by the Secretary of the Treasury, with the approval of the President, pursuant to a Joint

Resolution of Congress, approved December 23, 1931, all on the day and year first above written.

The Kingdom of Italy

By

GIACOMO DE MARTINO  
*Ambassador Extraordinary  
and Plenipotentiary*

THE UNITED STATES OF AMERICA

By

OGDEN L. MILLS  
*Secretary of the Treasury*

Approved:

HERBERT HOOVER,  
*President*

## COMMERCIAL RELATIONS

*Exchange of notes at Rome December 16, 1937*

*Entered into force December 15, 1937*

*Not revived after World War II*<sup>1</sup>

51 Stat. 361; Executive Agreement Series 116

*The American Ambassador to the Minister of Foreign Affairs*

ROME, December 16, 1937

### EXCELLENCY:

Inasmuch as the Treaty of Commerce and Navigation between the United States and Italy, signed at Florence, February 26, 1871,<sup>2</sup> which terminated on December 15, 1937, in consequence of the joint notice of denunciation of December 15, 1936, provided for the most-favored-nation treatment in customs matters and negotiations for a new treaty to replace it have not been completed, it seems desirable that steps be taken now to determine the treatment which will be accorded by each country to the commerce of the other during the interval between the date on which the treaty of 1871 terminated and the date on which the proposed new treaty will come into force.

In the course of the negotiations of the proposed treaty, the governments of the two countries have tentatively agreed upon the provisions of Article VIII thereof which deals with customs duties, import prohibitions and restrictions, import licenses, exchange control, and monopolies affecting imports and is annexed hereto.

It is agreed that on its part the Government of Italy will in fact apply the provisions of Article VIII of the proposed new treaty on and after December 15, 1937, and that the Government of the United States on its part will continue to accord to articles the growth, produce or manufacture of Italy the benefits of the minimum rates of the American tariff as established in its trade agreements with other countries (Cuba excepted), until 30 days after notice by either party of its intention to discontinue such treatment.

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<sup>1</sup> Not included among treaties and other agreements continued in force or revived Feb. 6, 1948, pursuant to art. 44 of treaty of peace signed at Paris Feb. 10, 1947 (TIAS 1648, *ante*, vol. 4, p. 325).

<sup>2</sup> TS 177, *ante*, p. 82.

It is understood that the stipulations of this temporary arrangement do not apply to:

A) Preferential advantages which Italy accords to Austria, Albania, Bulgaria, Hungary, and Yugoslavia between December 15, 1937 and December 31, 1937.

B) Preferential tariff advantages which Italy accords to Austria after December 31, 1937 under the terms of the treaty between Italy and Austria signed at Rome on November 30, 1937.

I avail myself of this opportunity to renew to your Excellency the expression of my highest consideration.

WILLIAM PHILLIPS

ANNEX

*Article VIII of the proposed Treaty of Friendship, Commerce and Navigation between the United States of America and Italy*

With respect to (1) the amount and collection of customs duties or charges of any kind, including any accessory or additional duties or charges, coefficients or increases imposed on or in connection with importation, exportation, temporary importation, temporary exportation, or warehousing or transit; (2) the method of levying or collecting such duties, charges, coefficients or increases; (3) all rules and formalities in connection with importation or exportation; and (4) all laws or regulations affecting the sale, taxation, or use of imported goods within the country; any advantage, favor, privilege or immunity which has been or may hereafter be granted by either High Contracting Party to any article originating in or destined for any third country, shall be accorded immediately and unconditionally to the like article originating in or destined for the territory of the other High Contracting Party.

Neither of the High Contracting Parties shall establish or maintain any import or export prohibition or restriction on any article originating in or destined for the territory of the other High Contracting Party, which is not applied to the like article originating in or destined for any third country. Any abolition of an import or export prohibition or restriction which may be granted by either High Contracting Party in favor of an article originating in or destined for a third country shall be applied immediately and unconditionally to the like article originating in or destined for the territory of the other High Contracting Party.

If either High Contracting Party establishes or maintains any form of quantitative restriction or control of the importation, sale, or exportation of any article in which the other High Contracting Party has a considerable interest, including the regulation of importations, sales or exportations thereof by licenses or permits issued to individuals or organizations, the High Con-

tracting Party taking such action: (1) shall establish the total quantity of any such article permitted to be imported, sold, or exported during a specified period, (2) shall immediately communicate to the other High Contracting Party the provisions adopted together with the complete details with respect to the administration thereof, and (3) in the case of imports, shall allot to the other High Contracting Party for such specified period a proportion of such total quantity equivalent to the proportion of the total importation of such article which the other High Contracting Party supplied during a previous representative period, and (4) in the case of exports, shall allot to the other High Contracting Party for such specified period, a proportion of such total quantity equivalent to the proportion of the total exportation of such article which was supplied to the other High Contracting Party during a previous representative period, unless it be mutually agreed to dispense with such import or export allotment.

If either High Contracting Party establishes or maintains, directly or indirectly, any form of control of the means of international payment, it shall, in the administration of such control:

(a) Impose no prohibition, restriction, or delay, on the transfer of payment for imports of articles the growth, produce, or manufacture of the other High Contracting Party, or on the transfer of payments necessary for and incidental to the importation of such articles;

(b) With respect to rates of exchange, and taxes or surcharges on exchange transactions, in connection with payments for or payments necessary and incidental to the importation of articles the growth, produce, or manufacture of the other High Contracting Party, accord unconditionally treatment no less favorable than that accorded in connection with the importation of any article the growth, produce, or manufacture of any third country; and

(c) With respect to all rules and formalities relating to exchange transactions in connection with payments for or payments necessary and incidental to the importation of articles the growth, produce, or manufacture of the other High Contracting Party, accord unconditionally treatment no less favorable than is accorded in connection with the importation of the like article the growth, produce, or manufacture of any third country.

With respect to non-commercial transactions each High Contracting Party shall apply every form of control of foreign exchange in a non-discriminatory manner as between the nationals of the other High Contracting Party and the nationals of any third country.

In the event that either High Contracting Party establishes or maintains a monopoly for the importation, production or sale of a particular product or grants exclusive privileges, formally or in effect, to one or more agencies to import, produce or sell a particular product, the High Contracting Party

establishing or maintaining such monopoly, or granting such monopoly privileges, shall, in respect of the foreign purchases of such monopoly or agency, accord the commerce of the other High Contracting Party fair and equitable treatment. In making its foreign purchases of any article such monopoly or agency shall be influenced solely by competitive considerations such as price, quality, marketability, and terms of sale. Either High Contracting Party shall supply such information with respect to the foreign purchases of every such monopoly or agency as the other Party may at any time request.

The High Contracting Parties will consult with each other in respect of any matter presented by either Party relating to the application of the provisions of this article.

*Memorandum of Interpretation of Article VIII*

*Paragraph three.*—The total amount of any permitted import, of which a share is to be assigned by either country to the other, shall include all imports of the regulated article, including such imports as may be made through public or private clearing, compensation, or payment arrangements.

If the authorities of either country permit imports additional to the amount of any quota which has been established by establishing a supplementary quota, in that event an equitable share of such supplementary quota is to be assigned unconditionally to the other country.

It is also to be understood that the “representative” base period should be one in which the trade of the other country was not being impaired by discriminations and was not seriously affected by conditions of an unusual and temporary character.

*Paragraph four, sub-paragraph (a).*—To impose the condition that payment for the importation of any article must be presented in compensation would be to impose a “restriction” on the transfer of payment.

*Paragraph four, sub-paragraph (b).*—In determining most favored nation treatment with respect to rates of exchange it is suggested that a suitable criterion would be cross rates of exchange in some free market.

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*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

ROME, December 16, 1937

MR. AMBASSADOR:

In a note dated today, Your Excellency has communicated to me the following:

[For text of U.S. note, see p. 179.]

I have the honor to advise Your Excellency that the Italian Government is in agreement with the foregoing.

Please accept, Mr. Ambassador, the assurance of my highest consideration.

CIANO

ANNEX

*Article VIII of the Treaty of Friendship, Commerce, and Navigation Between Italy and the United States of America, in Course of Negotiation*

[For text, see p. 180.]

*Memorandum for the Interpretation of Article VIII*

[For text, see p. 182.]

## TELEGRAPH SERVICE

*Agreement signed at Rome April 24, 1945*

*Entered into force April 24, 1945*

*Obsolete*

Department of State files

Whereas RCA Communications, Inc. and Cable and Wireless Limited are operating radio stations in Italy for the maintenance of direct radio service from Italy to the United States of America and the United Kingdom of Great Britain and Northern Ireland, respectively, at the request of the Military authorities of those Governments and will continue to operate such service so long as there is a military necessity therefor, the Delegations appointed on behalf of the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and Italy to discuss the opening of public telegraph service between Italy on the one hand and the United States of America and the United Kingdom on the other agree as follows:

(1) A public radiotelegraph service shall be opened immediately (subject to the provisions of paragraph 5) between Italy on the one hand and the United States of America and beyond and the United Kingdom and beyond on the other and shall initially be conducted solely by the RCA Communications, Inc. and Cable and Wireless Limited respectively, except that collection and delivery in Italy shall be performed by the Government of Italy or its nominee.

(2) During the period of such operation by RCA Communications, Inc. and Cable and Wireless Limited, those companies shall pay a reasonable rental for such land and facilities as they may use from the date of opening of public service by such companies. In the event that the companies and the owner or owners of the land or facilities shall be unable to agree as to the amount of such reasonable rental, the amount shall be determined by a board consisting of the Minister of Communications of the Italian Government and the Chief Commissioner of the Allied Commission or representatives duly designated by them, with a third member to be designated by the Supreme Allied Commander, Mediterranean Theatre.

(3) During the same period, the Government of Italy or the entity designated by it shall be entitled to receive a terminal charge in respect of collection and delivery of public telegrams.

(4) When military necessity no longer requires RCA Communications, Inc. and Cable and Wireless Limited to handle military traffic including telegrams sent by the troops and military press from Italy to the United States of America and the United Kingdom, the two companies will simultaneously relinquish to the Government of Italy or such entity as it may designate operation of the Italian terminals of the radiotelegraph services on those routes. This will, of course, be dependent on the designated Italian entity making satisfactory provision for any residual military requirements of the United States of America and the United Kingdom. When the two companies so relinquish operation of the Italian terminals, they shall be entitled to remove any or all facilities installed by them except buildings or improvements on buildings.

(5) The opening of public radiotelegraph service as described in the foregoing paragraphs shall come into operation as regards the respective countries as soon as agreement has been reached on the rates between Italy and those countries.

(6) If not in conflict with military requirements, public telegrams between Italy on the one hand and the United States of America and beyond and the United Kingdom and beyond on the other may also be routed via submarine cables (under the terms of paragraph 1 above) at the same rates as those fixed for the radiotelegraph service, such routing to commence after approval by the appropriate United States and United Kingdom authorities, respectively; the above to leave without prejudice in every sense of the question of ownership of such cables.

(7) For the purpose of this agreement, public telegraph service shall be considered to mean all telegraph traffic other than messages filed direct with the companies and originated by the United States and United Kingdom governmental, including military, authorities, members of the Allied Armed Forces and press correspondents duly accredited to the Allied military authorities in Italy.

Done at Rome in triplicate this 24th day of April, 1945.

For the Delegation of Italy:

[Signatures illegible]

For the Delegation of the  
United Kingdom of Great  
Britain and Northern Ireland:

[Signature illegible]

For the Delegation of the  
United States of America:

HARVEY B. OTTERMAN

RAY C. WAKEFIELD

ORLA ST. CLAIR

## AVIATION: LANDING RIGHTS

*Exchanges of aide memoire and notes at Rome March 1, April 10, and July 10 and 16, 1945*

*Entered into force July 16, 1945*

*Amended by agreement of September 4 and October 1, 1946<sup>1</sup>*

*Superseded by agreement of February 6, 1948<sup>2</sup>*

Department of State files

*The American Embassy to the Ministry for Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

### AIDE MEMOIRE

The Government of the United States of America wishes to be informed as to how landing and transit rights in Italy for United States airlines may be acquired at this time.

In connection with the foregoing, the Government of the United States has in mind an arrangement by which the Government of Italy would agree to grant landing rights and transit rights in Italy to the United States Government and under which one or more United States airlines could be designated by the United States Government to operate into and through Italy by routes which the United States Civil Aeronautics Board would propose. In such permission should be included the right of transit and non-traffic stop, and the right to discharge and pick up traffic in Italy at specified points. There should be imposed no limitation on the volume of traffic which American planes could carry out of or into Italy or on the frequency of international schedules. If airlines of the other United Nations were granted similar rights, the Government of the United States would expect that it be accorded most-favored-nation treatment in the premises.

ROME, *March 1, 1945.*

C.A.L.

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<sup>1</sup> *Post*, p. 198.

<sup>2</sup> TIAS 1902, *post*, p. 289.

*The Ministry for Foreign Affairs to the American Embassy*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
 D.G.A.E.—Section I  
 No. 41/04933

## AIDE MEMOIRE

We have carefully studied the aide memoire of March 1 last from the United States Embassy.

Italy is most interested in the resumption of air activities in its own territory, considering that of all the means of transportation that can contribute to economic development, air transport is the most direct and most economical.

The Air Ministry has already completed studies for the designation of three large air bases equipped to accommodate international airlines. The Ministry will be happy to grant landing rights at those bases to foreign air services and especially to those of the United States, under the conditions which will be prescribed in the air convention to be negotiated between the two countries.

ROME, April 10, 1945

*The American Embassy to the Ministry for Foreign Affairs*

No. 152

## NOTE VERBALE

The Embassy of the United States of America presents its compliments to the Royal Ministry of Foreign Affairs and, with reference to the Embassy's Aide Memoire dated March 1, 1945 and the Royal Ministry's esteemed Memorandum of April 10, 1945 with respect to the matter of obtaining landing and transit rights in Italy for United States airlines, has the honor to communicate the following information received from the Department of State at Washington:

The Civil Aeronautics Board with the approval of the President of the United States announced on July 6 the issuance of certificates to three United States airlines to operate commercial services as described below:

*Pan-American Airways*, 1 route from U.S. via Newfoundland, Foynes, London, Brussels, Praguc, Vienna, Budapest, Bucharest, Istanbul (with another route sector Vienna, Belgrade, Istanbul), Ankara, Beirut, Baghdad, Karachi (with another route sector Ankara, Tehran, Karachi) to Calcutta, another route from U.S. via Bermuda and Azores to Lisbon, with one sector proceeding to London, and another to Barcelona and Marseille.

*American Export Airlines*, 1 route from U.S. via Labrador, Greenland, Iceland, Norway, Stockholm, Helsinki, and Leningrad to Moscow, another route from U.S. via Newfoundland, Foynes, London, Amsterdam, Berlin and Warsaw to Moscow, also 1 connecting link from Iceland to London via Glasgow, and another from Amsterdam to Stockholm via Copenhagen.

*Transcontinental and Western Air*, 1 route from U.S. via Newfoundland, Foynes, Paris, Switzerland, Rome, Athens, Cairo, Palestine, Basra, Dhahran to Bombay. Another route from U.S. via Newfoundland, Lisbon, Madrid, Algiers, Tunis, Tripoli, Benghazi to Cairo. Also a connecting link from Madrid to Rome.

The foregoing route patterns are tentative and flexible in the sense that certificates cover countries and general areas and airlines above authorized may serve other points in their areas after further approval from the Board. In announcing these route decisions, the C.A.B. recognizes that establishment of these services is dependent on granting of appropriate permission by countries concerned. Inauguration of services also must await availability of 4-motored aircraft for commercial operation.

In conveying the foregoing information to the Royal Ministry, the Embassy is instructed to request that the Italian Government grant temporary rights to the United States Government for United States civil air services to perform transit and make non-traffic stops in Italian territory and the right to pick up and set down international traffic in cargo, mail and passengers at Rome.

The United States Government is desirous of expediting its aviation program and hence of obtaining from Italy the rights requested above as promptly as possible. As the Royal Ministry is aware, the question in general terms has already been discussed orally by the Embassy with appropriate Italian officials, and from the friendly understanding which they have manifested with respect to the matter, the Embassy feels confident, in connection with the definite request which has now been submitted by the State Department, that the Italian Government will be glad to grant the rights requested. It would be greatly appreciated if the Embassy could receive an early response on the subject for communication to Washington.

For the information of the Royal Ministry, the Department of State sets forth its view that the question of permanent rights or of more definite rights for the United States airlines and that of reciprocal rights for the Italian Government constitute subjects which cannot be discussed until peace treaty negotiations.

ROME, July 10, 1945.

*The Ministry for Foreign Affairs to the American Embassy*

[TRANSLATION]

D.G.A.E.—Uff. I°  
No. 41/13025

## NOTE VERBALE

The Royal Ministry of Foreign Affairs has the honor to acknowledge receipt of the Note Verbale No. 152, dated July 10, in which the Embassy of the United States of America, besides courteously supplying information with regard to the foreseen developments of the commercial airlines approved by the C.A.B., requests the temporary concession by the Royal Government of rights of transit and of non-commercial landing in Italian territory, and of rights to take on and set down cargo, post and passengers at Rome.

In this connection, the Royal Ministry of Foreign Affairs has the honor to inform the Embassy of the United States of America that the Royal Government is glad to accede to such request for temporary rights on Italian territory, metropolitan or non-metropolitan, i.e., until such time as it will be possible for it, as the above-mentioned Note Verbale indicates, to negotiate a normal convention in the matter.

In the meantime the Royal Government, also in the intention of aiding and encouraging the traffic which the C.A.B. has established, desires to have the possibility that to the bases chosen beforehand there may converge also the Italian internal air services so that these may direct their own traffic to the international lines and may be fed by them for the shunting of traffic to other Italian destinations.

ROME, *July 16, 1945.*

## COMMERCIAL RELATIONS

*Exchange of notes at Washington December 6, 1945*  
*Entered into force December 6, 1945*

59 Stat. 1731; Executive Agreement Series 492

*The Secretary of State to the Italian Ambassador*

DEPARTMENT OF STATE  
WASHINGTON  
*December 6, 1945*

EXCELLENCY:

I have the honor to make the following statement of my understanding of the agreement reached in recent conversations which have taken place between representatives of the Government of the United States of America and the Government of Italy with regard to the resumption of normal commercial relations between our two countries.

These conversations have disclosed a desire on the part of the two Governments to promote reciprocally advantageous economic relations between them and the improvement of world-wide economic relations. To that end the Governments of the United States of America and of Italy propose to cooperate in formulating a program of agreed action, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce, and to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the Joint Declaration made on August 14, 1941,<sup>1</sup> by the President of the United States of America and the Prime Minister of the United Kingdom.

At the earliest practicable date conversations shall be begun between our two Governments with a view to determining, in the light of governing economic conditions, the best means of attaining the above-stated objectives.

Accept, Excellency, the renewed assurances of my highest consideration.

JAMES F. BYRNES

His Excellency

ALBERTO TARCHIANI,  
*Italian Ambassador.*

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<sup>1</sup> EAS 236, *ante*, vol. 3, p. 686.

*The Italian Ambassador to the Secretary of State*ROYAL ITALIAN EMBASSY  
WASHINGTON, D.C.

WASHINGTON, D.C.

*December 6, 1945*

#15736

SIR:

I have the honor to refer to your note of December 6th setting forth your understanding of the agreement reached in recent conversations which have taken place between representatives of the Government of Italy and the Government of the United States with regard to the resumption of normal commercial relations between our two countries.

These conversations have disclosed a desire on the part of the two Governments to promote reciprocally advantageous economic relations between them and the improvement of world-wide economic relations. To that end the Governments of Italy and of the United States of America propose to cooperate in formulating a program of agreed action, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce, and to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the Joint Declaration made on August 14, 1941 by the President of the United States of America and the Prime Minister of the United Kingdom.

At the earliest practicable date conversations shall be begun between our two Governments with a view to determining, in the light of governing economic conditions, the best means of attaining the above-stated objectives.

In informing you that the Italian Government is in agreement with the contents of the above Note, I beg you to accept, Sir, the renewed assurance of my highest consideration.

ALBERTO TARCHIANI

The Honorable JAMES F. BYRNES  
*Secretary of State of the United States*  
*Washington, D.C.*

## EXTRADITION

*Exchange of notes at Rome April 16 and 17, 1946, supplementing  
convention of March 23, 1868*

*Entered into force April 17, 1946; operative May 1, 1946*

61 Stat. 3687; Treaties and Other  
International Acts Series 1699

*The American Chargé d'Affaires ad interim to the Minister of Foreign  
Affairs*

ROME, April 16, 1946

### EXCELLENCY:

As you know, the Extradition Convention between the United States of America and Italy, which was signed in Washington, D. C., on March 23, 1868,<sup>1</sup> provides in the first article thereof for the extradition of persons who may be convicted of, or charged with, having committed the crimes enumerated in the second article thereof. The Convention under reference, however, does not expressly indicate whether the nationals of each of the two contracting parties are included among such persons.

The Government of the United States of America, in conformity with American laws, has never experienced difficulty in surrendering American citizens under the terms of the aforementioned Convention. On the other hand, you will recall that the Italian Government in the past has not surrendered its nationals upon their being requisitioned by the Government of the United States since Italian Law has not permitted the extradition of Italian nationals unless such action were expressly provided in an international convention.

So that this Extradition Convention between the United States of America and Italy in the future may be rendered operative in the fullest sense of reciprocity, the Government of the United States would appreciate being informed whether the Italian Government would agree that the provisions

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<sup>1</sup> TS 174, *ante*, p. 76.

of the first article of the Convention will be applied reciprocally henceforth also to persons having Italian nationality.

Accept, Excellency, the assurances of my most distinguished consideration.

DAVID MCK. KEY

*American Chargé d'Affaires ad Interim*

His Excellency

ALCIDES DE GASPERI,

*Royal Ministry of Foreign Affairs,  
Rome.*

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*The Minister of Foreign Affairs to the American Chargé d'Affaires ad interim*

[TRANSLATION]

THE MINISTRY OF FOREIGN AFFAIRS

12948/66

ROME, April 17, 1946

MR. CHARGÉ D'AFFAIRES:

In reply to your note of April 16, concerning Article 1 of the Extradition Convention between the United States of America and Italy, signed at Washington on March 23, 1868, I have the honor to communicate to you that the Italian Government, having regard for the present state of Italian legislation, agrees to the provision of Article 1 of the said Convention also being applied, under conditions of reciprocity, to individuals having Italian citizenship.

The present declaration shall have effect counting from May 1, 1946.

Please accept, Mr. Chargé d'Affaires, the expression of my highest consideration.

DE GASPERI

Mr. DAVID MCK. KEY

*Chargé d'Affaires ad interim of the  
United States of America,  
Rome*

## WAR GRAVES

*Exchange of notes verbales at Rome September 13 and 24, 1946, with text of agreement*

*Entered into force September 24, 1946*

*Article III modified by agreement of December 18, 1947, and January 21, 1948, as amended*<sup>1</sup>

61 Stat. 3750; Treaties and Other  
International Acts Series 1713

*The American Embassy to the Ministry for Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

F.O. No. 654

### NOTE VERBALE

The Embassy of the United States of America presents its compliments to the Italian Ministry of Foreign Affairs and has the honor to refer to the Embassy's Note Verbale no. 561 of July 3, 1946, and the Ministry's Note Verbale no. 19/27869/160 of August 20, 1946, as well as to the subsequent informal conversations between Minister Zoppi representing the Ministry and Mr. Henderson representing the Embassy, all in connection with the desire of the Government of the United States to conclude a bilateral agreement with the Government of the Italian Republic with respect to the disposition and care of the remains of deceased members of the United States Armed Forces who are now buried in Italy.

The Embassy takes pleasure in advising the Ministry that the Department of State is agreeable to amending the original draft of the proposed agreement as follows, in accordance with the informal requests made by Minister Zoppi on September 3:

Introductory paragraph, Article I: "The United States, through its duly designated representatives, shall have the following facilities:"

Subparagraph E, Article I: "The Government of the United States shall have the unrestricted right, in cooperation with Italian authorities, to ex-

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<sup>1</sup> TIAS 1743, *post*, pp. 258 and 304.

amine and open all records, military or civilian, which may be of assistance in locating the graves or identifying the remains of its deceased military or civilian personnel.”

The final sentence of Article III is also amended to read: “The provisions of Article I, Subparagraphs A, B and C will apply in the construction and maintenance of such permanent cemeteries and memorials as may be desired.”

In order to formalize the proposed bilateral agreement, the full amended text is incorporated in this note as an attachment to it. If, pursuant to the oral agreement already reached over the amended text, the Ministry of Foreign Affairs will likewise incorporate the said text into its reply to the present note, the Government of the United States will consider the bilateral agreement concluded and will take appropriate steps for its application by delegates designated by the United States in agreement with the proper Italian authorities.

ROME, *September 13, 1946.*

DK

Attachment:  
Amended text of  
bilateral agreement.

To the

MINISTRY OF FOREIGN AFFAIRS,  
*Rome.*

#### ATTACHMENT

The following shall govern relative to the disposal of the remains of deceased persons who were citizens of the United States and/or who served or who accompanied the Armed Forces of the United States and are now buried in Italy or any possession or territory now or hereafter subject to the control of the Italian Government.

#### ARTICLE I

The United States, through its duly designated representatives, shall have the following facilities:

A. The Government of the United States shall have the right to establish and maintain such temporary cemeteries as are necessary for the burial of deceased persons subject to its control and to make exhumations therefrom for repatriation or concentration into their cemeteries abroad, and may move bodies from other countries into and/or through Italy and its territories and possessions for interment and/or trans-shipment.

B. The Government of the United States shall be exempted from all national, local or other laws and/or regulations relating to the permits for disinterments, sanitation, upon an assurance that such work will be conducted in a manner not detrimental to public health, and from the payment of any duties, taxes or fees of any kind whatsoever for the burial, disinterment for reburial or movement of bodies or the maintenance of graves.

C. The Government of the United States shall have the right of free entrance and exit for all personnel, supplies, transportation (air, rail, animal and/or water) serving or belonging to the United States, and the use of airfields, port facilities, warehousing, living quarters, office space, rail and water transportation and the right to employ labor in Italy, its territories and possessions essential to the accomplishment of its mission, upon payment of just compensation thereof.

D. The Government of the United States shall have the unrestricted right to search for the remains of members of its armed forces and/or its citizens.

E. The Government of the United States shall have the unrestricted right, in cooperation with Italian authorities, to examine and open all records, military or civilian, which may be of assistance in locating the graves or identifying the remains of its deceased military or civilian personnel.

F. The Government of the United States shall have the right to question and examine citizens of Italy and to take affidavits in furtherance of its search for and identification of remains of members of its armed forces and/or its citizens.

## ARTICLE II

The Government of Italy will render all possible assistance in locating and securing the effects of deceased military and civilian personnel of the United States and upon demand and the furnishing of a proper receipt, will turn over to representatives of the United States all effects so located and secured.

## ARTICLE III <sup>2</sup>

If in the future the Government of the United States wishes to establish permanent cemeteries or erect memorials in Italy, the Italian Government will exercise its power of Eminent Domain to acquire title to such sites and grant to the United States the right of use therein in perpetuity upon payment by the United States of cost compensation therefor. Any sites acquired, including improvements thereto and buildings constructed thereon, shall be exempt from any and all form of taxation, direct or indirect. The provisions of Article I, Subparagraphs A, B and C will apply in the construction and maintenance of such permanent cemeteries and memorials as may be desired.

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<sup>2</sup> For a modification of art. III, see TIAS 1743, *post*, pp. 258 and 304.

*The Ministry for Foreign Affairs to the American Embassy*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
D. G. A. POL. VIII

## NOTE VERBALE

The Ministry of Foreign Affairs has the honor to acknowledge to the Embassy of the United States of America receipt of Note Verbale No. 654 of September 13, 1946, to which is attached the proposed Italo-American bilateral Agreement relating to arrangement of American war cemeteries in Italy, the text of which is the following:

[For text of agreement, see U.S. note, above.]

The Ministry of Foreign Affairs, in announcing that the Italian Government approves the text cited above, states consequently that it considers as concluded the Italo-American Agreement for American war cemeteries in Italy, and avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

ZOPPI

ROME, *September 24, 1946*

His Excellency the

AMBASSADOR OF THE UNITED STATES OF AMERICA,  
*Rome*

## AVIATION: LANDING RIGHTS

*Exchange of notes at Rome September 4 and October 1, 1946, amending agreement of March 1, April 10, and July 10 and 16, 1945*

*Entered into force October 1, 1946*

*Superseded by agreement of February 6, 1948*<sup>1</sup>

Department of State files

### *The American Embassy to the Ministry for Foreign Affairs*

F.O. No. 645

#### NOTE VERBALE

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to the latter's Note Verbale No. 41/13025 of July 16, 1945<sup>2</sup> responding favorably to the request (transmitted in the Embassy's Note Verbale No. 152 of July 10, 1945) that the Italian Government grant temporary rights to the United States Government for United States civil air services to perform transit and make non-traffic stops in Italian territory and the right to pick up and set down international traffic in cargo mail and passengers at Rome.

In this connection, the Transcontinental and Western Company is now ready to inaugurate service at Milan, having received due authorization for the purpose by the Civil Aeronautics Board, and the Embassy is therefore instructed by the State Department in Washington to request of the Italian Government that the authorization set forth in the Ministry's Note Verbale, above cited, of July 16, 1945, be amended so as to add Milan as an intermediate stop on the TWA route between Geneva and Rome, with the right to pick up and set down international traffic in passengers, cargo and mail.

In order that the plans for inauguration of the service in question may be carried forward as expeditiously as possible, the Embassy would appreciate receiving for transmission to Washington an early reply to the request outlined in the preceding paragraph.

ROME, *September 4, 1946.*

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<sup>1</sup> TIAS 1902, *post*, p. 289.

<sup>2</sup> *Ante*, p. 189.

*The Ministry for Foreign Affairs to the American Embassy*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
D.G.A.E.—U.F. I°

N.41/32894

NOTE VERBALE

The Ministry of Foreign Affairs makes reference to Note Verbale 645 of September 4 last, and has the honor to inform the Embassy of the United States of America that the Italian Authorities are happy to authorize provisionally the T.W.A. Company to make an intermediate stop at Milan with its planes on the Geneva-Rome line, with the understanding that these aircraft are not to handle any local traffic between Milan and Rome.

The aforementioned authorization is granted provisionally pending the future drawing up of a regular air transport agreement between the United States and Italy on a basis of reciprocity.

[SEAL]

ROME, *October 1, 1946*

## AIR SERVICE FACILITIES

*Exchange of notes at Rome June 9, 1947*

*Entered into force June 9, 1947*

62 Stat. 4074; Treaties and Other  
International Acts Series 2127

*The American Ambassador to the Minister of Foreign Affairs*

F.O. No. 261

ROME, June 9, 1947

EXCELLENCY,

I have the honor to invite Your Excellency's attention to the air navigation, communication, and weather facilities installed at the following places in Italy by the United States military services:

- a. Rome, Ciampino
- b. Naples, Capodichino
- c. Pisa, San Giusto
- d. Amendola
- e. Cagliari, Elmas
- f. Palermo, Bocca di Falco
- g. Trapani (Borriozzo)
- h. Bari, Palese
- i. Milan, Linate
- j. Vibo Valencia

A list of the installations at these points is now being prepared and will be forwarded to Your Excellency for inclusion as an Annex to this note.<sup>1</sup> This list is being prepared by the competent United States Authorities in consultation with the appropriate Italian officials, taking into account the need for such facilities in order to operate in accordance with the requirement of the International Civil Aviation Organization ICAO. As those installations become surplus to United States military requirements, it is the intention of my Government that they, together with one year's supply of maintenance parts and expendable supplies, wherever theater surplus stocks permit, should be transferred to the Italian Government. In addition, the Government of the United States of America, through either the United States Army,

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<sup>1</sup> Not printed here.

United States Navy, Civil Aeronautics Administration, or private agency, will do everything possible to assist the Government of Italy or its representatives in purchasing, through regular commercial channels, maintenance parts and expendable supplies for the operation of the facilities.

With reference to the list referred to above, it is understood that the equipment turned over at Pisa shall within 90 days of the time of turnover be transferred to Milan in accordance with paragraph 4 below at the Italian Government's expense and Milan will receive all the benefits of the present agreement.

As sole consideration for transfer of equipment, the Italian Government, recognizing on the one hand the immediate necessity of insuring the safety of international air traffic in an adequate manner until regulations are established by the International Civil Aviation Organization (ICAO) and applied by the said Government in execution of its international undertakings, and, on the other hand, the special interests of United States aviation during the period in which American Armed Forces will participate in the occupation of ex-enemy countries, will undertake:

1. To operate and maintain without interruption all the installations in a manner satisfactory for air traffic into and away from airdromes at which the facilities are located and along the international air routes converging on those airdromes.

2. To provide the full service of all facilities to all aircraft on a non-discriminatory basis with charges, if any, only for non-operational messages, until an international agreement on charges has been promulgated by ICAO.

3. To transmit weather reports in accordance with the international procedures in use at the time of the transfer of the facilities in a manner adequate to insure an integrated meteorological network for the international air routes unless changed by international agreement to which the Governments of the United States and Italy are parties.

4. Subject to the possibility of obtaining necessary spare parts, to continue the operation of all types of facilities in their present locations or at new locations deemed preferable by the representatives of both Governments until (a) new facilities are installed in accordance with standards promulgated by ICAO or (b) it is determined by the Governments of Italy and the United States that there is no longer a need for the original facilities. It is understood that the aeronautical facilities will be devoted exclusively to aeronautical service and will not be diverted to the communication service.

5. To provide English-speaking operators at air-to-ground and control tower communication positions until regulations covering voice transmissions are promulgated by ICAO; and further until such regulations are promulgated, to grant permission to a representative of the United States air carriers authorized to serve an airdrome to enter its control tower and, when in the opinion of the representative a case of necessity exists, subject to the authority

of the commander of the airdrome, to talk to the pilot of any United States aircraft flying in the vicinity of the airdrome.

6. To utilize for air-ground and control tower communications the radio frequencies allotted for such purpose by ICAO on the basis of International Telecommunications regulations prescribing allocations of radio frequency bands.

7. To authorize and facilitate day-to-day adjustments in air communication service matters by direct communication between the operating agency of Italy and the service agency of the United States Government, United States air carriers, or a communication organization representing one or more of them.

Subject to availability of Army communications personnel at Ciampino, the United States Government will continue to train Italian communications personnel until August 1, 1947.

If the foregoing is satisfactory to the Italian Government, Your Excellency's reply to that effect, together with this note, will be considered as constituting an agreement between our two governments with respect to the matters outlined herein.

I take this occasion to renew to Your Excellency the assurances of my highest consideration.

JAMES CLEMENT DUNN

His Excellency  
 Count CARLO SFORZA,  
*Minister of Foreign Affairs,*  
*Rome.*

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*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
 18482/180

ROME, June 9, 1947

EXCELLENCY:

With respect to your note of today's date, I am pleased to confirm to you that the Italian Government has approved the provisions mentioned in the aforesaid note concerning the granting to the Italian Government of meteorological, telecommunication, and air-navigation stations declared surplus by the Government of the United States of America.

It is understood that the provisions mentioned in paragraph 5 will be valid until the coming into force of the pertinent regulations promulgated by the International Civil Aviation Organization.

I am pleased, furthermore, to inform you that the Italian Government agrees that your communication, together with the present reply is considered as constituting an agreement between our two Governments concerning the matter.

I avail myself of the occasion, Excellency, to renew to you the assurances of my highest consideration.

SFORZA

His Excellency

JAMES DUNN

*Ambassador of the United States of America  
Rome*

## RELIEF ASSISTANCE

*Agreement and exchange of notes signed at Rome July 4, 1947*

*Entered into force July 4, 1947*

61 Stat. 3135; Treaties and Other  
International Acts Series 1653

### AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE ITALIAN GOVERNMENT CONCERNING ASSIST- ANCE TO ITALY UNDER THE UNITED STATES FOREIGN RELIEF PROGRAM

Whereas, it is the desire of the United States to provide relief assistance to the Italian people to prevent suffering and to permit them to continue effectively their efforts toward recovery; and

Whereas, the Italian Government has requested the United States Government for relief assistance and has presented information which convinces the Government of the United States that the Italian Government urgently needs assistance in obtaining the basic essentials of life for the people of Italy; and

Whereas, the United States Congress has by Public Law 84, Eightieth Congress, May 31, 1947,<sup>1</sup> authorized the provision of relief assistance to the people of those countries which, in the determination of the President, need such assistance and have given satisfactory assurances covering the relief program as required by the Act of Congress; and

Whereas, the Italian Government and the United States Government desire to define certain conditions and understandings concerning the handling and distribution of the United States relief supplies and to establish the general lines of their cooperation in meeting the relief needs of the Italian people,

The Government of the United States of America represented by

James Clement DUNN, *Ambassador of the United States of America to Italy*

and the Italian Government represented by

Alcide DE GASPERI, *President of the Council of Ministers*

Carlo SFORZA, *Minister for Foreign Affairs*

have agreed as follows:

<sup>1</sup> 61 Stat. 125.

## ARTICLE I

*Furnishing of Supplies*

(A) The program of assistance to be furnished shall consist of such types and quantities of supplies and procurement, storage, transportation and shipping services related thereto, as may be determined from time to time by the United States Government after consultation with the Italian Government in accordance with the Public Law 84, Eightieth Congress, May 31, 1947, and any Acts amendatory or supplementary thereto. Such supplies shall be confined to certain basic essentials of life, namely, food, medical supplies, processed and unprocessed material for clothing, fertilizers, pesticides, fuel and seeds.

(B) Subject to the provisions of Article III, the United States Government will make no request, and will have no claim, for payment for United States relief supplies and services as furnished under this agreement.

(C) The United States Government agencies will provide for the procurement, storage, transportation and shipment to Italy of United States relief supplies, except to the extent that the United States Government may authorize other means for the performance of these services in accordance with procedures stipulated by the United States Government. All United States relief supplies shall be procured in the United States except when specific approval for procurement outside the United States is given by the United States Government.

(D) The Italian Government will from time to time submit in advance to the United States Government its proposed programs for relief import requirements to be furnished by the United States. These programs shall be subject to screening and approval by the United States Government and procurement will be authorized only for items contained in the approved programs.<sup>2</sup>

(E) Transfers of United States relief supplies shall be made under arrangements to be determined by the United States Government in consultation with the Italian Government. The United States Government, whenever it deems it desirable, may retain possession of any United States relief supplies or may recover possession of such supplies transferred, up to the city or local community where such supplies are made available to the ultimate consumers.<sup>2</sup>

## ARTICLE II

*Distribution of Supplies in Italy*

(A) All United States relief supplies shall be distributed by the Italian Government under the direct supervision and control of the United States representatives and in accordance with the terms of this Agreement. The

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<sup>2</sup> For interpretations relating to art. I (D) and (E), see exchange of notes, p. 210.

distribution will be through commercial channels to the extent feasible and desirable.<sup>3</sup>

(B) All United States relief supply imports shall be free of fiscal charges including customs duties up to the point where they are sold for local currency as provided by Article III of this Agreement unless when because of price practices, it is advisable to include customs charges or government taxes in prices fixed, in which case the amount thus collected on United States relief supply imports will accrue to the special account referred to in Article III. All United States relief supply imports given free to indigents, institutions and others will be free of fiscal charges, including custom duties.<sup>3</sup>

(C) The Italian Government will designate a high ranking official who shall have the responsibility of liaison between the Italian Government and the United States representatives responsible for the relief program.

(D) The Italian Government will distribute United States relief supplies and similar supplies produced locally or imported from outside sources without discrimination as to race, creed, or political belief, and will not permit the diversion of any of such supplies to non-essential uses or for export or removal from the country while need therefor for relief purposes continues. The Italian Government will not permit the diversion of an excessive amount of United States relief supplies and similar supplies produced locally or imported from outside sources in the maintenance of armed forces.

(E) The Italian Government will so conduct the distribution of United States relief supplies and similar supplies produced locally or imported from outside sources as to assure a fair share of the supplies to all classes of the people and will maintain a ration and price control system to that end, wherever practicable.

(F) Distribution shall be so conducted that all classes of the population, irrespective of purchasing power, shall receive their fair share of supplies covered in this agreement.

### ARTICLE III

#### *Utilization of Funds Accruing from Sales of United States Supplies*

(A) The prices at which the United States relief supplies will be sold in Italy shall be agreed upon between the Italian Government and the United States Government.

(B) When the United States relief supplies are sold for local currency, the amount of such local currency will be deposited by the Italian Government in a special account in the name of the Italian Government.

(C) Until June 30, 1948, such funds shall be disposed of only upon approval of the duly authorized representatives of the United States Government for relief and work relief purposes within Italy, including local currency expenses of the United States incident to the furnishing of relief. Any unencumbered balance remaining in such account on June 30, 1948, shall

<sup>3</sup> For interpretations relating to art. II (A) and (B), see *ibid.*

be disposed of within Italy for such purposes as the United States Government, pursuant to Act or Joint Resolution of Congress, may determine.

(D) The Italian Government will, upon request, advance funds to the United States representatives to meet local currency expenses incident to the furnishing of relief.

(E) While it is not intended that the funds accruing from sales of the United States relief supplies normally will be used to defray the local expenses of the Italian Government in handling and distributing the United States relief supplies, including local currency costs of discharging cargo and other port charges, the United States representatives will consider with the Italian Government the use of the funds to cover the unusual costs which would place an undue burden on the Italian Government.

(F) The Italian Government will each month make available to the United States representatives reports on collections, balances and expenditures from the fund.

(G) The Italian Government will assign officials to confer and plan with the United States representatives regarding the disposition of funds accruing from sales and to assure a prompt and proper use of such funds.

#### ARTICLE IV

##### *Effective Production. Food Collections and Use of Resources To Reduce Relief Needs*

(A) The Italian Government will exert all possible efforts to secure the maximum production and collection of locally produced supplies needed for relief purposes.<sup>4</sup>

(B) The Italian Government will undertake not to permit any measures to be taken involving delivery, sale or granting of any articles of the character covered in this Agreement which would reduce the locally produced supply of such articles and thereby increase the burden of relief.

(C) The Italian Government will furnish regularly current information to the United States representatives regarding plans and progress in achieving this objective.

(D) The Italian Government affirms that it has taken and is taking, insofar as possible, the economic measures necessary to reduce its relief needs and to provide for its own future reconstruction.<sup>4</sup>

#### ARTICLE V

##### *United States Mission*

(A) The United States Government will attach to the United States Embassy in Rome, representatives who will constitute a relief mission and will, in cooperation with the regular Embassy staff, discharge the respon-

<sup>4</sup> For interpretations relating to art. IV (A) and (D), see *ibid.*

sibilities of the United States Government under this Agreement and the Public Law 84, Eightieth Congress, May 31, 1947. The Italian Government will permit and facilitate the movement of the United States representatives to, in and from Italy.

(B) The Italian Government will permit and facilitate in every way the freedom of the United States representatives to supervise, inspect, report and travel throughout Italy at any and all times and will cooperate fully with them in carrying out all of the provisions of this Agreement. The Italian Government will furnish the necessary automobile transportation to permit the United States representatives to travel freely throughout Italy and without delay.

(C) The United States representatives and the property of the mission and of its personnel shall enjoy in Italy the same privileges and immunities as are enjoyed by the personnel of the United States Embassy in Italy and the property of the Embassy and of its personnel.

#### ARTICLE VI

##### *Freedom of United States Press and Radio Representatives To Observe and Report*

The Italian Government agrees to permit representatives of the United States press and radio to observe freely and report fully and without censorship regarding the distribution and utilization of relief supplies and the use of funds accruing from the sale of United States relief supplies.

#### ARTICLE VII

##### *Reports, Statistics and Information*

(A) The Italian Government will maintain adequate statistical and other records on relief and will consult with the United States representatives, upon their request, with regard to the maintenance of such records.

(B) The Italian Government will furnish promptly upon request of the United States representatives information concerning the production, use, distribution, importation and exportation of any supplies which affect the relief needs of the people.

(C) In case United States representatives report apparent abuses or violations of this Agreement, the Italian Government will investigate and report and promptly take such remedial action as is necessary to correct such abuses or violations as are found to exist.

#### ARTICLE VIII

##### *Publicity Regarding United States Assistance*

(A) The Italian Government will permit and arrange full and continuous publicity regarding the purpose, source, character, scope, amounts

and progress of the United States relief program in Italy, including the utilization of funds accruing from the sales of United States relief supplies for the benefit of the people.

(B) All United States relief supplies and any articles processed from such supplies, or containers of such supplies or articles, shall, to the extent practicable, be marked, stamped, branded, or labelled in a conspicuous place in such manner as to indicate to the ultimate consumer that such supplies or articles have been furnished by the United States for relief assistance; or if such supplies, articles or containers are incapable of being so marked, stamped, branded, or labelled, all practicable steps will be taken by the Italian Government to inform the ultimate consumer thereof that such supplies or articles have been furnished by the United States for relief assistance.

#### ARTICLE IX

##### *Termination of Relief Assistance*

The United States Government will terminate any or all of its relief assistance at any time whenever it determines (1) by reason of changed conditions, the provision of relief assistance of the character authorized by the Public Law 84, Eightieth Congress, May 31, 1947, is no longer necessary (2) any provisions of this Agreement are not being carried out (3) an excessive amount of United States relief supplies, or of similar supplies produced locally or imported from outside sources, is being used to assist in the maintenance of armed forces in Italy, or (4) United States relief supplies or similar supplies produced locally or imported from outside sources are being exported or removed from Italy. The United States Government may stop or alter its program of assistance whenever in its determination other circumstances warrant such action.

#### ARTICLE X

##### *Date of Agreement*

This Agreement shall take effect as from this day's date. It shall continue in force until a date to be agreed upon by the two governments.

DONE in duplicate in the English and Italian languages at Rome, this Fourth day of July, 1947.

For the Government of the United States of America:

JAMES CLEMENT DUNN [SEAL]

For the Italian Government:

DE GASPERI [SEAL]  
SFORZA

## EXCHANGE OF NOTES

*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

*Rome, July 4, 1947*

F.O. 318

EXCELLENCY,

I have the honor to refer to the Agreement signed today by our two Governments providing for the extension of relief to Italy under the United States Foreign Relief Program, and in that connection I take pleasure in advising Your Excellency of certain interpretations which my Government places upon those clauses of the Agreement which have given rise to oral queries on the part of the Italian Government. These are identified below by reference to the pertinent Articles and sub-Articles of the Agreement.

*Article I (D)*: In response to the suggestion advanced by the Italian Government, the text of the Agreement has been changed to provide that the Government need submit to the United States Government, in advance, its proposed programs for relief import requirements only in the case of United States relief supplies. It is understood however that the United States Government will expect to receive through its Embassy in Rome pertinent information concerning supplies from other sources.

*Article I (E)*: Although my Government recognizes the delicate problems that may arise from the second sentence of Article I (E), we are specifically instructed by the Act of Congress of May 31, 1947, as follows: "When it is deemed desirable by the Field Administrator (Note: Head of the Field Mission described in Article V of the Agreement) . . . . such missions shall be empowered to retain possession of such supplies up to the city or local community where such supplies are actually made available to the ultimate consumers".

This provision of Article I (E) is therefore obligatory. It is recognized, however, that it would be invoked only under highly unusual circumstances and only if other normal distribution arrangements fail to assure proper implementation of the Agreement.

*Article II (A)*: This Article does not in any way require exclusive use of commercial channels for the distribution of United States relief supplies. So long as an equitable distribution to consumers is maintained, it is agreed that the channels now used by the Italian Government for similar imports may be used whenever suitable, subject to change in the light of unforeseen circumstances.

*Article II (B)*: The validity of the point raised by the Italian Government with respect to the imposition of customs duties and other charges has been recognized. It is not the intention of the Agreement to require a dual pricing

system within Italy for commodities obtained from two or more sources. The procedure for assuring collections of these taxes and fiscal charges and for determining proper accruals to the special account described in Article III (B) can be worked out as part of the pricing procedures described in Article III (A) with the understanding, however, that those relief supplies which are given free to indigents, institutions and others will not be subject to any fiscal charges payable by the recipients.

*Article IV (A)*: With respect to the word "collection" in the English text of the Agreement, it is the intent and explicit provision of the Act of Congress and of the Agreement that during the period of time relief is received under the Act the recipient Governments shall insofar as possible take the economic measures necessary to reduce their relief needs. This would involve, in the case of food items such as cereals and olive oil, maximum efforts by the Italian Government to bring into its amassing system whatever amounts can feasibly be collected.

On the other hand, it is not the intention of the United States Government to require Italian Government-administered amassing of items that do not lend themselves to this technique or have not previously been so collected. The meaning of the English word "collection" in these instances will depend upon the particular commodity in question and the determination of the most appropriate and practical methods to promote flow of the locally produced supplies to consumers in such a manner as to assure that all classes of consumers, regardless of purchasing power, receive their fair share (although not necessarily an equal share) of the supplies, and that in no event shall there be discrimination as to race, creed or political belief.

This therefore becomes a matter to be worked out in Rome between the Italian Government and the United States Embassy, for each commodity included in the relief program.

*Article IV (D)*: The Italian Government has pointed out its desire of reserving maximum autonomy and flexibility in facing its economic difficulties. The United States Government wishes to make clear that nothing in Article IV (D) is intended to derogate Italian independence or sovereignty in taking the economic measures demanded by situations that may arise, so long as the spirit of cooperation and goodwill are observed in the implementation of this Agreement. In earlier discussions held between representatives of the United States Government and the Italian Government regarding this Article IV (D), considerable attention was directed to the problem of exporting commodities such as olive oil, rice and seed wheat. These questions, although generally pertinent to Article IV (D), are particularly pertinent to Articles II (D), IV (B), and IX (4). My Government has authorized me to furnish you the following legal opinion. I believe that this interpretation adequately covers the points raised by the Italian Government in the general discussions on Article IV (D):

"If a portion of such supplies or articles (i.e., articles produced locally or imported from outside sources that are of the same character or similar to the United States relief supplies), even though substitutable for United States relief supplies could be exported in exchange for corresponding or greater quantities of other items also substitutable for United States relief items, the relief needs of the country could be more adequately met . . . . Thus, a locally produced quantity of rice might be exchangeable for a greater quantity of wheat which could then form an important supplement to wheat furnished by the United States. Exports of this character should probably be permitted only when the relatively greater relief need for the imported items can be clearly established".

It should be understood, however, that any arrangements for exports of the above nature will be subject to prior agreement between the Italian Government and the United States Relief Representatives in Italy.

Accept, Excellency, the assurances of my most distinguished consideration.

JAMES CLEMENT DUNN

His Excellency

COUNT CARLO SFORZA

*Minister of Foreign Affairs  
Rome.*

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*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS

MR. AMBASSADOR:

I have the honor to acknowledge receipt of your note No. 318, dated today, of which the contents are as follows:

[For text of U.S. note, see above.]

I have the honor to inform you that the Italian Government has taken careful note of this communication.

I avail myself of the occasion to renew to you, Mr. Ambassador, the assurances of my highest consideration.

SFORZA

ROME, July 4, 1947.

His Excellency

JAMES CLEMENT DUNN

*Ambassador of the United States of America  
Rome*

## AVIATION: LANDING RIGHTS

*Exchange of notes at Rome July 25, 1947*

*Entered into force July 25, 1947*

*Made obsolete by agreement of February 6, 1948*<sup>1</sup>

Department of State files

*The American Ambassador to the Minister of Foreign Affairs*

ROME, July 25, 1947

F.O. No. 375

EXCELLENCY:

With reference to the exchange of notes concluded on June 9, 1947,<sup>2</sup> and to the agreement reached on surplus, including equipment used in connection with the operation of airports, reached July 21, 1947,<sup>3</sup> I have the honor to communicate to the Italian Government my understanding with respect to the use by commercial carriers of airports and their facilities transferred thereunder that:

1) American commercial air carriers will be accorded national treatment at airports open to international traffic in Italy whose facilities and equipment include material turned over to the Italian Government by the Government of the United States.

2) American air carriers will be accorded at other Italian airports open to international use, treatment no less favorable than that accorded to any air carriers of a third nationality.

3) The fixtures and facilities installed at Italian airports by American carriers at their own expense shall continue to be freely available to those carriers; and opportunities no less favorable than those accorded other foreign carriers will be assured with respect to new fixtures, installations and services which American carriers may wish to install or operate.

4) Should the Italian Government contemplate letting to private enterprises, with a foreign interest, service, management or operational concessions at international air fields in Italy to which the United States Government has contributed equipment, companies and associations with American interest

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<sup>1</sup> TIAS 1902, *post*, p. 289.

<sup>2</sup> TIAS 2127, *ante*, p. 200.

<sup>3</sup> Not printed.

will be afforded opportunity no less favorable than that afforded other companies with a foreign interest to participate in such enterprise or activity.

Accept, Excellency, the renewed assurances of my highest consideration.

JAMES CLEMENT DUNN

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*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS

No. 3/271

ROME, July 25, 1947

MR. AMBASSADOR:

I have the honor to refer to the letter of the 25th of this month, in which Your Excellency submitted to the Italian Government a request for the facilities which the commercial airlines of the United States would like to have made available to them at the airports in the Peninsula.

I am glad to assure Your Excellency that the request in question, immediately placed under study with special consideration, was favorably received.

The Italian Government, in confirming its approval of the concessions requested for the commercial airlines of the United States, must state, however, that these [concessions] are of a provisional nature, pending their substitution, as soon as possible, by a regular air transport Agreement to be drawn up between the two countries on a basis of reciprocity.

I am happy to have this occasion to express to you, Mr. Ambassador, the assurances of my highest consideration.

C. SFORZA

His Excellency

JAMES CLEMENT DUNN

*Ambassador of the United States of America*

# FINANCIAL AND ECONOMIC RELATIONS; CLAIMS

*Memorandums of understanding and supplementary exchanges of notes  
signed at Washington August 14, 1947*

*Entered into force August 14, 1947*

*Supplemented by agreements of February 14, 1948,<sup>1</sup> January 14, 1949,<sup>2</sup>  
and February 24, 1949<sup>3</sup>*

61 Stat. 3962; Treaties and Other  
International Acts Series 1757

## MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF ITALY REGARDING SETTLEMENT OF CERTAIN WARTIME CLAIMS AND RELATED MATTERS

As an integral part of the measures which are now being taken to restore normal financial and economic relations between our countries, and as a step toward the economic stability of Italy, the Government of the United States of America and the Government of Italy have reached an understanding providing for mutual renunciation of claims and for related agreements, as follows:

### ARTICLE I

#### *Renunciation of Claims by Italy or Italian Nationals*

1. (a) In reaffirmation of and connection with Article 76 of the Treaty of Peace with Italy, dated at Paris February 10, 1947,<sup>4</sup> the Government of Italy waives all claims of Italy of any description, arising directly out of the war or out of actions taken because of the existence of a state of war in Europe after September 1, 1939, against United States nationals or the Government of the United States of America, any of its agencies, or contractors or sub-contractors of, or licensees from the Government of the United States of America or its agencies.

(b) The Government of Italy further discharges and agrees to save harmless the Government of the United States of America from any responsibility

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<sup>1</sup> TIAS 1948, *post*, p. 299.

<sup>2</sup> TIAS 1950, *post*, p. 338.

<sup>3</sup> TIAS 1919, *post*, p. 342.

<sup>4</sup> TIAS 1648, *ante*, vol. 4, p. 339.

and liability for the processing, settlement and satisfaction of any such claims of Italian nationals.

2. (a) The Government of Italy waives any claims of Italy against the Government of the United States of America, its agencies or United States nationals arising out of actions with respect to ships under Italian registry and flag, including ships in which there is an Italian interest, between September 1, 1939 and the coming into force of the present Memorandum of Understanding, including claims with respect to the use of Italian ships for civilian or other passenger carriage.

(b) The Government of Italy further discharges and agrees to save harmless the Government of the United States of America from any responsibility and liability for the processing, settlement and satisfaction of any such claims of Italian nationals.

3. The Government of Italy waives any claims of Italy against the Government of the United States of America, its officers or agencies arising out of the maintenance of camps in Italy for displaced persons and for all costs incurred in caring for displaced persons in Italy, including but not limited to claims for reimbursement of the United States share of lira funds advanced to the Allied Financial Agency for the purposes specified in this paragraph.

4. (a) The Government of Italy discharges and agrees to save harmless the Government of the United States of America from any responsibility and liability for the processing, settlement and satisfaction of any claims:

(i) of Italian nationals, whether or not asserted in the courts of any country, respecting which the ultimate liability is that of the Government of the United States of America, and arising out of maritime incidents, occurring between September 1, 1939 and the coming into force of the present Memorandum of Understanding, excluding incidents involving ships engaged in purely commercial activities; or

(ii) of Italian nationals or persons domiciled or resident in Italy against the Government of the United States of America, its contractors and sub-contractors, or licensees therefrom, for royalties ultimately paid or payable by the United States of America, or for use of inventions, patented or unpatented, or for infringement of patent rights, arising out of any use of patents or inventions by the Government of the United States of America or such contractors, sub-contractors or licensees, in connection with the wartime activities of the United States of America or programs connected therewith.

(b) The Government of Italy further waives any such claims of Italy.

5. (a) The Government of Italy discharges and agrees to save harmless the Government of the United States of America from any responsibility and liability for the processing, settlement and satisfaction of any claims of Italian nationals, or non-Italian nationals, residing in or transiting Italy, whether

or not asserted in the courts of any country, respecting which the ultimate liability is that of the Government of the United States of America and arising out of acts or omission, both line of duty and non-line of duty, of military and civilian employees of the armed forces of the United States of America, occurring between September 1, 1939 and the coming into force of the present Memorandum of Understanding.

(b) The Government of Italy further waives any such claims of Italy.

(c) The Government of Italy further agrees to process and to assume full responsibility for the settlement and discharge of any such claims.

6. (a) The Government of Italy discharges and agrees to save harmless the Government of the United States of America from any responsibility and liability for the processing, settlement and satisfaction of any claims of Italian nationals against the Government of the United States of America, its agencies, or persons acting under its direction, arising out of the seizure and disclosure of technology, whether patented or not, under programs of the Government of the United States of America for the acquisition and disclosure of such technology in connection with wartime operations and any claim against any person based upon use of information so disclosed.

(b) The Government of Italy further waives any such claims of Italy.

7. (a) The obligation to return Italian goods under Article 73(2) of the Treaty of Peace is understood to be an obligation only to return such goods in the condition in which they exist at the time of return.

(b) (i) Except as specified in Article 73(2) of the Treaty of Peace, no claim shall be asserted by Italy against the Government of the United States of America or its agencies, or against duly authorized United States nationals, arising out of or in connection with procurement or requisition of supplies, services or facilities in Italy by the military forces or civil agencies of the United States of America prior to the effective date of the said Treaty.

(ii) The Government of Italy further agrees to process and to assume full responsibility for the settlement and discharge of any such claims of Italian nationals.

8. With respect to any of the waivers included in the present Article, the Government of Italy reaffirms its obligations to make equitable compensation in lira to the extent set out by the terms of Article 76(2) of the Treaty of Peace.

## ARTICLE II

### *Renunciation of Claims by the Government of the United States of America*

9. The Government of the United States of America, recognizing the contribution of Italy towards the winning of the war by Italian action since October 13, 1943, and recognizing the conditions and terms of the Treaty of Peace with Italy and of various clauses of this financial agreement, agrees to renounce and waive claims of the Government of the United States of America or its agencies arising out of the following connections:

- (a) Civilian supplies furnished, prior to the effective date of this Memorandum of Understanding, under the military relief program;
- (b) Dollars transferred or to be transferred to Italy, equivalent to the net lira expenditures of the United States armed forces in Italy; and
- (c) Supplies procured with funds appropriated for the purposes of the Lend-Lease Act<sup>5</sup> and transferred to Italy through the agency of the United States Department of War.

10. The Government of the United States of America waives such claims as it may have for the payment of salary to Italian officer prisoners of war, made consistent with the convention relating to the treatment of prisoners of war, signed at Geneva on July 27, 1929.<sup>6</sup>

11. (a) The Government of the United States of America agrees to continue to honor in lira, at the prevailing rate of exchange applicable to the Government of the United States of America expenditures in Italy at the time of payment, and in accordance with procedures established by the United States military authorities, all valid evidences of obligations made out by the Government of the United States of America or its agencies and in its name or the name of any of its agencies to former Italian prisoners of war and surrendered Italian personnel, both officer and enlisted, it being understood that the two Governments may enter into a subsequent understanding with reference to the procedures which may be utilized by the Government of the United States of America to meet these obligations.

(b) The Government of Italy further agrees to undertake that all payments which have been made by it to former Italian prisoners of war and surrendered personnel prior to the effective date of this agreement in lira at less than the prevailing rate of exchange applicable to the Government of the United States of America expenditures in Italy at the time of payment, shall be adjusted to such then prevailing rate of exchange.

12. The Government of the United States of America waives all costs, including maintenance costs, incurred in the repatriation of Italian prisoners of war to the assembly point on Italian territory. For the purposes of this Memorandum of Understanding the assembly point on Italian territory shall be considered the first point of arrival of Italian prisoners of war on Italian territory.

13. The Government of the United States of America waives any claims it or its agencies or officers may have with respect to advances made by it toward the financing of Italian Partisans. The Government of the United States of America, in further recognition of the renunciation of claims by the Government of Italy, and with particular reference to paragraph 2(a) above, waives all claims it may have against the Government of Italy resulting from advances made by it toward the maintenance of Italian diplomatic missions, and also Italian shipping and crews in neutral ports.

<sup>5</sup> 55 Stat. 31.

<sup>6</sup> TS 846, *ante*, vol. 2, p. 932.

14. (a) The Government of the United States of America waives any claims it or its agencies or officers may have with respect to any transfer made directly by the armed forces of the United States of America, their agencies, or officers of supplies and materials from military stocks to the Government of Italy, to the Italian armed forces or their agencies or officers.

(b) The Government of the United States of America, with reference to 14 (a) above, reserves the right of recapture of any arms, ammunition and implements of war (of the types listed in Proclamation No. 2717<sup>7</sup> of the President of the United States of America, dated February 14, 1947), which may have been transferred by the armed forces of the United States of America, its agencies or officers, and are held by the Government of Italy, its agencies or officers, on the date on which notice requesting return is communicated to the Government of Italy, but the Government of the United States of America has indicated that it does not intend to exercise generally its right of recapture of such articles. Disposal of such articles by the Government of Italy in or for use in other countries will be made only with the consent of the Government of the United States of America and with payment to the Government of the United States of America of any proceeds of such disposals. The Government of Italy agrees that all such articles held by it will be used only for purposes compatible with the principles of international security and welfare set forth in the Charter of the United Nations.<sup>8</sup>

15. Nothing contained herein shall be construed to affect in any manner obligations assumed by Italy or the United States of America pursuant to settlements between Italy and the United States of America involving disposal of surplus property.

### ARTICLE III

#### *Property of Nationals of the United States of America*

16. (a) The Government of Italy will expedite in any manner necessary arrangements now being undertaken, or those necessary to be undertaken, for the desequestration of and release of any unusual controls over the property or interests in property in Italy of nationals of the United States of America, including the cancellations of any controls, contracts, including contracts for the sale of capital assets or a part thereof, agreements or arrangements undertaken during the period of control in accordance with the request, or at the direction of the Government of Italy, its agencies or officials, which are not deemed to have been in the best interest of such property or interests. The Government of Italy further agrees that with respect to the application of Paragraph 4 (a) and 4 (d) of Article 78 of the Treaty of Peace to cases which fall within the terms of this provision, as well as to all cases to which Paragraph 4 (a) and 4 (d) of Article 78 apply, the requirement "for the restoration to complete good order" shall be followed in all

<sup>7</sup> 12 Fed. Reg. 1127.

<sup>8</sup> TS 993, *ante*, vol. 3, p. 1153.

cases where there has been (1) deterioration of the physical property while under Italian control, and (2) where the physical property has suffered non-substantial damage as a result of acts of war. In all other cases the requirement to compensate in lira to the extent of "two-thirds of the sum necessary" shall apply, provided that the Government of Italy may, with respect to any case, apply the requirement "for the restoration to complete good order."<sup>9</sup>

(b) The Government of Italy agrees that with respect to the property or interests in property of United States nationals which property or interests are not covered by section (a) above, it will accord such property or interests treatment identical with that provided in section (a) above.

(c) The Government of Italy shall, with reference to paragraphs (a) and (b) above, apply Paragraph 4 (b) of Article 78 of the Treaty of Peace.

(d) Compensation paid in accordance with terms of this section shall be free of levies, taxes, or other charges and shall be freely usable in Italy but shall be subject to the foreign exchange control regulations which may be in force in Italy from time to time.

#### ARTICLE IV

##### *Prewar Claims of the Government of the United States of America or of United States Nationals*

17. (a) The Government of Italy, recognizing the existence of legitimate claims of the Government of the United States of America or of United States nationals against the Government of Italy or Italian nationals arising out of contracts or other obligations incurred prior to December 8, 1941, agrees that it will make every effort to settle at as early a date as possible, and to facilitate to the extent possible the payment of the debts or other claims referred to hereinabove.

(b) With respect to lira payments made under Italian law to Italian government agencies in purported discharge of debts in non-lira currencies owed by Italian nationals to nationals of the United States of America, the Government of Italy fully recognizes the existence of legitimate claims of the Government of the United States of America or United States nationals in these cases. The Government of Italy further agrees that within six months from the date of the signing of this Memorandum of Understanding it will either assume the obligation to make payment of such debts in foreign exchange to the extent that lira payments were made to the Government of Italy in the manner referred to above, or it will provide that the Italian debtor shall be held directly responsible for the payment of such debts. In either event, the Government of Italy agrees that it will make available the foreign exchange necessary for the discharge of such debts at the earliest date permitted by the Italian foreign exchange position. It is understood that the

<sup>9</sup> For an interpretation of para. 16 (a), see exchange of notes verbales at Rome Feb. 24, 1949 (TIAS 1919), *post*, p. 342.

provisions of this section do not prejudice any settlement between the Government of Italy and the Italian debtors with respect to such lira payments.

#### ARTICLE V

##### *Definitions*

18. For the purposes of this Memorandum of Understanding, the term "nationals" means individuals who are nationals of the United States of America, or of Italy, or corporations or associations organized under the laws of the United States of America or Italy, at the time of the coming into force of this Memorandum of Understanding, provided, that under Article III above, nationals of the United States of America shall, for purposes of receiving compensation, also have held this status either at the time at which their property was damaged or on September 3, 1943, the date of the Armistice with Italy.

#### ARTICLE VI

##### *Clauses of the Treaty of Peace*

19. It is agreed that any of the clauses of the Treaty of Peace, dated at Paris February 10, 1947, to which this Memorandum of Understanding may refer, shall be considered as constituting an integral part of this Memorandum of Understanding, as between the Governments of the United States of America and Italy.

#### ARTICLE VII

##### *Effective Date*

20. This Memorandum of Understanding shall enter into force upon the day it is signed.

Done at Washington in duplicate, in the English and Italian languages, both of which shall have equal validity, this 14th day of August, 1947.

For the Government of the United States of America:

ROBERT A. LOVETT

For the Government of Italy:

LOMBARDO

#### EXCHANGES OF NOTES

*The Chief of the Italian Economic and Financial Delegation to the Acting Secretary of State*

AUGUST 14, 1947

SIR:

With respect to the "Memorandum of Understanding between the Government of the United States of America and the Government of Italy

regarding settlement of certain wartime claims and related matters", I am authorized, on behalf of the Government of Italy, to make known to you the intentions of the Government of Italy with respect to United States military cemeteries in Italy.

The Government of Italy is deeply aware of the fact that the existence of these cemeteries is the result of the valiant and heroic sacrifices made by nationals of the United States of America in the cause of peace and justice for my country, as well as for their country. My Government is also deeply aware of the fact that for years to come the members of the families and relatives of those United States nationals who are buried in United States military cemeteries in Italy will wish to visit their graves. The Government of Italy, therefore, in recognition of the circumstances which led to the establishment of these cemeteries and in full appreciation of their symbolic significance, offers to undertake to maintain in good order and in perpetuum all United States military cemeteries in Italy.

Accept, Sir, the renewed assurances of my highest consideration.

LOMBARDO

*Chief of the Italian Economic  
and Financial Delegation*

The Honorable

ROBERT A. LOVETT,  
*Acting Secretary of State.*

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*The Acting Secretary of State to the Chief of the Italian Economic  
and Financial Delegation*

AUGUST 14, 1947

SIR:

I have the honor to acknowledge receipt of your note of this date in the following terms:

[For text of Italian note, see above.]

The Government of the United States of America not only values the offer of the Government of Italy to maintain in good order and in perpetuum all United States military cemeteries in Italy, but also the motives which prompted that offer.

It is, therefore, with a deep sense of appreciation that I accept, on behalf of my Government, the offer of the Government of Italy to undertake to maintain in good order and in perpetuum all United States military cemeteries in Italy.

Accept, Sir, the renewed assurances of my highest consideration.

ROBERT A. LOVETT  
*Acting Secretary of State*

The Honorable  
IVAN MATTEO LOMBARDO,  
*Chief of the Italian Economic  
and Financial Delegation.*

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*The Chief of the Italian Economic and Financial Delegation to the Acting  
Secretary of State*

AUGUST 14, 1947

SIR:

With reference to the "Memorandum of Understanding between the Government of the United States of America and the Government of Italy regarding settlement of certain wartime claims and related matters", I have the honor to inform you of my Government's undertakings as set forth below with respect to the assistance to be given to nationals of the United States of America with respect to their properties in Italy. This assistance is directed particularly to the implementation of Article 78 of the Treaty of Peace with Italy and to Article III, paragraph 16, of the above Memorandum of Understanding.

The Government of Italy shall, as soon as possible, designate an Italian governmental agency having authority to receive and determine claims of nationals of the United States of America with respect to their properties in Italy, and to effect the restoration of such properties, or pay compensation, or both, as provided in Article 78 of the Treaty of Peace with Italy, and in accordance with the terms of Article III, paragraph 16, of the Memorandum of Understanding.

With a view to rendering appropriate assistance to nationals of the United States of America having claims falling within the scope of this agreement, and also to any representative who may be designated by the Government of the United States of America to assist such nationals in the preparation and establishment of their claims, the Government of Italy further will, upon request and without charge, furnish copies of pertinent evidence and records in Italy, and will also, upon request and without charge, make available to the designated representative of the United States of America funds in lira to the extent necessary to defray the local expenses in Italy, including subsistence, of such representative and his assistants, and also to

pay compensation to Italian personnel designated in Italy by such representative, it being understood that such expenses will be kept to a minimum.

Accept, Sir, the renewed assurances of my highest consideration.

LOMBARDO  
*Chief of the Italian Economic  
and Financial Delegation*

The Honorable  
ROBERT A. LOVETT,  
*Acting Secretary of State.*

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*The Acting Secretary of State to the Chief of the Italian Economic  
and Financial Delegation*

AUGUST 14, 1947

SIR:

I have the honor to acknowledge receipt of your note of this date in the following terms:

[For text of Italian note, see above.]

I am pleased to inform you that the undertakings and procedures set forth in your note are satisfactory to my Government. These procedures can be expected to limit the expenses to be incurred under section 5 of Article 78 of the Treaty of Peace, which is a desirable result for both Governments.

Accept, Sir, the renewed assurances of my highest consideration.

ROBERT A. LOVETT  
*Acting Secretary of State*

The Honorable  
IVAN MATTEO LOMBARDO,  
*Chief of the Italian Economic  
and Financial Delegation.*

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*The Chief of the Italian Economic and Financial Delegation  
to the Acting Secretary of State*

AUGUST 14, 1947

SIR:

Reference is made to Article III, paragraph 16, of the "Memorandum of Understanding between the Government of the United States of America and the Government of Italy regarding settlement of certain wartime claims and related matters", signed this date.

One of the more troublesome problems which has arisen in connection with Article 78 of the Treaty of Peace has been concerned with the property in Italy of American oil companies. The principal difficulty which has been

encountered in returning such properties to the rightful owners has been the question of the employment rights which accrued during the period of control of the American oil companies by the Government of Italy.

I am authorized by my Government to advise you of the following agreement on the question of employment rights which has been reached between the Government of Italy and representatives of the oil companies:

1. The Anglo-American companies (which had originally requested the Government of Italy to consider as broken the continuity of employment for the employees on their pay rolls at the moment of liquidation of the companies) have now in principle agreed to re-engage 95% of the personnel. The Azienda Generale Italiana Petroli on its side shall, in full agreement with the Italian Treasury, pay the indemnities for the period running from the date of the liquidation to the date of re-employment. The implementation of this formula can be expected to take place in the very near future.

2. An agreement has been reached on the partitioning of the market between the foreign companies on the one side and Azienda Generale Italiana Petroli on the other side. This agreement has involved considerable sacrifice on the part of Azienda Generale Italiana Petroli.

3. Insofar as the war damages suffered by the American companies are concerned, the duty of the Government of Italy derives from Article 78 of the Treaty of Peace, and the policy applied will be in accordance with Article III, paragraph 16, of the above referred to Memorandum of Understanding.

It is also understood that the properties and all assets will be returned, including, of course, the employee compensation funds which were on hand at the date of liquidation and which represent the funds available for persons still employed by the companies.

This agreement was made known to the representatives of the American oil companies in the United States of America concerned with this problem, as well as to officials of your Department, all of whom signified their approval.

I can, therefore, confirm to you that the Government of Italy accepts all the above engagements and will implement them at the earliest possible date.

Accept, Sir, the renewed assurances of my highest consideration.

LOMBARDO  
*Chief of the Italian Economic  
and Financial Delegation*

The Honorable  
ROBERT A. LOVETT,  
*Acting Secretary of State.*

*The Acting Secretary of State to the Chief of the Italian Economic  
and Financial Delegation*

AUGUST 14, 1947

SIR:

I have the honor to acknowledge receipt of your note of this date in the following terms:

[For text of Italian note, see above.]

My Government is very pleased to know that the question of the return of the properties in Italy of American oil companies has been resolved in the manner set forth in your note. The solution is consistent with the terms of Article III, paragraph 16, of the "Memorandum of Understanding between the Government of the United States of America and the Government of Italy regarding settlement of certain wartime claims and related matters", signed this date.

Accept, Sir, the renewed assurances of my highest consideration.

ROBERT A. LOVETT  
*Acting Secretary of State*

The Honorable

IVAN MATTEO LOMBARDO,  
*Chief of the Italian Economic  
and Financial Delegation.*

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*The Chief of the Italian Economic and Financial Delegation to the Acting  
Secretary of State*

AUGUST 14, 1947

SIR:

With reference to Article 4 [IV] of the "Memorandum of Understanding between the Government of the United States of America and the Government of Italy regarding settlement of certain wartime claims and related matters", signed this date, I am pleased to be able to advise you on behalf of the Government of Italy that a plan has been prepared for adjusting the unrepatriated bonds of the Italian dollar issue, service on which has been suspended since 1940.

The proposed plan, which has been approved in principle by the Foreign Bond Holders Protective Council, Inc., will embrace all publicly held dollar bonds comprising three groups: first, bonds of the Kingdom of Italy; second, bonds of the Cities of Rome and Milan, bonds of the Italian Credit Consortium for Public Works, and bonds of the Mortgage Bank of the Venetian Provinces; and third, bonds of the Italian Credit Institute for Public Utility Enterprises and of eleven public utility corporations.

New bonds will be issued in an amount equal to the principal of the old bonds plus all arrears thereof at the former rates to January 1, 1947. The new bonds to be issued in exchange for the Kingdom of Italy bonds will be issued by the Republic, while those issued in exchange of the old bonds in the second and third groups will be bonds of the Consortium and the Institute respectively, in each case guaranteed as to principal and interest by the Republic.

The new bonds in all three groups are expected to bear interest at 1% for 1947, 1948 and 1949; 2% for 1950 and 1951; and 3% beginning 1952. The first installment of interest on the new bonds will be paid in cash at the time of exchange. Commencing in January 1952 the three issues of bonds will be entitled to a cumulative sinking fund of 1% per annum for 1952 to 1956 inclusive and 2% per annum beginning in 1957.

It is expected that the full details of the plan will be made public and the offer to the old bond holders will be made in the near future, as soon as the necessary registration under the Security Act of 1933<sup>10</sup> and other arrangements are completed. There is enclosed herewith for your information additional details concerning the proposed plan.

Accept, Sir, the renewed assurances of my highest consideration.

LOMBARDO  
*Chief of the Italian Economic  
 and Financial Delegation*

Enclosure:

Italian Dollar Bond Tabulation.

The Honorable

ROBERT A. LOVETT,  
*Acting Secretary of State.*

#### ITALIAN DOLLAR BONDS

There are presently outstanding approximately \$108,000,000 of non-repatriated Italian dollar bonds on which service was suspended on June 10, 1940, and it is the desire of the Government of Italy to make an adjustment with respect thereto.

These obligations fall into three categories: first, bonds issued by the Government of Italy; second, bonds issued by the Cities of Rome and Milan and by the Italian Credit Consortium for Public Works, and the Mortgage Bank of the Venetian Provinces; and third, various corporate obligations. In connection with formulating an adjustment of Italian dollar bonds, it has been considered advisable to issue three types of obligations—one a direct obligation of the Government of Italy, to be issued in exchange for bonds falling within the first category and the other two being obligations of semi-governmental agencies, guaranteed as to principal and interest by the Government of Italy, to be issued in exchange for bonds falling within the second and third categories.

<sup>10</sup> 48 Stat. 74.

### I. Bonds of the Kingdom of Italy:

The issue of the above obligor to be considered in the following:

Issue	Maturity	Interest Dates
Kingdom of Italy	7s, 1951	J & D 1

### II. Bonds of the Cities of Rome and Milan, the Italian Credit Consortium for Public Works and the Mortgage Bank of the Venetian Provinces:

Issue	Maturity	Interest Dates
City of Milan	6½s, 1952	A & O 1
City of Rome	6½s, 1952	A & O 1
Consortium for Public Works	7s, 1947	M & S 1
Mortgage Bank of the Venetian Provinces	7s, 1952	A & O 1

### III. Corporate Obligations:

The Corporate obligations outstanding are twelve issues of dollar bonds, 8 of which represent, directly or indirectly, obligations of utility companies and 4 of industrial companies. These obligations are the following:

Issue	Maturity	Interest Dates
Italian Public Utility Credit Institute	7s, 1952	J & J 1
Adriatic Electric Co.	7s, 1952	A & O 1
Piedmont Hydro-Electric Co.	6½s, 1960	A & O 1
Lombard Electric Co.	7s, 1952	J & D 1
Isarco Hydro-Electric Co.	7s, 1952	M & N 1
Meridionale Electric Co.	7s, 1957	A & O 1
United Electric Service Co.	7s, 1956	J & D 1
Terni Industrial and Electric Co.	6½s, 1953	F & A 1
Isotta Fraschini Automobile Factory	7s, 1942	J & D 1
Ercole Marelli Electric Manufacturing Co.	6½s, 1953	M & N 1
Ernesto Breda Co.	7s, 1954	F & A 1
*Crespi Cotton Works	7s, 1952	M & N 1

\*The lira bonds of Crespi Cotton Works, Ltd. (now Italian Textile Establishment (Milan)) were originally sold in the U.S. with provision for payment in dollars at a rate of not less than 3.64 cents to the lira.

In order to effect an adjustment with the holders of such obligations, the following plan is proposed:

1. (a) The Government of Italy will offer a like principal amount of its 3% 30 year External Sinking Fund Bonds in exchange for the outstanding principal amount of the obligations of the Kingdom of Italy.

(b) The Italian Credit Consortium for Public Works, one of the present obligors and a semi-governmental agency, will offer (pursuant to authority granted by the Government of Italy) its bonds in exchange for the outstanding principal amount of the obligations of the Cities of Rome and Milan, the Italian Credit Consortium for Public Works and the Mortgage Bank of the Venetian Provinces. The entire debt service on such bonds will be guaranteed by the Government of Italy.

(c) The Italian Public Utility Credit Institute, one of the present obligors and a semi-governmental agency, will offer (pursuant to authority granted by the Government of Italy) its bonds in exchange for the outstanding principal amount of the twelve corporate issues. The entire debt service on such bonds will be guaranteed by the Government of Italy.

2. Semi-annual interest payments on these three issues of bonds will accrue from January 1, 1947. Interest will be paid in 1947, 1948 and 1949 at the rate of 1% per annum; in 1950 and 1951 at the rate of the 2% per annum; and in 1952 and subsequent years at the rate of 3% per annum. Upon exchange of old bonds for new bonds, a cash payment will be made for interest accrued from January 1, 1947 to July 1, 1947, at the rate of 1% per annum.

3. Interest in arrears on the various bond issues will be computed at the rates stated in the bonds from the date of the last coupon payment to January 1, 1947 and additional (a) Government of Italy Bonds, or (b) Italian Credit Consortium for Public Works Bonds, or (c) Italian Public Utility Credit Institute Bonds, as the case may be, will be issued in settlement thereof, except that no bonds will be issued in principal amounts of less than \$100. Any balance which may be due on account of accrued interest over and above a multiple of \$100 will be discharged by an equal face amount of non-interest bearing scrip exchangeable for Government of Italy bonds or Italian Credit Consortium for Public Works bonds or Italian Public Utility Credit Institute bonds, as the case may be, in aggregate amounts of \$100 or any multiple thereof.

4. Commencing January 1, 1952, the three issues of bonds will be entitled to a cumulative sinking fund, calculated on the nominal amount of bonds to be outstanding initially, at the following rates:

1952 to 1956 inclusive	1% per annum
1957 and subsequent years	2% per annum

such sinking fund to be applied semi-annually to the purchase of bonds at or below par or to the extent not so obtainable in redemption at par of bonds to be selected by drawings.

5. The Government of Italy is prepared to agree to set aside monthly in a segregated account with the Bank of Italy foreign exchange equivalent to 1/6 of the semi-annual service requirement for the three issues of bonds.

\* \* \*

The respective approximate principal amount of the three proposed 3% thirty year bonds to be outstanding (including bonds issued in settlement of all arrears of interest to January 1, 1947) are shown in the attached tabulation, which also sets forth a schedule of the relative interest and amortization payments.

\* \* \*

No provision is being made at this time for the outstanding bonds of the General Italian Edison Electric Company, all of which bonds are owned by the International Power Securities Corporation, because of negotiations presently being conducted by General Italian Edison Electric Company with the International Power Securities Corporation looking toward the exchange of such bonds for stocks of the General Italian Edison Electric Company.

PROPOSED ITALIAN ISSUES TO BE DATED AS OF JANUARY 1, 1947, DUE 1977

	Government Issue	Credit Consortium	Pub. Util. Credit Institute	Total
	\$40,257,310	\$38,055,462	\$58,065,712	\$136,378,495
		* * *		
				Total Service
				Semi-Annual Annual
1947 to 1949	\$ 201,286	\$ 190,277	\$ 290,328	\$ 681,891
Interest 1%				1,363,782
1950 to 1951	402,573	380,544	580,657	2,727,568
Interest 2%				
1952 to 1956	805,145	761,108	1,161,313	5,455,132
Interest 3%				
Sinking fund 1% )				
1957 to 1977	1,006,432	951,385	1,451,642	3,409,439
Interest 3%				
Sinking fund 2% )				
		* * *		
Amount Bonds retired at par 6th to 10th years	2,154,308	2,036,481	3,107,299	7,298,088
% of original issue				5.35%
Amount of Bonds retired at par 11th to 30th years	21,846,788	20,651,864	31,511,032	74,009,684
% of original issue				
Amount Bonds retired at par 6th to 30th years	24,001,096	22,688,343	34,618,331	81,307,772
% of original issue				59.62%

Semi-Annual Service Requirements:

## UNREPATRIATED BONDS OUTSTANDING

	Interest Dates	Principal Amount Outstanding	Interest Arrears to Dec. 31, 1946 %	Amount	Total	Approximate Amount of New Bonds
Kingdom of Italy - 7s, 1951		\$27,558,400	46.08	\$12,698,910.72		\$40,257,310.72
J & D 1						
City of Milan - 6½s, 1952		13,092,800	43.87	5,743,811.36	\$18,836,611.36	
A & O 1						
City of Rome - 6½s, 1952		9,911,800	43.87	4,348,306.66	14,260,106.68	
A & O 1						
Credit Consortium - 7s, 1947		2,704,000	47.83	1,293,323.20	3,997,323.20	
M & S 1		666,500	47.25	314,921.25	961,421.25	
Mortgage Bank of Venetian Provinces - 7s, 1952		26,375,100		11,700,362.47		38,055,462.47
A & O 1						
Ital. Pub. U. Cr. Inst. - 7s, 1952		7,878,500	49.	3,860,465.00	11,738,965.00	
J & J 1						
Adriatic Elec. Co. - 7s, 1952		2,091,000	47.25	987,997.50	3,078,997.50	
A & O 1						
Piedmont H - E Co. - 6½s, 1960		5,473,000	43.87	2,401,005.10	7,874,005.10	
A & O 1						
Lombard Elec. Co. - 7s, 1952		2,879,000	46.08	1,326,643.20	4,205,643.20	
J & D 1						

## UNREPATRIATED BONDS OUTSTANDING—Continued

	Interest Dates	Principal Amount Outstanding	Interest Arrears to Dec. 31, 1946 %	Amount	Total	Approximate Amount of New Bonds
Isarco H—E Co. — 7s, 1952		\$2,091,500	34.67	\$976,103.05	\$3,087,603.05	
M & N I						
Meridionale Elec. Co. — 7s, 1957		8,765,500	47.25	4,145,698.75	12,907,198.75	
A & O I						
United Elec. Service Co. — 7s, 1956		2,748,000	46.08	1,266,278.40	4,014,278.40	
J & D I						
Term Ind. & Elec. Co. — 6½s, 1953		5,032,000	44.96	2,262,387.20	7,294,387.20	
F & A I						
Isotta Frasch. Auto Factory — 7s, 1942		253,000	46.08	116,582.40	369,582.40	
J & D I						
Ercole Marelli Elec. Co. — 6½s, 1953		1,022,000	43.33	442,852.60	1,464,852.60	
M & M I						
Ernesto Breda Co. — 7s, 1954		983,000	48.42	475,968.60	1,458,968.60	
F & A I						
Ital. Textile Estab. Milan — 7s, 1952		*389,480	46.67	181,770.32	571,250.32	\$58,065,712.12
M & N I		39,605,980		18,439,732.12		40,257,310.72
		27,558,400		12,698,901.72		38,055,462.47
		26,375,100		11,700,362.47		58,065,712.12
		39,605,980		18,439,732.12		
		93,539,480		42,839,005.31		136,378,485.31

\* The principal amount of bonds outstanding is Lira 10,700,000.

*The Acting Secretary of State to the Chief of the Italian Economic and Financial Delegation*

AUGUST 14, 1947

SIR:

I have the honor to acknowledge receipt of your note of this date in the following terms:

[For text of Italian note, see above.]

The plan proposed by you with respect to the unrepatriated bonds of the Italian dollar issues, service on which has been suspended since 1940, satisfactorily complies with the obligations undertaken by the Government of Italy in paragraph 17 of Article IV of the "Memorandum of Understanding between the Government of the United States of America and the Government of Italy regarding settlement of certain wartime claims and related matters".

Accept, Sir, the renewed assurances of my highest consideration.

ROBERT A. LOVETT  
*Acting Secretary of State*

The Honorable

IVAN MATTEO LOMBARDO,  
*Chief of the Italian Economic  
and Financial Delegation.*

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF ITALY REGARDING ITALIAN ASSETS IN THE UNITED STATES OF AMERICA AND CERTAIN CLAIMS OF UNITED STATES NATIONALS

Discussions have taken place with representatives of the Government of Italy on the question of disposition of Italian property in the United States of America. These discussions have grown out of the terms of the Treaty of Peace with Italy dated at Paris February 10, 1947, particularly Article 79 thereof; and out of the financial and other relations between the United States of America and Italy during the period since the Italian Armistice. As a further step toward the bettering of relations between Italy and the United States of America, the Government of the United States of America has felt it desirable, subject to appropriate governmental action, to renounce certain of the rights granted to it under the terms of the Treaty of Peace, and to return and unblock property in the United States of America which has been vested or blocked by the Government of the United States of America by reason of an interest of Italy or Italian nationals. The Government of Italy, on the other hand, has recognized that in justice it should

provide funds to be utilized by the Government of the United States of America in application to claims of United States nationals arising out of the war with Italy.

The Government of the United States of America and the Government of Italy have, therefore, reached an understanding, as follows:

#### ARTICLE I

1. The Government of the United States of America, referring to Article 79 of the Treaty of Peace with Italy, dated at Paris February 10, 1947, nevertheless agrees, within the limits provided by law:

(a) to take the necessary steps to effect the return of property and interests vested in or transferred to any officer or agency of the Government of the United States of America under the Trading with the Enemy Act, as amended,<sup>11</sup> which were owned by the Government of Italy or Italian nationals immediately prior to such vesting or transfer, or the net proceeds of such property or interest; provided, however, that such return shall be subject to the conditions and exceptions set forth in Annex I, which constitutes an integral part of this Memorandum of Understanding;

(b) to take the necessary steps to effect the release by the United States authorities of blocked property and interests in the United States of America of Italy or Italian nationals. Such release shall be effected in accordance with conditions stated in a letter of assurances, dated today, and addressed by the Italian authorities to the Secretary of the Treasury of the United States of America, it being understood that the unblocking procedure will actually be put into effect not later than one month from the date of this Memorandum of Understanding;

(c) to take the necessary steps to return, in their condition at the time of return, to the Government of Italy all vessels which were under Italian registry and flag on September 1, 1939, which were thereafter acquired by the Government of the United States of America either by purchase or by forfeiture and which are now owned by the Government of the United States of America; provided, that in the event forfeiture proceedings against any of the vessels are dismissed, the Government of Italy agrees to discharge and save harmless the Government of the United States of America from any responsibility and liability for the processing, settlement and satisfaction of any claims against such vessels; and

(d) to take the necessary steps, subject to all terms and conditions of authorizing legislation, to transfer to the Government of Italy surplus liberty ships of the Government of the United States of America, to be operated by Italy for commercial uses, of a total tonnage approximately equal to the total tonnage of vessels which were under Italian registry and flag on September 1,

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<sup>11</sup> 40 Stat. 411 and 966; 54 Stat. 179; 55 Stat. 839.

1939, and were subsequently seized in United States ports and thereafter lost while being employed in the United States war effort, provided that the selection of such surplus ships shall be by the Government of the United States of America, after consultation with the Government of Italy, and provided further that the ships shall be transferred on an as is where is basis.

2. The release or return of property and interests under the present Article shall not prevent the assertion of rights or claims to, against or with respect to such property and interests or the proceeds thereof; nor (in accordance with Article 76 of the Treaty of Peace signed at Paris) shall this Memorandum of Understanding or its execution in any way give rise to any cause of action or claim against the Government of the United States of America, or any officer or agency thereof.

3. (a) The provisions of this Article shall in no manner impose any obligation upon the Government of the United States of America to return any royalty or other compensation or right to receive a royalty or other compensation to the Government of Italy or any Italian national arising out of the use prior to December 31, 1945 of any invention, patent or patent right in the United States held by the Government of Italy or Italian nationals, or subject to return to the Government of Italy or Italian nationals pursuant to this Memorandum of Understanding.

(b) The Government of Italy recognizes that the Government of the United States of America, its agencies or United States nationals, have no responsibility for the processing, settlement or satisfaction of any claims of Italian nationals falling under the terms of this paragraph and agrees, consistent with Paragraph 3 of Article 79 of the Treaty of Peace, to compensate Italian nationals for any duly established claims falling under the terms of this Article.

(c) Except as set forth in this Memorandum of Understanding or in Annex I hereto, industrial property released or returned by the Government of the United States of America pursuant to paragraph 1 of the present Article shall be subject only to such restrictions as may otherwise be generally applicable to industrial property in the United States of America held by foreign countries or nationals of such countries.

## ARTICLE II

4. The Government of Italy agrees to pay and deposit with the Government of the United States of America on or before December 31, 1947 the sum of \$5,000,000 (five million dollars) in currency of the United States of America, this sum to be utilized, in such manner as the Government of the United States of America may deem appropriate, in application to the claims of United States nationals arising out of the war with Italy and not otherwise provided for.

## ARTICLE III

*Definitions*

5. For the purposes of this Memorandum of Understanding, the term "Italian nationals" means individuals who are nationals of Italy or corporations or associations organized under the laws of Italy, at the time of the coming into force of this Memorandum of Understanding.

## ARTICLE IV

*Clauses of the Treaty of Peace*

6. It is agreed that any of the clauses of the Treaty of Peace, dated at Paris February 10, 1947, to which this Memorandum of Understanding and the Annex hereto may refer, shall be considered as constituting an integral part of this Memorandum of Understanding and the Annex hereto, as between the Governments of the United States of America and Italy.

## ARTICLE V

*Effective Date*

7. This Memorandum of Understanding shall enter into force upon the day it is signed.

Done at Washington in duplicate, in the English and Italian languages, both of which shall have equal validity, this 14th day of August, 1947.

For the Government of the United States of America:

ROBERT A. LOVETT

For the Government of Italy:

LOMBARDO

## ANNEX I

The Government of the United States of America intends to effect returns, pursuant to Article I, paragraph 1 (a) of this Memorandum of Understanding, by appropriate legislation permitting returns of vested property to the Government of Italy and subjects or citizens of Italy and corporations or associations organized under the laws of Italy upon the terms and conditions generally applicable to return of such property to others eligible for return pursuant to Section 32 of the Trading with the Enemy Act, as amended.

It is understood that while the Government of the United States of America will seek to eliminate Italian nationality as a disqualification from eligibility for return pursuant to Section 32 (a) of the Trading with the Enemy Act, as amended,

(a) The Government of the United States of America does not intend to assume any obligation to make returns to any of the following:

(1) The Italian Fascist Party, any organization closely affiliated therewith (other than the Government of Italy) or any person who was a member of such party or organization at any time after September 8, 1943; or

(2) Any person, firm or organization convicted of violation of any of the statutes set forth in Section 34(a) of the Trading with the Enemy Act, as amended; or

(3) Any person, firm or organization convicted of war crimes or of having collaborated with an enemy country after September 8, 1943; or

(4) Any person, firm or organization indicted or officially charged with war crimes or with having collaborated with an enemy country after September 8, 1943, until such person, firm or organization has been officially acquitted or cleared of such indictment or charge; or

(5) A corporation or association organized under the laws of any country other than Italy or Trieste; or

(6) Any individual who was at any time after December 7, 1941, a citizen or subject of a nation other than Italy with which the United States of America has at any time since December 7, 1941, been at war; or

(7) Any individual voluntarily resident at any time since December 7, 1941, within the territory of any nation other than Italy with which the United States of America has at any time since December 7, 1941, been at war;

(b) Ultimate disposition of property falling under the terms of section (a), paragraphs (1)–(7) above is reserved for future decision by the Government of the United States of America, after consultation between the Governments of Italy and the United States of America;

(c) The Government of the United States of America does not intend to make returns in any case in which it deems that return would be contrary to its interests in respect of national security or antitrust or fiscal policy; and

(d) The Government of the United States of America does not intend to assume any obligation to make returns of any property which was used pursuant to an arrangement to cloak or to conceal any property or interest within the United States of America of any person ineligible to receive a return under Section 32 (a) (2) of the Trading with the Enemy Act, as amended.

It is further understood that in the case of any literary, artistic or industrial property to be returned, the property shall remain subject to all licenses and agreements for licenses which were granted or entered into by the United States of America with respect to it and which were in effect immediately prior to return; and any rights of the Government of the United States of America to revoke any such license or agreement for license shall not be included within the return.

## EXCHANGES OF NOTES

*The Chief of the Italian Economic and Financial Delegation to the Acting Secretary of State*

AUGUST 14, 1947

SIR:

Reference is made to the "Memorandum of Understanding between the Government of the United States of America and the Government of Italy regarding certain assets in the United States of America and certain claims of United States nationals", signed this date.

In connection with the return to Italy and Italian nationals of property vested in the Office of Alien Property of the Department of Justice of the United States of America, I take this opportunity to inform you that the Government of Italy has designated the Italian Ministry of Treasury as its agency to certify claims for the return of such property.

LOMBARDO

*Chief of the Italian Economic  
and Financial Delegation*

The Honorable

ROBERT A. LOVETT,  
*Acting Secretary of State.*

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*The Acting Secretary of State to the Chief of the Italian Economic  
and Financial Delegation*

AUGUST 14, 1947

SIR:

I have the honor to acknowledge receipt of your note of this date in the following terms:

[For text of Italian note, see above.]

I will immediately bring your note to the attention of the Office of Alien Property, Department of Justice, which will communicate directly with the Italian Ministry of Treasury concerning the implementation of the certification agreement.

ROBERT A. LOVETT  
*Acting Secretary of State*

The Honorable

IVAN MATTEO LOMBARDO,  
*Chief of the Italian Economic  
and Financial Delegation.*

*The Chief of the Italian Economic and Financial Delegation to the Acting  
Secretary of State*

AUGUST 14, 1947

SIR:

In connection with the "Memorandum of Understanding between the Government of the United States of America and the Government of Italy regarding Italian assets in the United States of America and certain claims of United States nationals", signed this date, I wish to bring to your attention the question of the exclusion of Italy from the benefits of the Boykin Act, Public Law 690,<sup>12</sup> 1946, 79th Congress.

Section XIV of this Act specifically excludes from its benefits the citizens of any country with which the United States of America has been at war. In this connection, I wish to refer to the terms of Annex XV of the Italian Treaty of Peace relating to Industrial, Literary and Artistic Property. My Government believes that it would be consistent with the spirit of Annex XV for the Government of the United States of America to amend the Boykin Act so as to authorize the granting of reciprocal rights by the United States of America to Italy and Italian nationals.

I am pleased to be in a position to advise you that at the present time Italy grants to the United States of America and its nationals the rights and privileges referred to in Annex XV. In this connection reference is made to Article I of the Italian Law of September 5, 1946, No. 123, which grants to United States nationals rights with respect to their patents in Italy which are denied to Italian nationals with respect to their patents in the United States of America.

In view of the above circumstances, I should appreciate it if you would advise me of the policy and intentions of the Government of the United States of America in this matter.

Accept, Sir, the renewed assurances of my highest consideration.

LOMBARDO

*Chief of the Italian Economic  
and Financial Delegation*

The Honorable

ROBERT A. LOVETT,

*Acting Secretary of State.*

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<sup>12</sup> 60 Stat. 940.

*The Acting Secretary of State to the Chief of the Italian Economic  
and Financial Delegation*

AUGUST 14, 1947

SIR:

I have the honor to acknowledge receipt of your note of this date in the following terms:

[For text of Italian note, see above.]

I am pleased to be able to inform you that Public Law 380,<sup>13</sup> a copy of which is attached hereto, which was recently enacted by the Congress, amends the Boykin Act by removing present restrictions against the enjoyment by Italy and Italian nationals of the rights granted by the Act, on a finding by the Commission on Patents that Italy grants such rights to the United States of America and its nationals.

It is noted that in your note you state that the Government of Italy grants substantially such rights to the United States of America and its nationals.

Accept, Sir, the renewed assurances of my highest consideration.

ROBERT A. LOVETT  
*Acting Secretary of State*

Enclosure:  
Public Law 380

The Honorable  
IVAN MATTEO LOMBARDO,  
*Chief of the Italian Economic  
and Financial Delegation*

[PUBLIC LAW 380—80TH CONGRESS]  
[CHAPTER 511—1ST SESSION]  
[H. R. 4070]

AN ACT

To carry into effect certain parts relating to patents of the treaties of peace with Italy, Bulgaria, Hungary, and Rumania, ratified by the Senate on June 5, 1947, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Convention for the Protection of Industrial Property of 1883,<sup>14</sup> as amended, is considered as reestablished and in full force and effect between the United States and Italy, Bulgaria, Hungary, and Rumania from the date of this Act and the nationals of the latter countries may hereafter apply for and*

<sup>13</sup> 61 Stat. 794.

<sup>14</sup> TS 379, *ante*, vol. 1, p. 80.

obtain patents in the United States for their inventions and enjoy the rights and privileges thereof as provided in article 2 of said convention: *Provided, however*, That patents shall not be applied for or obtained, or if obtained, shall not be valid, for inventions heretofore made relating to war material as specified in article 6 of annex XV A of the Treaty of Peace with Italy,<sup>15</sup> article 6 of annex IV of the Treaty of Peace with Bulgaria,<sup>16</sup> article 6 of annex IV A of the Treaty of Peace with Hungary,<sup>17</sup> and article 6 of annex IV A of the Treaty of Peace with Rumania.<sup>18</sup>

SEC. 2. The rights of priority and the times for the taking of any action specified in sections 1 and 3 of Public Law 690, Seventy-ninth Congress, approved August 8, 1946, which had not expired on December 8, 1941, or which commenced after such date, shall be and are hereby extended until February 29, 1948, in favor of nationals of Italy, Bulgaria, Hungary, and Rumania, subject to the conditions and limitations specified in sections 1, 3, 4, and 10 of said Public Law 690: *Provided, however*, That nothing in this Act shall affect any act which has been or shall be done by virtue of special measures taken under legislative, executive, administrative, or military authority of the United States during World War II.

SEC. 3. Nationals of Germany and Japan may hereafter apply for and obtain patents in the United States for their inventions in accordance with the patent laws and enjoy the rights and privileges thereof: *Provided, however*, That patents obtained for such inventions shall be subject to any conditions and limitations with respect to duration, revocation, utilization, assignment, and licensing which may be imposed by Congress, or by the President in accordance with the provisions of any peace treaty hereafter entered into with Germany or Japan: *And provided further*, That, except for patents based on applications filed in the United States Patent Office prior to the date of enactment of this Act, patents may not be applied for or obtained, or if obtained, shall not be valid, for any invention made, or upon which an application was filed by any such national, before January 1, 1946, in Germany or Japan or in the territory of any other of the Axis Powers or in any territory occupied by the Axis forces.

Approved August 6, 1947.

<sup>15</sup> TIAS 1648, *ante*, vol. 4, p. 398.

<sup>16</sup> TIAS 1650, *ante*, vol. 4, p. 449.

<sup>17</sup> TIAS 1651, *ante*, vol. 4, p. 476.

<sup>18</sup> TIAS 1649, *ante*, vol. 4, p. 424.

*The Chief of the Italian Economic and Financial Delegation  
to the Acting Secretary of State*

AUGUST 14, 1947

SIR :

I have the honor to refer to the "Memorandum of Understanding between the Government of the United States of America and the Government of Italy regarding Italian assets in the United States of America and certain claims of United States nationals", signed this date.

In consideration of the undertakings by the Government of the United States of America, provided therein, dealing with the question of vessels which were under Italian registry and flag on September 1, 1939, I am authorized, on behalf of my Government, to enter into the following undertakings:

Notwithstanding the fact that the return of the passenger vessels *Conte Grande* and *Conte Biancamano* supersedes the operating agreement relating to these vessels concluded between the Government of Italy and the United States Maritime Commission, dated May 2, 1947, an implementation of an understanding set forth in an aide memoire of January 8, 1947 from the Department of State to the Embassy of Italy in Washington, relating to these vessels and also to the operation of the Italian passenger vessels *Saturnia* and *Vulcania*, the Government of Italy agrees that, for the period up to and including December 31, 1949, or for such time during that period that the vessels *Saturnia* and *Vulcania* are under Italian ownership and control, their operation will be continued subject to the rights and privileges of the Government of the United States of America as set forth in the aforesaid aide memoire of January 8, 1947, and under arrangements substantially similar to those currently applying to the *M. V. Saturnia*, subject to such modifications to these arrangements as may be agreed to in the light of existing conditions.

Accept, Sir, the renewed assurances of my highest consideration.

LOMBARDO

*Chief of the Italian Economic  
and Financial Delegation*

The Honorable

ROBERT A. LOVETT,  
*Acting Secretary of State.*

*The Acting Secretary of State to the Chief of the Italian Economic and Financial Delegation*

AUGUST 14, 1947

SIR:

I have the honor to acknowledge receipt of your note of this date, in the following terms:

[For text of Italian note, see above.]

On behalf of my Government, I am pleased to accept the undertakings of the Government of Italy, as set forth in your note, with reference to the operation of the Italian passenger vessels *Saturnia* and *Vulcania*. At such time as your Government may wish to discuss modifications to the existing arrangements, appropriate officials of this Government will be prepared to enter into the necessary discussions.

Accept, Sir, the renewed assurances of my highest consideration.

ROBERT A. LOVETT  
*Acting Secretary of State*

The Honorable

IVAN MATTEO LOMBARDO,  
*Chief of the Italian Economic  
and Financial Delegation*

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*The Acting Secretary of State to the Chief of the Italian Economic and Financial Delegation*

AUGUST 14, 1947

SIR:

I have the honor to refer to the "Memorandum of Understanding between the Government of the United States of America and the Government of Italy regarding Italian assets in the United States of America and certain claims of United States nationals", signed this date.

Questions have been raised by you concerning:

(1) the scope of paragraph (a) (ii) [(2)] of Annex I to the memorandum referred to above;

(2) the meaning of the final (unnumbered) paragraph of Annex I; and

(3) whether, with respect to the revocable, royalty-free, non-exclusive licenses granted by the United States of America, the Government of the United States of America will object if, after the return of such properties, the owners may negotiate with the licensees with a view to altering the terms of the licenses granted to them by the Government of the United States of America.

I am in receipt of the following letter from Mr. David L. Bazelon, Assistant Attorney General, Director of Alien Property, dated August 12, 1947:

"My advisors have informed me that during the July 2, 1947 conference on the documents implementing and/or supplementing the Treaty of Peace with Italy, members of the Italian delegation raised several questions regarding the meaning and scope of certain sections of Annex I of the Memorandum of Understanding between the Government of the United States of America and the Government of Italy regarding Italian assets in the United States and certain claims of United States nationals. Since the questions raised relate to vested property, representatives of the Department of State have asked for my comments and observations.

"The members of the Italian delegation have inquired as to the scope of paragraph (a)(2) of Annex I mentioned above. The paragraph under reference provides that the United States does not intend to assume any obligation to make returns to any person, firm, or organization convicted of violation of any of the statutes set forth in Section 34(a) of the Trading with the Enemy Act, as amended. The statutes (Title II and III of the Act of June 15, 1917, 40 Stat. 217, 220, 221, as amended) prohibiting commission of injury to vessels on the high seas or within the jurisdiction of the United States are not among the statutes enumerated in Section 34 (a) of the Trading with the Enemy Act, as amended. Hence, acts of sabotage committed on Italian vessels which were subsequently vested by the United States Alien Property Custodian will not in themselves be grounds for refusal to return the interest acquired in such vessels by vesting action.

"The members of the Italian delegation have also raised questions with respect to the meaning of the final (unnumbered) paragraph of Annex I. The paragraph under reference provides that the United States intends to return, pursuant to the provisions of Article I, paragraph 1 (a) of the Memorandum of Understanding mentioned above, literary, artistic or industrial property vested by the United States Alien Property Custodian from the Italian Government or from Italian nationals. Literary, artistic or industrial property so returned will remain subject to all licenses and agreements for licenses granted or entered into by the United States and which are in effect prior to the return of such properties.

"It is the intention to return the proceeds from licenses and agreements for licenses granted or entered into by the United States with respect to literary and artistic property. Such proceeds will be subject to return pursuant to Article I, paragraph 1 (a), of the Memorandum of Understanding. With respect to industrial property where the United States has granted revocable, royalty-free, non-exclusive licenses it is the intention of the United States not to issue additional similar licenses or to reissue any such licenses which have been cancelled or revoked.

“With respect to the revocable, royalty-free, non-exclusive licenses granted by the United States, members of the Italian delegation have inquired whether the United States Government will object if, after the return of such properties, the owners negotiate with the licensees with a view to altering the terms of the licenses granted to them by the United States. It is not the intention of the United States to interpose any objection to such negotiations, provided that such negotiations and any changes in the terms of the licenses are in conformity with all laws of the United States, including the anti-trust laws. Also, it must be clearly understood that the United States assumes no obligations with respect to these negotiations and the licensees are in no way obligated to negotiate any changes in the terms of the licenses granted to them by the United States.”

Accept, Sir, the renewed assurances of my highest consideration.

ROBERT A. LOVETT  
*Acting Secretary of State*

The Honorable  
IVAN MATTEO LOMBARDO,  
*Chief of the Italian Economic  
and Financial Delegation.*

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*The Chief of the Italian Economic and Financial Delegation to the Acting  
Secretary of State*

AUGUST 14, 1947

SIR:  
I have the honor to acknowledge receipt of your note of this date, in the following terms:

[For text of U.S. note, see above.]

I appreciate very much the information set forth in your note.

LOMBARDO  
*Chief of the Italian Economic  
and Financial Delegation*

The Honorable  
ROBERT A. LOVETT,  
*Acting Secretary of State.*

*The Chief of the Italian Economic and Financial Delegation to the Acting  
Secretary of State*

AUGUST 14, 1947

SIR:

I wish to express my satisfaction at the successful conclusion of discussions with the Government of the United States of America concerning commercial policy and related matters of mutual interest in furthering the economic relations between the Governments of the United States of America and Italy.

I am authorized to inform you that my Government agrees to the following understandings which have resulted from these discussions:

1. The two Governments affirm their continued support of the principles set forth in the notes exchanged between them December 6, 1945,<sup>19</sup> and reiterate their desire to achieve the elimination of all forms of discriminatory treatment in international commerce and the reduction of tariffs and other trade barriers.

2. The two Governments having already entered into preliminary discussions concerning a comprehensive treaty of friendship, commerce and navigation which will regulate to their mutual satisfaction economic relations between the two countries, express their intention to enter into negotiations looking toward the conclusion of such a treaty this year. Meanwhile, the two Governments will continue to accord to articles the growth, produce or manufacture of the other, unconditional most-favored-nation treatment with respect to customs duties, the rules and formalities of customs, and the taxation, sale, distribution, and use within its territory of such articles.

I am also authorized, on behalf of my Government, to advise you that the Government of Italy has been following with deep interest the steps being taken to form an international trade organization of the United Nations and is in full agreement on the fundamental principles of the proposed charter for such an organization.

Accept, Sir, the renewed assurances of my highest consideration.

LOMBARDO  
*Chief of the Italian Economic  
and Financial Delegation*

The Honorable  
ROBERT A. LOVETT,  
*Acting Secretary of State.*

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<sup>19</sup> EAS 492, *ante*, p. 190.

*The Acting Secretary of State to the Chief of the Italian Economic  
and Financial Delegation*

AUGUST 14, 1947

SIR:

I have the honor to acknowledge receipt of your note of this date in the following terms:

[For text of Italian note, see above.]

On behalf of my Government, I wish to confirm to you the agreements set forth in your note. I also wish to express my Government's appreciation for the views you have stated, on behalf of your Government, with respect to the International Trade Organization.

Accept, Sir, the renewed assurances of my highest consideration.

ROBERT A. LOVETT  
*Acting Secretary of State*

The Honorable  
IVAN MATTEO LOMBARDO,  
*Chief of the Italian Economic  
and Financial Delegation.*

## MILITARY AND CIVIL AFFAIRS

*Exchange of notes at Rome September 3, 1947*

*Entered into force September 3, 1947; part I of annex operative September 15, 1947, part II September 3, 1947*

*Terminated upon fulfillment of its terms*

61 Stat. 3661; Treaties and Other  
International Acts Series 1694

*The American Ambassador to the Minister of Foreign Affairs*

F.O. No. 441

ROME, September 3, 1947

YOUR EXCELLENCY,

Article 73 of the Treaty of Peace<sup>1</sup> between the Allied and Associated Powers and Italy, provides that all Armed Forces of the Allied and Associated Powers shall be withdrawn from Italy as soon as possible and in any case not later than ninety days from the coming into force of the Peace Treaty. The numbers of the Armed Forces of the United States in Italy have, as the Italian Government is aware, been progressively reduced and it is the desire of the United States Government that those few that still remain shall be withdrawn with the least possible delay. Further, as from the date of entry into force of the Treaty of Peace, it will be necessary for Allied Military Government, which has long been restricted to the part of Venezia Giulia west of the so-called Morgan Line and to the Province of Udine, to be finally brought to an end.

In order (1) that the position of the aforesaid United States Forces during the period while they remain in Italy may be defined, particularly as regards matters of jurisdiction, and that certain ambiguities which otherwise might arise in regard to the facilities to be afforded them may be removed, and in order (2) to provide for the smooth transfer of responsibility from the hands of Allied Military Government to the hands of the Italian Government, discussions have taken place between representatives of the United States Government and the Italian Government who have agreed upon the provisions set out in the annex of which Part I relates to the position of the United States Forces and Part II to the transfer of responsibility of the Allied Military Government.

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<sup>1</sup> Treaty signed at Paris Feb. 10, 1947 (TIAS 1648), *ante*, vol. 4, p. 334.

I have the honor to inform your Excellency that the United States Government has confirmed its approval of these provisions and to suggest that if the Italian Government is prepared to do likewise, the present Note together with your Excellency's reply shall be regarded as constituting an agreement between our two Governments on the matter which will enter into force (1) simultaneously with the Peace Treaty between the Allied and Associated Powers and Italy as regards the provisions in part I of the annex, and (2) as from today's date as regards the provisions of part II.

Accept, Excellency, the renewed assurances of my highest consideration.

JAMES CLEMENT DUNN

Enclosure:

Military and Civil Affairs  
Agreement (Annex).

His Excellency

COUNT CARLO SFORZA,  
*Minister of Foreign Affairs,*  
*Rome.*

ANNEX

PART I

1.

A. The United States Forces, including their equipment and stores, shall continue to enjoy, generally, those immunities and facilities which have been afforded them hitherto, when present in or passing through, Italy. In availing themselves of these immunities and facilities, the United States Forces will take due account of the interests of the Italian population.

B. Supplementary agreements on points of detail have been or will be made between the United States High Command and the appropriate Italian authorities.

2.

A. The United States Forces shall, in agreement with the competent Italian authorities, continue to enjoy such facilities for movement in and through Italy; including Italian waters and the air space over Italian territory, as are necessary for their complete and early withdrawal.

B. The Italian Government agrees to accord the United States Forces all facilities afforded by Italian ports (including dockyards, dry docks and ship repairing facilities), public services, utilities, railroads, land waterways, telecommunications, and airfields which the Commanding General may request to effect prompt withdrawal of United States Forces for which purpose

the Italian Government will afford the necessary priorities. In particular the Italian Government agrees that for mutual convenience special areas in Italian ports may continue to be designated by the Commanding General for the exclusive use of the United States Forces. The Commanding General may continue to police such areas and control the operation of port facilities therein. The Italian Government further agrees that the Commanding General shall have all rights necessary to the creation or maintenance for such time as shall appear necessary of such ports, camps, stations, hospitals, shops, depots, staging areas and such other military facilities and installations as he may determine to be necessary for the purpose of this agreement.

C. The United States High Command shall be entitled to participate, on basis of agreements to be made with competent Italian authorities, in any organization that the Italian authorities may set up for the control and safety of air traffic and of aircraft flying over Italian territory.

3.

Pending the completion of their withdrawal, the United States Forces may continue to use such of the premises which they at present occupy, for so long as the United States High Command consider necessary. All premises will be vacated as soon as possible and in any case not later than ninety days after the coming into force of the Peace Treaty except for some warehouses which may be required for a short period thereafter for the storage of equipment which is required for use up to the date of final withdrawal and which cannot be shipped on that date.

4.

In order to meet the signals and postal requirements of the United States Forces.

A. The Italian Government and the United States High Command will cooperate with a view to the use, by the latter, with the same right of priority as hitherto of such Italian telecommunications, radar and other communication services, including radio aids, as may be required for the purposes of the United States Forces.

B. The United States High Command shall be entitled to continue to maintain and operate such radio and radar stations and landline communications networks as are necessary for the purposes of the United States Forces and to use United States codes, cyphers and security equipment.

C. The competent Italian authorities and the United States High Command will continue to cooperate as hitherto with a view to the coordination, regulations, and allocation of all frequencies required for radio communications networks and radar installations.

D. The United States Forces may continue to conduct their own postal system and to retain existing postal arrangements and franking privileges.

5.

The United States Forces may continue to engage local civilian labor as required, either directly or through the intermediary of the competent local Italian authorities at current wage rates.

6.

The United States Forces shall, within the limits of their necessities in Italy, continue to have the right to purchase local produce, supplies and manufactured goods in Italy, either directly or through the intermediary of the competent local Italian authorities. In order that such purchases may not have an adverse effect upon Italian economy the United States High Command will come to an understanding with appropriate Italian authorities upon the particular articles which, from time to time, shall be excluded from local purchases by the United States Forces.

7.

The Italian Government agrees that the United States Forces, military and naval courts and commissions shall continue to have exclusive jurisdiction, civil and criminal, over all members of the United States Forces in conformity with arrangements already in force.

8.

The United States Forces and organizations or persons employed by or accompanying these Forces and property belonging to them or to their Government shall continue to be exempt from all Italian taxation (including customs). The United States High Command will continue to take the necessary steps to ensure that such property is not sold to the public in Italy, except in agreement with the Italian Government.

9.

A. The United States Forces shall have the right to police premises and areas set aside for their special use and to employ military police patrols in other areas as may be necessary for the maintenance of good order and discipline of the United States Forces. Persons who are subject to the jurisdiction of the Italian authorities may be arrested by the United States service police within such premises or areas but shall be handed over without delay to competent Italian authorities.

B. The Italian police shall continue to arrest personnel subject to the exclusive jurisdiction of the United States Forces for offenses against Italian law outside the installations, camps, areas and buildings referred to in the

preceding sub-paragraph, and detain them until they can be handed over for disposal to the appropriate United States military authorities. A certificate signed by a United States officer of field grade or equivalent rank that the person to whom it refers belongs to one of the classes of persons mentioned in paragraph 13 below will continue to be conclusive. The procedure for handing over such persons shall continue to be a matter for local arrangements. Immediate notification of any such arrest will be given to the nearest United States military installation.

C. The Italian Government will, at the request of the United States High Command, arrest, detain, and where sufficient evidence is produced, put on trial any persons deemed to be a danger to the security of the United States Forces in Italy. In making such a request for arrest, the United States High Command will state its reason for doing so.

10.

The Commanding General or his representatives and the appropriate Italian authorities will continue to render such mutual assistance as may be required for making investigations, collecting evidence, securing the attendance of witnesses, in relation to cases triable under Allied, United States or Italian jurisdiction and to provide procedure for punishment in appropriate courts of witnesses who refuse or fail to comply with a summons, improperly refuse to testify, or who commit perjury or contempt of court.

11.

The Italian Government agrees that the United States Forces shall have the right to hold, support and transfer any displaced persons, refugees or other internees who have not previously been transferred to the care of some other government or organization and for whose care the United States or Allied authorities may be responsible upon the coming into force of the treaty of peace, and to afford the United States Forces such facilities and assistance as may be required for the above mentioned purposes.

12.

The Italian Government will continue to make available all services and facilities required by the United States Armed Forces during this period on the same basis as in the past, in consideration for which the United States Government shall pay to the Italian Government the amount of \$250,000, which amount shall be considered as full compensation for all such services and facilities furnished by the Italian Government under the terms of this Agreement. All other financial arrangements in effect between the Armed Forces of the United States and the Italian Government on February 1, 1947, shall continue in effect for the period of this Agreement.

13.

The term "United States Forces" when used in this agreement shall be defined as United States Armed Forces including persons of non-Italian nationality not belonging to such forces but who are employed by or who accompany or serve with those forces and the dependents of such persons, and Governmental organizations and accredited agencies operating under or in conjunction with such forces whenever applicable. Included in the foregoing are:

CLASS I. United States citizens who are:

1. War Department civilian employees
2. Personnel of the American Red Cross
3. Personnel employed by the Army Exchange Service
4. Other personnel possessing United States Armed Forces orders, for the period covered by the order.

CLASS II. United States citizens and aliens who are:

1. Dependents of United States Armed Forces personnel, regardless of nationality.
2. Dependents of Class I personnel indicated above.

## PART II

14.

The responsibility for the areas at present under Allied Military Government will pass to the Italian Government on the date of the entry into force of the Peace Treaty. In order that the transfer of responsibility may be effected as smoothly and efficiently as possible, the United States High Command will make necessary arrangements with competent Italian authorities with the object of ensuring that necessary Italian personnel may in good time be put in a position to replace United States personnel exercising military government functions.

15.

The United States High Command may, up to the end of the ninety day period for the withdrawal of the United States Forces from Italy, continue to conduct and complete the trial by Military Government Courts of any person charged with an offense before the date of the entry into force of the Peace Treaty and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Government, or cognizable under Italian law if committed against persons, property or security of the Allied Forces.

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

THE MINISTER OF FOREIGN AFFAIRS

ROME, *September 3, 1947*

MR. AMBASSADOR:

By the note of today's date addressed to me, Your Excellency was good enough to inform me as follows:

[For text of U.S. note, see above.]

I have the honor to inform Your Excellency that the Italian Government is in agreement with the proposal made by you in the preceding note and approves for its part the provisions contained in the Annex attached to the said note, the text of which in the Italian language is enclosed with the present letter.

Please accept, Mr. Ambassador, the assurances of my highest consideration.

SFORZA

His Excellency

JAMES CLEMENT DUNN

*Ambassador of the United States of America*  
*Rome*

## RELIEF ASSISTANCE

*Agreement signed at Rome January 3, 1948, with annex*

*Entered into force January 3, 1948*

*Extended by agreement of December 30, 1948<sup>1</sup>*

*Expired June 30, 1949*

62 Stat. 1807; Treaties and Other  
International Acts Series 1678

### AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND ITALY

The GOVERNMENT OF THE UNITED STATES OF AMERICA and the GOVERNMENT OF ITALY,

Considering the desire of the people of the United States of America to provide immediate assistance to the people of Italy, and

Considering that the enactment by the United States of America of the Foreign Aid Act of 1947<sup>2</sup> (hereinafter referred to as the Act) provides the basis of such assistance to the people of Italy, have agreed as follows:

#### ARTICLE I

1. The Government of the United States of America will, subject to the provisions of the Act and of appropriation acts thereunder and of this Agreement, aid the people of Italy by making available such commodities (including storage, transportation, and shipping services related thereto) or by providing for the procurement thereof through credits under the control of the Government of the United States of America, to the Government of Italy or to any person, agency, or organization designated to act on behalf of the Government of Italy, as may from time to time be requested by the Government of Italy and authorized by the Act and by the Government of the United States of America. This Agreement, however, implies no present or future obligation upon the Government of the United States of America to give assistance to the people of Italy, nor does it imply or guarantee the availability of any specific commodities or categories of commodities, nor shall it imply the payment by the Government of the United States of America for any storage, transportation, handling, or shipping services within Italy.

2. All commodities made available pursuant to this Agreement will be procured in the United States of America, unless permitted to be procured elsewhere under the provisions of Section 4 of the Act and unless otherwise

<sup>1</sup> 62 Stat. 3650; TIAS 1885.

<sup>2</sup> 61 Stat. 934.

expressly agreed between the two Governments. Petroleum and petroleum products will, to the maximum extent practicable, be procured from sources outside of the United States of America and will be transported to Italy by the most economical route from the source of supply.

## ARTICLE II

The Government of Italy, having been fully informed as to the provisions of the Act, hereby affirms that it accepts and will perform the undertakings specified in Section 5 thereof, as well as those provided for in Section 7 of the Act insofar as action by it may be required for implementation of such latter Section.

## ARTICLE III

1. The Government of the United States of America, pursuant to the requirements of Section 6 of the Act, reserves the right at any time to terminate its aid provided under Article I, paragraph 1, of this Agreement.

2. This Agreement, together with the Annex attached thereto, shall take effect on the date of its signature and shall apply to all commodities made available to the Government of Italy under the Act. It shall remain in effect until December 31, 1948, or such earlier date as may be agreed by the two Governments.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments for that purpose, have affixed their respective signatures to this Agreement.

DONE at Rome, in duplicate, in the English and Italian languages, this Third day of January 1948.

For the Government of the United States of America

JAMES CLEMENT DUNN

For the Italian Government

DE GASPERI  
SFORZA

## ANNEX

### SECTION I

1. In the case of any commodity made available pursuant to this Agreement or in the case of credits established under the Act being debited pursuant thereto in respect to the furnishing of any such commodity, the Government of Italy will, forthwith upon notification by the Government of the United States of America, deposit in a special account in the Bank of Italy in the name of the Government of Italy, an amount in Italian currency equivalent to the dollar amount stated in the notification. The amount

so stated will be either the dollar cost in respect to such commodity (including storage, transportation, and shipping services related thereto) which is indicated as chargeable to appropriations under the Act, or the amount of the debit, as the case may be. The amount deposited in Italian currency will be computed at the most favorable rate of exchange in terms of United States dollars, authorized under the Articles of Agreement of the International Monetary Fund,<sup>3</sup> then applicable to imports of any commodity into Italy.

2. The funds in such special account, or prior advances in agreed amounts, will be used for administrative expenses of the Government of the United States of America, in Italian currency, incident to its operations within Italy under this Agreement. The remainder of such funds may be used for the following additional purposes:

(a) for effective retirement of the national debt of Italy or for irrevocable withdrawal of currency from circulation, and

(b) for such other purposes, including measures to promote the stabilization of Italian currency, as may hereafter be mutually agreed by the two Governments.

3. Any unencumbered balance remaining in such account on June 30, 1948 will be disposed of within Italy for such purposes as may hereafter be agreed between the two Governments, it being understood that the agreement of the United States of America is subject to approval by Act or Joint Resolution of the Congress.

4. The provisions of this Section shall remain in effect until superseded by a further Agreement between the two Governments.

## SECTION II

Any commodities made available under this Agreement by the Government of the United States of America, unless substantially altered from the form in which furnished, and substantially identical commodities within Italy from whatever source procured, will not be removed or permitted to be removed from the territory of the Government of Italy, unless it is agreed between the two Governments that such commodities are no longer needed in Italy or that the export of such commodities would yield a commensurate benefit, not inconsistent with the purposes of the Act as set forth in Section 2 thereof, to the economy of Italy, or unless otherwise expressly agreed between the two Governments.

## SECTION III

The Government of Italy will furnish such statements and information relating to operations under this Agreement as may from time to time be requested by the Government of the United States of America.

<sup>3</sup> TIAS 1501, *ante*, vol. 3, p. 1351.

## WAR GRAVES

*Exchange of notes at Washington December 18, 1947, and January 21, 1948, amending agreement of September 13 and 24, 1946*  
*Entered into force January 21, 1948*  
*Amended by agreement of March 24 and April 19, 1948*<sup>1</sup>

62 Stat. 1889; Treaties and Other  
International Acts Series 1743

### *The Italian Embassy to the Department of State*

ITALIAN EMBASSY  
WASHINGTON, D.C.

No. 11332

The Italian Embassy presents its compliments to the Department of State and has the honor to bring to the Department's attention a new provision adopted by the Italian Government with regard to American war cemeteries.

As known to the Department of State, article 3 [III] of the agreement reached through an exchange of notes in September 1946<sup>2</sup> at Rome, between the Italian Ministry of Foreign Affairs and the United States Embassy, provides that "if in the future the Government of the United States wishes to establish permanent cemeteries or erect memorials in Italy, the Italian Government will exercise its power of Eminent Domain to acquire title to such sites and grant to the United States the right of use therein in perpetuity upon payment by the United States of cost compensation therefore".

Upon instructions received, the Italian Embassy has the honor to inform the Department of State that the Italian Government, wishing to give a token of friendship to the Government and people of the United States, has now decided to grant the American Government the free use of the sites selected for the establishment of war cemeteries.

It would have been the sincere desire of the Italian Government to proceed to a veritable donation of the land involved, but it was not possible to reach such a solution because not consented by existing regulations. On the other hand the advantages that the American Government will draw from such a free cession will be practically the same as those deriving from a

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<sup>1</sup> TIAS 1743, *post*, p. 304.

<sup>2</sup> TIAS 1713, *ante*, p. 194.

donation, since the free use is granted for as long as the selected sites will be destined to military cemeteries.

In the light of the foregoing the Italian Government has the honor to request the American Government to consider the first paragraph of article 3<sup>3</sup> of the aforesaid agreement modified as follows: "The Italian Government grants gratuitously to the American Government right of use of the sites selected for permanent American military cemeteries in Italy, to last as long as the American authorities will use such sites as war cemeteries".

A. T.

*Washington, D.C., December 18, 1947.*

DEPARTMENT OF STATE  
*Washington, D.C.*

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*The Secretary of State to the Italian Ambassador*

DEPARTMENT OF STATE  
WASHINGTON  
*Jan. 21, 1948.*

EXCELLENCY:

I have the honor to acknowledge the receipt of your note no. 11332 of December 18, 1947 stating that the Italian Government has decided, as a token of friendship to the Government and people of the United States, to grant to the Government of the United States the free use of the sites selected as permanent United States military cemeteries and proposing that the first paragraph of Article 3 of the agreement reached by an exchange of notes in September 1946 between the Italian Ministry of Foreign Affairs and the American Embassy at Rome be modified to read as follows: "The Italian Government grants gratuitously to the American Government the right of use of the sites selected for permanent American military cemeteries in Italy, to last as long as the American authorities will use such sites as war cemeteries."

I wish to express to you and through you to the Italian Government the profound appreciation of the Government and people of the United States for this most generous gift which will further strengthen the strong bonds of sympathy and friendship between our two countries. To all Americans, and particularly to those who lost their loved ones in the course of our common effort against the enemy, the land so graciously offered by the Italian Government will forever be hallowed land. On their behalf I assure you of the heartfelt thanks and gratitude for this most magnanimous gift.

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<sup>3</sup> For an amendment, see exchange of notes of Mar. 24 and Apr. 19, 1948 (TIAS 1743), *post*, p. 304.

The Government of the United States is happy to agree to the proposed change in Article 3 of the agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

JOHN E. PEURIFOY

His Excellency

Signor ALBERTO TARCHIANI,

*Italian Ambassador.*

## FRIENDSHIP, COMMERCE, AND NAVIGATION

*Treaty, protocol, additional protocol, and exchanges of notes signed at Rome February 2, 1948*

*Senate advice and consent to ratification June 2, 1948*

*Ratified by the President of the United States June 16, 1949*

*Ratified by Italy June 18, 1949*

*Ratifications exchanged at Rome July 26, 1949*

*Entered into force July 26, 1949*

*Proclaimed by the President of the United States August 5, 1949*

*Supplemented by agreement of September 26, 1951*<sup>1</sup>

63 Stat. 2255; Treaties and Other  
International Acts Series 1965

### TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND THE ITALIAN REPUBLIC

The UNITED STATES OF AMERICA and the ITALIAN REPUBLIC, desirous of strengthening the bond of peace and the traditional ties of friendship between the two countries and of promoting closer intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of their peoples, have resolved to conclude a Treaty of Friendship, Commerce and Navigation based in general upon the principles of national and of most-favored-nation treatment in the unconditional form, and for that purpose have appointed as their Plenipotentiaries,

The President of the United States of America:

Mr. James Clement Dunn, *Ambassador Extraordinary and Plenipotentiary of the United States of America to the Italian Republic,*

and,

The President of the Italian Republic:

The Honorable Carlo Sforza, *Minister Secretary of State for Foreign Affairs.*

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following Articles:

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<sup>1</sup> 12 UST 131; TIAS 4685.

## ARTICLE I

1. The nationals of either High Contracting Party shall be permitted to enter the territories of the other High Contracting Party, and shall be permitted freely to reside and travel therein.

2. The nationals of either High Contracting Party shall, within the territories of the other High Contracting Party, be permitted, without interference, to exercise, in conformity with the applicable laws and regulations, the following rights and privileges upon terms no less favorable than those now or hereafter accorded to nationals of such other High Contracting Party:

(a) to engage in commercial, manufacturing, processing, financial, scientific, educational, religious, philanthropic and professional activities except the practice of law;<sup>2</sup>

(b) to acquire, own, erect or lease, and occupy appropriate buildings, and to lease appropriate lands, for residential, commercial, manufacturing, processing, financial, professional, scientific, educational, religious, philanthropic and mortuary purposes;

(c) to employ agents and employees of their choice regardless of nationality; and

(d) to do anything incidental to or necessary for the enjoyment of any of the foregoing rights and privileges.

3. Moreover, the nationals of either High Contracting Party shall not in any case, with respect to the matters referred to in paragraphs 1 and 2 of this Article, receive treatment less favorable than the treatment which is or may hereafter be accorded to the nationals of any third country.

4. The provisions of paragraph 1 of this Article shall not be construed to preclude the exercise by either High Contracting Party of reasonable surveillance over the movement and sojourn of aliens within its territories or the enforcement of measures for the exclusion or expulsion of aliens for reasons of public order, morals, health or safety.

## ARTICLE II

1. As used in this Treaty the term "corporations and associations" shall mean corporations, companies, partnerships and other associations, whether or not with limited liability and whether or not for pecuniary profit, which have been or may hereafter be created or organized under the applicable laws and regulations.

2. Corporations and associations created or organized under the applicable laws and regulations within the territories of either High Contracting Party shall be deemed to be corporations and associations of such High

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<sup>2</sup> See also para. 4 of protocol, p. 283.

Contracting Party and shall have their juridical status recognized within the territories of the other High Contracting Party whether or not they have a permanent establishment, branch or agency therein.

3. Corporations and associations of either High Contracting Party shall, within the territories of the other High Contracting Party, be permitted, without interference, to exercise all the rights and privileges enumerated in paragraph 2 of Article I, in conformity with the applicable laws and regulations, upon terms no less favorable than those now or hereafter accorded to corporations and associations of such other High Contracting Party. The preceding sentence, and all other provisions of this Treaty according to corporations and associations of the Italian Republic rights and privileges upon terms no less favorable than those now or hereafter accorded to corporations and associations of the United States of America, shall be construed as according such rights and privileges, in any state, territory or possession of the United States of America, upon terms no less favorable than those upon which such rights and privileges are or may hereafter be accorded therein to corporations and associations created or organized in other states, territories or possessions of the United States of America.

4. Moreover, corporations and associations of either High Contracting Party shall not in any case, with respect to the matters referred to in this Article, receive treatment less favorable than the treatment which is or may hereafter be accorded to corporations and associations of any third country.

### ARTICLE III

1. The nationals, corporations and associations of either High Contracting Party shall enjoy, throughout the territories of the other High Contracting Party, rights and privileges with respect to organization of and participation in corporations and associations of such other High Contracting Party, including the enjoyment of rights with respect to promotion and incorporation, the purchase, ownership and sale of shares and, in the case of nationals, the holding of executive and official positions, in conformity with the applicable laws and regulations, upon terms no less favorable than those now or hereafter accorded to nationals, corporations and associations of any third country. Corporations and associations of either High Contracting Party, organized or participated in by nationals, corporations and associations of the other High Contracting Party pursuant to the rights and privileges enumerated in this paragraph, and controlled by such nationals, corporations and associations, shall be permitted to exercise the functions for which they are created or organized, in conformity with the applicable laws and regulations, upon terms no less favorable than those now or hereafter accorded to corporations and associations that are similarly organized or participated in, and controlled, by nationals, corporations and associations of any third country.

2. The nationals, corporations and associations of either High Contracting Party shall be permitted, in conformity with the applicable laws and regulations within the territories of the other High Contracting Party, to organize, control and manage corporations and associations of such other High Contracting Party for engaging in commercial, manufacturing, processing, mining, educational, philanthropic, religious and scientific activities. Corporations and associations, controlled by nationals, corporations and associations of either High Contracting Party and created or organized under the applicable laws and regulations within the territories of the other High Contracting Party, shall be permitted to engage in the aforementioned activities therein, in conformity with the applicable laws and regulations, upon terms no less favorable than those now or hereafter accorded to corporations and associations of such other High Contracting Party controlled by its own nationals, corporations and associations.

#### ARTICLE IV

The nationals, corporations and associations of either High Contracting Party shall be permitted within the territories of the other High Contracting Party to explore for and to exploit mineral resources, in conformity with the applicable laws and regulations, upon terms no less favorable than those now or hereafter accorded to nationals, corporations and associations of any third country.

#### ARTICLE V

1. The nationals of each High Contracting Party shall receive, within the territories of the other High Contracting Party, the most constant protection and security for their persons and property, and shall enjoy in this respect the full protection and security required by international law. To these ends, persons accused of crime shall be brought to trial promptly, and shall enjoy all the rights and privileges which are or may hereafter be accorded by the applicable laws and regulations; and nationals of either High Contracting Party, while within the custody of the authorities of the other High Contracting Party, shall receive reasonable and humane treatment. In so far as the term "nationals" where used in this paragraph is applicable in relation to property it shall be construed to include corporations and associations.

2. The property of nationals, corporations and associations of either High Contracting Party shall not be taken within the territories of the other High Contracting Party without due process of law and without the prompt payment of just and effective compensation. The recipient of such compensation shall, in conformity with such applicable laws and regulations as are not inconsistent with paragraph 3 of Article XVII of this Treaty, be permitted without interference to withdraw the compensation by obtaining foreign exchange, in the currency of the High Contracting Party of which such

recipient is a national, corporation or association, upon the most favorable terms applicable to such currency at the time of the taking of the property, and exempt from any transfer or remittance tax, provided application for such exchange is made within one year after receipt of the compensation to which it relates.<sup>3</sup>

3. The nationals, corporations and associations of either High Contracting Party shall within the territories of the other High Contracting Party receive protection and security with respect to the matters enumerated in paragraphs 1 and 2 of this Article, upon compliance with the applicable laws and regulations, no less than the protection and security which is or may hereafter be accorded to the nationals, corporations and associations of such other High Contracting Party and no less than that which is or may hereafter be accorded to the nationals, corporations and associations of any third country. Moreover, in all matters relating to the taking of privately owned enterprises into public ownership and the placing of such enterprises under public control, enterprises in which nationals, corporations and associations of either High Contracting Party have a substantial interest shall be accorded, within the territories of the other High Contracting Party, treatment no less favorable than that which is or may hereafter be accorded to similar enterprises in which nationals, corporations and associations of such other High Contracting Party have a substantial interest, and no less favorable than that which is or may hereafter be accorded to similar enterprises in which nationals, corporations and associations of any third country have a substantial interest.

4. The nationals, corporations and associations of either High Contracting Party shall enjoy freedom of access to the courts of justice and to administrative tribunals and agencies in the territories of the other High Contracting Party, in all degrees of jurisdiction established by law, both in pursuit and in defense of their rights; shall be at liberty to choose and employ lawyers and representatives in the prosecution and defense of their rights before such courts, tribunals and agencies; and shall be permitted to exercise all these rights and privileges, in conformity with the applicable laws and regulations, upon terms no less favorable than the terms which are or may hereafter be accorded to the nationals, corporations and associations of the other High Contracting Party and no less favorable than are or may hereafter be accorded to the nationals, corporations and associations of any third country. Moreover, corporations and associations of either High Contracting Party which are not engaged in business or in nonprofit activities within the territories of the other High Contracting Party shall be permitted to exercise the rights and privileges accorded by the preceding sentence without any requirement of registration or domestication.

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<sup>3</sup> See also para. 1 of protocol, p. 282, and paras. 5 and 6 of additional protocol, p. 285.

## ARTICLE VI

The dwellings, warehouses, factories, shops, and other places of business, and all premises thereto appertaining, of the nationals, corporations and associations of either High Contracting Party, located in the territories of the other High Contracting Party, shall not be subject to unlawful entry or molestation. There shall not be made any visit to, or any search of, any such dwellings, buildings or premises, nor shall any books, papers or accounts therein be examined or inspected, except under conditions and in conformity with procedures no less favorable than the conditions and procedures prescribed for nationals, corporations and associations of such other High Contracting Party under the applicable laws and regulations within the territories thereof. In no case shall the nationals, corporations or associations of either High Contracting Party in the territories of the other High Contracting Party be treated less favorably with respect to the foregoing matters than the nationals, corporations or associations of any third country. Moreover, any visit, search, examination or inspection which may be permissible under the exception stated in this Article shall [be] made with due regard for, and in such a way as to cause the least possible interference with, the occupants of such dwellings, buildings or premises or the ordinary conduct of any business or other enterprise.

## ARTICLE VII

1. The nationals, corporations and associations of either High Contracting Party shall be permitted to acquire, own and dispose of immovable property or interests therein within the territories of the other High Contracting Party upon the following terms:

(a) in the case of nationals, corporations and associations of the Italian Republic, the right to acquire, own and dispose of such property and interests shall be dependent upon the laws and regulations which are or may hereafter be in force within the state, territory or possession of the United States of America wherein such property or interests are situated; and

(b) in the case of nationals, corporations and associations of the United States of America, the right to acquire, own and dispose of such property and interests shall be upon terms no less favorable than those which are or may hereafter be accorded by the state, territory or possession of the United States of America in which such national is domiciled, or under the laws of which such corporation or association is created or organized, to nationals, corporations and associations of the Italian Republic; provided that the Italian Republic shall not be obligated to accord to nationals, corporations and associations of the United States of America rights in this connection more extensive than those which are or may hereafter be accorded within the

territories of such Republic to nationals, corporations and associations of such Republic.

2. If a national, corporation or association of either High Contracting Party, whether or not resident and whether or not engaged in business or other activities within the territories of the other High Contracting Party, is on account of alienage prevented by the applicable laws and regulations within such territories from succeeding as devisee, or as heir in the case of a national, to immovable property situated therein, or to interests in such property, then such national, corporation or association shall be allowed a term of three years in which to sell or otherwise dispose of such property or interests, this term to be reasonably prolonged if circumstances render it necessary. The transmission or receipt of such property or interests shall be exempt from the payment of any estate, succession, probate or administrative taxes or charges higher than those now or hereafter imposed in like cases of nationals, corporations or associations of the High Contracting Party in whose territory the property is or the interests therein are situated.

3. The nationals of either High Contracting Party shall have full power to dispose of personal property of every kind within the territories of the other High Contracting Party, by testament, donation or otherwise and their heirs, legatees or donees, being persons of whatever nationality or corporations or associations wherever created or organized, whether resident or non-resident and whether or not engaged in business within the territories of the High Contracting Party where such property is situated, shall succeed to such property, and shall themselves or by their agents be permitted to take possession thereof, and to retain or dispose of it at their pleasure. Such disposition, succession and retention shall be subject to the provisions of Article IX and exempt from any other charges higher, and from any restrictions more burdensome, than those applicable in like cases of nationals, corporations and associations of such other High Contracting Party. The nationals, corporations and associations of either High Contracting Party shall be permitted to succeed, as heirs, legatees and donees, to personal property of every kind within the territories of the other High Contracting Party, left or given to them by nationals of either High Contracting Party or by nationals of any third country, and shall themselves or by their agents be permitted to take possession thereof, and to retain or dispose of it at their pleasure. Such disposition, succession and retention shall be subject to the provisions of Article IX and exempt from any other charges, and from any restrictions, other or higher than those applicable in like cases of nationals, corporations and associations of such other High Contracting Party. Nothing in this paragraph shall be construed to affect the laws and regulations of either High Contracting Party prohibiting or restricting the direct or indirect ownership by aliens or foreign corporations and associations of the shares in, or instru-

ments of indebtedness of, corporations and associations of such High Contracting Party carrying on particular types of activities.

4. The nationals, corporations and associations of either High Contracting Party shall, subject to the exceptions in paragraph 3 of Article IX, receive treatment in respect of all matters which relate to the acquisition, ownership, lease, possession or disposition of personal property, no less favorable than the treatment which is or may hereafter be accorded to nationals, corporations and associations of any third country.

#### ARTICLE VIII

The nationals, corporations and associations of either High Contracting Party shall enjoy, within the territories of the other High Contracting Party, all rights and privileges of whatever nature in regard to patents, trade marks, trade labels, trade names and other industrial property, upon compliance with the applicable laws and regulations respecting registration and other formalities, upon terms no less favorable than are or may hereafter be accorded to the nationals, corporations and associations of such other High Contracting Party, and no less favorable than the treatment now or hereafter accorded to nationals, corporations and associations of any third country.

#### ARTICLE IX

1. Nationals, corporations and associations of either High Contracting Party shall not be subjected to the payment of internal taxes, fees and charges imposed upon or applied to income, capital, transactions, activities or any other object, or to requirements with respect to the levy and collection thereof, within the territories of the other High Contracting Party:

(a) more burdensome than those borne by nationals, residents, and corporations and associations of any third country;

(b) more burdensome than those borne by nationals, corporations and associations of such other High Contracting Party, in the case of persons resident or engaged in business within the territories of such other High Contracting Party, and in the case of corporations and associations engaged in business therein, or organized and operated exclusively for scientific, educational, religious or philanthropic purposes.

2. In the case of corporations and associations of either High Contracting Party engaged in business within the territories of the other High Contracting Party, and in the case of nationals of either High Contracting Party engaged in business within the territories of the other High Contracting Party but not resident therein, such other High Contracting Party shall not impose or apply any internal tax, fee or charge upon any income, capital or other basis in excess of that reasonably allocable or apportionable to its territories, nor grant deductions and exemptions less than those reasonably allocable or apportion-

able to its territories. A comparable rule shall apply also in the case of corporations and associations organized and operated exclusively for scientific, educational, religious or philanthropic purposes.

3. Notwithstanding the provisions of paragraph 1 of the present Article, each High Contracting Party reserves the right to: (a) extend specific advantages as to taxes, fees and charges to nationals, residents, and corporations and associations of all foreign countries on the basis of reciprocity; (b) accord to nationals, residents, and corporations and associations of a third country special advantages by virtue of an agreement with such country for the avoidance of double taxation or the mutual protection of revenue; and (c) accord to its own nationals and to residents of contiguous countries more favorable exemptions of a personal nature than are accorded to other nonresident persons.

#### ARTICLE X

Commercial travelers representing nationals, corporations or associations of either High Contracting Party engaged in business within the territories thereof, shall, upon their entry into and sojourn within the territories of the other High Contracting Party and on departure therefrom, be accorded treatment no less favorable than the treatment now or hereafter accorded to commercial travelers of any third country in respect of customs and other rights and privileges and, subject to the exceptions in paragraph 3 of Article IX, in respect of all taxes and charges applicable to them or to their samples.

#### ARTICLE XI

1. The nationals of either High Contracting Party shall, within the territories of the other High Contracting Party, be permitted to exercise liberty of conscience and freedom of worship, and they may, whether individually, collectively or in religious corporations or associations, and without annoyance or molestation of any kind by reason of their religious belief, conduct services, either within their own houses or within any other appropriate buildings, provided that their teachings or practices are not contrary to public morals or public order.

2. The High Contracting Parties declare their adherence to the principles of freedom of the press and of free interchange of information. To this end, nationals, corporations and associations of either High Contracting Party shall have the right, within the territories of the other High Contracting Party, to engage in such activities as writing, reporting and gathering of information for dissemination to the public, and shall enjoy freedom of transmission of material to be used abroad for publication by the press, radio, motion pictures, and other means. The nationals, corporations and associations of either High Contracting Party shall enjoy freedom of publication in the territories of the other High Contracting Party, in accordance with the applicable laws

and regulations, upon the same terms as nationals, corporations or associations of such other High Contracting Party. The term "information", as used in this paragraph, shall include all forms of written communications, printed matter, motion pictures, recordings and photographs.<sup>4</sup>

3. The nationals of either High Contracting Party shall be permitted within the territories of the other High Contracting Party to bury their dead according to their religious customs in suitable and convenient places which are or may hereafter be established and maintained for the purpose, subject to the applicable mortuary and sanitary laws and regulations.

#### ARTICLE XII

1. The nationals of either High Contracting Party, regardless of alienage or place of residence, shall be accorded rights and privileges no less favorable than those accorded to the nationals of the other High Contracting Party, under laws and regulations within the territories of such other High Contracting Party that (a) establish a civil liability for injury or death, and give a right of action to an injured person, or to the relatives, heirs, dependents or personal representative as the case may be, of an injured or deceased person, or that (b) grant to a wage earner or an individual receiving salary, commission or other remuneration, or to his relatives, heirs or dependents, as the case may be, a right of action, or a pecuniary compensation or other benefit or service, on account of occupational disease, injury or death arising out of and in the course of employment or due to the nature of employment.

2. In addition to the rights and privileges provided in paragraph 1 of this Article, the nationals of either High Contracting Party shall, within the territories of the other High Contracting Party, be accorded, upon terms no less favorable than those applicable to nationals of such other High Contracting Party, the benefits of laws and regulations establishing systems of compulsory insurance, under which benefits are paid without an individual test of financial need: (a) against loss of wages or earnings due to old age, unemployment or sickness or other disability, or (b) against loss of financial support due to the death of father, husband or other person on whom such support had depended.

#### ARTICLE XIII

1. The nationals of each High Contracting Party shall be exempt, except as otherwise provided in paragraph 2 of this Article, from compulsory training or service in the armed forces of the other High Contracting Party, and shall also be exempt from all contributions in money or in kind imposed in lieu thereof.

2. During any period of time when both of the High Contracting Parties are, through armed action in connection with which there is general com-

<sup>4</sup> See also para. 5 of protocol, p. 283.

pulsory service, (a) enforcing measures against the same third country or countries in pursuance of obligations for the maintenance of international peace and security, or (b) concurrently conducting hostilities against the same third country or countries, the exemptions provided in paragraph 1 of this Article shall not apply. However, in such an event the nationals of either High Contracting Party in the territories of the other High Contracting Party, who have not declared their intention to acquire the nationality of such other High Contracting Party, shall be exempt from service in the armed forces of such other High Contracting Party if within a reasonable period of time they elect, in lieu of such service, to enter the armed forces of the High Contracting Party of which they are nationals. In any such situation the High Contracting Parties will make the necessary arrangements for giving effect to the provisions of this paragraph.

#### ARTICLE XIV

1. In all matters relating to (a) customs duties and subsidiary charges of every kind imposed on imports or exports and in the method of levying such duties and charges, (b) the rules, formalities, and charges imposed in connection with the clearing of articles through the customs, and (c) the taxation, sale, distribution or use within the country of imported articles and of articles intended for exportation, each High Contracting Party shall accord to articles the growth, produce or manufacture of the other High Contracting Party, from whatever place arriving, or to articles destined for exportation to the territories of such other High Contracting Party, by whatever route, treatment no less favorable than the treatment now or hereafter accorded to like articles the growth, produce or manufacture of, or destined for, any third country.

2. With respect to the matters referred to in paragraph 1 of this Article, the nationals, corporations and associations of either High Contracting Party shall be accorded, within the territories of the other High Contracting Party, treatment no less favorable than the treatment which is or may hereafter be accorded to the nationals, corporations and associations of such other High Contracting Party; and with respect to such matters the nationals, corporations and associations, vessels and cargoes of either High Contracting Party shall be accorded, within the territories of the other High Contracting Party, treatment no less favorable than the treatment which is or may hereafter be accorded to nationals, corporations and associations, vessels and cargoes of any third country.

3. No prohibition or restriction of any kind shall be imposed by either High Contracting Party on the importation, sale, distribution or use of any article the growth, produce or manufacture of the other High Contracting Party, or on the exportation of any article destined for the territories of the other High Contracting Party, unless the importation, sale, distribution or

use of the like article the growth, produce or manufacture of all third countries, or the exportation of the like article to all third countries, respectively, is similarly prohibited or restricted.<sup>5</sup>

4. If either High Contracting Party imposes any quantitative regulation, whether made effective through quotas, licenses or other measures, on the importation or exportation of any article, or on the sale, distribution or use of any imported article, it shall as a general rule give public notice of the total quantity or value of such article permitted to be imported, exported, sold, distributed or used during a specified period, and of any change in such quantity or value. Furthermore, if either High Contracting Party allots to any third country a share of such total quantity or value of any article in which the other High Contracting Party has an important interest, it shall as a general rule allot to such other High Contracting Party a share of such total quantity or value based upon the proportion of the total quantity or value supplied by, or in the case of exports a share based upon the proportion exported to, the territories of such other High Contracting Party during a previous representative period, account being taken in so far as practicable of any special factors which may have affected or may be affecting the trade in that article. The provisions of this paragraph relating to imported articles shall also apply in respect of the quantity or value of any article permitted to be imported free of duty or tax, or at a lower rate of duty or tax than the rate of duty or tax imposed on imports in excess of such quantity or value.<sup>5</sup>

5. If either High Contracting Party requires documentary proof of origin of imported articles, the requirements imposed therefor shall be reasonable and shall not be such as to constitute an unnecessary hindrance to indirect trade.

#### ARTICLE XV

1. Laws, regulations of administrative authorities and decisions of administrative or judicial authorities of each High Contracting Party that have general application and that pertain to the classification of articles for customs purposes or to rates of duty shall be published promptly in such a manner as to enable traders to become acquainted with them. Such laws, regulations and decisions shall be applied uniformly at all ports of each High Contracting Party, except as otherwise specifically provided for in statutes of the United States of America with respect to the importation of articles into its insular territories and possessions.

2. No administrative ruling by the United States of America effecting advances in rates of duties or charges applicable under an established and uniform practice to imports originating in the territories of the Italian Republic, or imposing any new requirement with respect to such importations, shall as a general rule be applied to articles the growth, produce or manu-

<sup>5</sup> See also paras. 1 and 2 of additional protocol, p. 283.

facture of the Italian Republic already en route at the time of publication thereof in accordance with the preceding paragraph; reciprocally, no administrative ruling by the Italian Republic effecting advances in rates of duties or charges applicable under an established and uniform practice to imports originating in the territories of the United States of America, or imposing any new requirement with respect to such importations, shall as a general rule be applied to articles the growth, produce or manufacture of the United States of America already en route at the time of publication thereof in accordance with the preceding paragraph. However, if either High Contracting Party customarily exempts from such new or increased obligations articles entered for consumption or withdrawn from warehouse for consumption during a period of thirty days after the date of such publication, such practice shall be considered full compliance by such High Contracting Party with this paragraph. The provisions of this paragraph shall not apply to administrative orders imposing antidumping or countervailing duties or relating to regulations for the protection of human, animal or plant life or health, or relating to public safety, or giving effect to judicial decisions.

3. Each High Contracting Party shall provide some administrative or judicial procedure under which the nationals, corporations and associations of the other High Contracting Party, and importers of articles the growth, produce or manufacture of such other High Contracting Party, shall be permitted to appeal against fines and penalties imposed upon them by the customs authorities, confiscations by such authorities and rulings of such authorities on questions of customs classification and of valuation of articles for customs purposes. Greater than nominal penalties shall not be imposed by either High Contracting Party in connection with any importation by the nationals, corporations or associations of the other High Contracting Party, or in connection with the importation of articles the growth, produce or manufacture of such other High Contracting Party, because of errors in documentation which are obviously clerical in origin or with regard to which good faith can be established.

4. Each High Contracting Party will accord sympathetic consideration to such representations as the other High Contracting Party may make with respect to the operation or administration of import or export prohibitions or restrictions, quantitative regulations, customs regulations or formalities, or sanitary laws or regulations for the protection of human, animal or plant life or health.

#### ARTICLE XVI

1. Articles the growth, produce or manufacture of either High Contracting Party, imported into the territories of the other High Contracting Party, shall be accorded treatment with respect to all matters affecting internal taxation, or the sale, distribution or use within such territories, no less favor-

able than the treatment which is or may hereafter be accorded to like articles of national origin.<sup>6</sup>

2. Articles grown, produced or manufactured within the territories of either High Contracting Party in whole or in part by nationals, corporations and associations of the other High Contracting Party, or by corporations and associations of the High Contracting Party within the territories of which such articles are grown, produced or manufactured which are controlled by nationals, corporations and associations of the other High Contracting Party, shall be accorded within such territories treatment with respect to all matters affecting internal taxation, or the sale, distribution or use therein, or exportation therefrom, no less favorable than the treatment now or hereafter accorded to like articles grown, produced or manufactured therein in whole or in part by nationals, corporations and associations of the High Contracting Party within the territories of which the articles are grown, produced or manufactured, or by corporations and associations of such High Contracting Party which are controlled by such nationals, corporations and associations. The articles specified in the preceding sentence shall not in any case receive treatment less favorable than the treatment which is or may hereafter be accorded to like articles grown, produced or manufactured in whole or in part by nationals, corporations and associations of any third country, or by corporations and associations controlled by such nationals, corporations and associations.

3. In all matters relating to export bounties, customs drawbacks and the warehousing of articles intended for exportation, the nationals, corporations and associations of either High Contracting Party shall be accorded within the territories of the other High Contracting Party treatment no less favorable than the treatment which is or may hereafter be accorded to the nationals, corporations and associations of such other High Contracting Party.

#### ARTICLE XVII

1. The treatment prescribed in this Article shall apply to all forms of control of financial transactions, including (a) limitations upon the availability of media necessary to effect such transactions, (b) rates of exchange, and (c) prohibitions, restrictions, delays, taxes, charges and penalties on such transactions; and shall apply whether a transaction takes place directly, or through an intermediary in another country. As used in this Article, the term "financial transactions" means all international payments and transfers of funds effected through the medium of currencies, securities, bank deposits, dealings in foreign exchange or other financial arrangements, regardless of the purpose or nature of such payments and transfers.

2. Financial transactions between the territories of the two High Contracting Parties shall be accorded by each High Contracting Party treatment

<sup>6</sup> See also para. 3 of additional protocol, p. 284.

no less favorable than that now or hereafter accorded to like transactions between the territories of such High Contracting Party and the territories of any third country.

3. Nationals, corporations and associations of either High Contracting Party shall be accorded by the other High Contracting Party treatment no less favorable than that now or hereafter accorded to nationals, corporations and associations of such other High Contracting Party and no less favorable than that now or hereafter accorded to nationals, corporations and associations of any third country, with respect to financial transactions between the territories of the two High Contracting Parties or between the territories of such other High Contracting Party and of any third country.

4. In general, any control imposed by either High Contracting Party over financial transactions shall be so administered as not to influence disadvantageously the competitive position of the commerce or investment of capital of the other High Contracting Party in comparison with the commerce or the investment of capital of any third country.

#### ARTICLE XVIII

1. If either High Contracting Party establishes or maintains a monopoly or agency for the importation, exportation, purchase, sale, distribution or production of any article, or grants exclusive privileges to any agency to import, export, purchase, sell, distribute or produce any article, such monopoly or agency shall accord to the commerce of the other High Contracting Party fair and equitable treatment in respect of its purchases of articles the growth, produce or manufacture of foreign countries and its sales of articles destined for foreign countries. To this end, the monopoly or agency shall, in making such purchases or sales of any article, be influenced solely by considerations, such as price, quality, marketability, transportation and terms of purchase or sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing or selling such article on the most favorable terms. If either High Contracting Party establishes or maintains a monopoly or agency for the sale of any service or grants exclusive privileges to any agency to sell any service, such monopoly or agency shall accord fair and equitable treatment to the other High Contracting Party and to the nationals, corporations and associations and to the commerce thereof in respect of transactions involving such service as compared with the treatment which is or may hereafter be accorded to any third country and to the nationals, corporations and associations and to the commerce thereof.<sup>7</sup>

2. Each High Contracting Party, in the awarding of concessions and other contracts, and in the purchasing of supplies, shall accord fair and equitable treatment to the nationals, corporations and associations and to

<sup>7</sup> See also para. 3 of protocol, p. 283.

the commerce of the other High Contracting Party as compared with the treatment which is or may hereafter be accorded to the nationals, corporations and associations and to the commerce of any third country.

3. The two High Contracting Parties agree that business practices which restrain competition, limit access to markets or foster monopolistic control, and which are engaged in or made effective by one or more private or public commercial enterprises or by combination, agreement or other arrangement among public or private commercial enterprises may have harmful effects upon the commerce between their respective territories. Accordingly, each High Contracting Party agrees upon the request of the other High Contracting Party to consult with respect to any such practices and to take such measures as it deems appropriate with a view to eliminating such harmful effects.

#### ARTICLE XIX

1. Between the territories of the High Contracting Parties there shall be freedom of commerce and navigation.

2. Vessels under the flag of either High Contracting Party, and carrying the papers required by its national law in proof of nationality, shall be deemed to be vessels of that High Contracting Party both within the ports, places and waters of the other High Contracting Party and on the high seas. As used in this Treaty, "vessels" shall be construed to include all vessels of either High Contracting Party whether privately owned or operated or publicly owned or operated. However, the provisions of this Treaty other than this paragraph and paragraph 4 of Article XX shall not be construed to accord rights to vessels of war or fishing vessels of the other High Contracting Party; nor shall they be construed to extend to nationals, corporations and associations, vessels and cargoes of, or to articles the growth, produce or manufacture of, such other High Contracting Party any special privileges restricted to national fisheries or the products thereof.

3. The vessels of either High Contracting Party shall have liberty, equally with the vessels of any third country, to come with their cargoes to all ports, places and waters of the other High Contracting Party which are or may hereafter be open to foreign commerce and navigation.

#### ARTICLE XX

1. The vessels and cargoes of either High Contracting Party shall, within the ports, places and waters of the other High Contracting Party, in all respects be accorded treatment no less favorable than the treatment accorded to the vessels and cargoes of such other High Contracting Party, irrespective of the port of departure or the port of destination of the vessel, and irrespective of the origin or the destination of the cargo.

2. No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties or charges, of whatever kind or denom-

ination, levied in the name or for the profit of the government, public functionaries, private individuals, corporations or establishments of any kind, shall be imposed in the ports, places and waters of either High Contracting Party upon the vessels of the other High Contracting Party, which shall not equally and under the same conditions be imposed upon national vessels.

3. No charges upon passengers, passenger fares or tickets, freight moneys paid or to be paid, bills of lading, contracts of insurance or re-insurance, no conditions relating to the employment of ship brokers, and no other charges or conditions of any kind, shall be imposed in a way tending to accord any advantage to national vessels as compared with the vessels of the other High Contracting Party.

4. If a vessel of either High Contracting Party shall be forced by stress of weather or by reason of any other distress to take refuge in any of the ports, places or waters of the other High Contracting Party not open to foreign commerce and navigation, it shall receive friendly treatment and assistance and such repairs, as well as supplies and materials for repair, as may be necessary and available. This paragraph shall apply to vessels of war and fishing vessels, as well as to vessels as defined in paragraph 2 of Article XIX.

5. The vessels and cargoes of either High Contracting Party shall not in any case, with respect to the matters referred to in this Article, receive treatment less favorable than the treatment which is or may hereafter be accorded to the vessels and cargoes of any third country.

#### ARTICLE XXI

1. It shall be permissible, in the vessels of either High Contracting Party, to import into the territories of the other High Contracting Party, or to export therefrom, all articles which it is or may hereafter be permissible to import into such territories, or to export therefrom, in the vessels of such other High Contracting Party or of any third country; and such articles shall not be subject to any higher duties or charges whatever than those to which the articles would be subject if they were imported or exported in vessels of the other High Contracting Party or of any third country.

2. Bounties, drawbacks and other privileges of this nature of whatever kind or denomination which are or may hereafter be allowed, in the territories of either High Contracting Party, on articles imported or exported in national vessels or vessels of any third country shall also and in like manner be allowed on articles imported or exported in vessels of the other High Contracting Party.

#### ARTICLE XXII

1. Vessels of either High Contracting Party shall be permitted to discharge portions of cargoes, including passengers, at any ports, places or waters of the other High Contracting Party which are or may hereafter be open to foreign commerce and navigation, and to proceed with the remaining

portions of such cargoes or passengers to any other such ports, places or waters, without paying higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner, in the same voyage outward, at the various ports, places and waters which are or may hereafter be open to foreign commerce and navigation. The vessels and cargoes of either High Contracting Party shall be accorded, with respect to the matters referred to in this paragraph, treatment in the ports, places and waters of the other High Contracting Party no less favorable than the treatment which is or may hereafter be accorded to the vessels and cargoes of any third country.

2. The coasting trade and inland navigation of each High Contracting Party are excepted from the requirements of national and most-favored-nation treatment.

#### ARTICLE XXIII

There shall be freedom of transit through the territories of each High Contracting Party by the routes most convenient for international transit (*a*) for persons who are nationals of any third country, together with their baggage, directly or indirectly coming from or going to the territories of the other High Contracting Party, (*b*) for persons who are nationals of the other High Contracting Party, together with their baggage, regardless of whether they are coming from or going to the territories of such other High Contracting Party, and (*c*) for articles directly or indirectly coming from or going to the territories of the other High Contracting Party. Such persons, baggage and articles in transit shall not be subject to any transit duty, to any unnecessary delays or restrictions, or to any discrimination in respect of charges, facilities or any other matter; and all charges and regulations prescribed in respect of such persons, baggage or articles shall be reasonable, having regard to the conditions of the traffic. Either High Contracting Party may require that such baggage and articles be entered at the proper customhouse and that they be kept whether or not under bond in customs custody; but such baggage and articles shall be exempt from all customs duties or similar charges if such requirements for entry and retention in customs custody are complied with and if they are exported within one year and satisfactory evidence of such exportation is presented to the customs authorities. Such nationals, baggage, persons and articles shall be accorded treatment with respect to all charges, rules and formalities in connection with transit no less favorable than the treatment which is or may hereafter be accorded to the nationals of any third country, together with their baggage, or to persons and articles coming from or going to the territories of any third country.

#### ARTICLE XXIV

1. Nothing in this Treaty shall be construed to prevent the adoption or enforcement by either High Contracting Party of measures:

(a) relating to the importation or exportation of gold or silver;

(b) relating to the exportation of objects the value of which derives primarily from their character as works of art, or as antiquities, of national interest or from their relationship to national history, and which are not in general practice considered articles of commerce;

(c) relating to fissionable materials, to materials which are the source of fissionable materials, or to radio-active materials which are by-products of fissionable materials;

(d) relating to the production of and traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on for the purpose of supplying a military establishment;

(e) necessary in pursuance of obligations for the maintenance of international peace and security, or necessary for the protection of the essential interests of such High Contracting Party in time of national emergency; or

(f) imposing exchange restrictions, as a member of the International Monetary Fund, in conformity with the Articles of Agreement thereof signed at Washington December 27, 1945,<sup>8</sup> but without utilizing its privileges under Article VI, section 3, of that Agreement so as to impair any provision of this Treaty; provided that either High Contracting Party may, nevertheless, regulate capital transfers to the extent necessary to insure the importation of essential good or to effect a reasonable rate of increase in very low monetary reserves or to prevent its monetary reserves from falling to a very low level. If the International Monetary Fund should cease to function, or if either High Contracting Party should cease to be a member thereof, the two High Contracting Parties, upon the request of either High Contracting Party, shall consult together and may conclude such arrangements as are necessary to permit appropriate action in contingencies relating to international financial transactions comparable with those under which exceptional action had previously been permissible.

2. Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either High Contracting Party against the other High Contracting Party or against the nationals, corporations, associations, vessels or commerce thereof, in favor of any third country or the nationals, corporations, associations, vessels or commerce thereof, the provisions of this Treaty shall not extend to prohibitions or restrictions:

(a) imposed on moral or humanitarian grounds;

(b) designed to protect human, animal or plant life or health;

(c) relating to prison-made goods; or

(d) relating to the enforcement of police or revenue laws.

<sup>8</sup> TIAS 1501, *ante*, vol. 3, p. 1351.

3. The provisions of this Treaty according treatment no less favorable than the treatment accorded to any third country shall not apply to:

(a) advantages which are or may hereafter be accorded to adjacent countries in order to facilitate frontier traffic;

(b) advantages accorded by virtue of a customs union of which either High Contracting Party may, after consultation with the other High Contracting Party, become a member so long as such advantages are not extended to any country which is not a member of such customs union;

(c) advantages accorded to third countries pursuant to a multilateral economic agreement of general applicability, including a trade area of substantial size, having as its objective the liberalization and promotion of international trade or other international economic intercourse, and open to adoption by all the United Nations;<sup>9</sup>

(d) advantages now accorded or which may hereafter be accorded by the Italian Republic to San Marino, to the Free Territory of Trieste or to the State of Vatican City, or by the United States of America or its territories or possessions to one another, to the Panama Canal Zone, to the Republicing Party to areas other than those enumerated in subparagraph (d) of the Pacific Islands; or

(e) advantages which, pursuant to a decision made by the United Nations or an organ thereof or by an appropriate specialized agency in relationship with the United Nations, may hereafter be accorded by either High Contracting Party to areas other than those enumerated in subparagraph (d) of the present paragraph.

The provisions of subparagraph (d) shall continue to apply in respect of any advantages now or hereafter accorded by the United States of America or its territories or possessions to one another irrespective of any change in the political status of any of the territories or possessions of the United States of America.

4. The provisions of this Treaty shall not be construed to accord any rights or privileges to persons, corporations and associations to engage in political activities, or to organize or participate in political corporations and associations.

5. Each High Contracting Party reserves the right to deny any of the rights and privileges accorded by this Treaty to any corporation or association created or organized under the laws and regulations of the other High Contracting Party in the ownership or direction of which nationals of any third country or countries have directly or indirectly a controlling interest.

6. No enterprise of either High Contracting Party which is publicly owned or controlled shall, if it engages in commercial, manufacturing, proc-

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<sup>9</sup>For an understanding relating to para. 3(c) of art. XXIV, see exchange of notes, p. 287.

essing, shipping or other business activities within the territories of the other High Contracting Party, claim or enjoy, either for itself or for its property, immunity therein from taxation, from suit, from execution of judgment, or from any other liability to which a privately owned and controlled enterprise is subject therein.

7. The provisions of this Treaty shall not be construed to affect existing laws and regulations of either High Contracting Party in relation to immigration or the right of either High Contracting Party to adopt and enforce laws and regulations relating to immigration; provided, however, that nothing in this paragraph shall prevent the nationals of either High Contracting Party from entering, traveling and residing in the territories of the other High Contracting Party in order to carry on trade between the two High Contracting Parties or to engage in any commercial activity related thereto or connected therewith, upon terms as favorable as are or may hereafter be accorded to the nationals of any third country entering, traveling and residing in such territories in order to carry on trade between such other High Contracting Party and such third country or to engage in commercial activity related to or connected with such trade.

#### ARTICLE XXV

Subject to any limitation or exception provided in this Treaty or hereafter agreed upon between the High Contracting Parties, the territories of the High Contracting Parties to which the provisions of this Treaty extend shall be understood to comprise all areas of land and water under the sovereignty or authority of either of the High Contracting Parties, other than the Canal Zone, and other than the Trust Territory of the Pacific Islands except to the extent that the President of the United States of America shall by proclamation extend provisions of the Treaty to such Trust Territory.

#### ARTICLE XXVI

Any dispute between the High Contracting Parties as to the interpretation or the application of this Treaty, which the High Contracting Parties shall not satisfactorily adjust by diplomacy, shall be submitted to the International Court of Justice, unless the High Contracting Parties shall agree to settlement by some other pacific means.

#### ARTICLE XXVII

1. This Treaty shall be ratified, and the ratifications thereof shall be exchanged at Rome as soon as possible.

2. This Treaty shall enter into force on the day of the exchange of ratifications, and shall continue in force for a period of ten years from that day.

3. Unless one year before the expiration of the aforesaid period of ten years either High Contracting Party shall have given written notice to the other High Contracting Party of intention to terminate this Treaty upon the expiration of the aforesaid period, the Treaty shall continue in force thereafter until one year from the date on which written notice of intention to terminate it shall have been given by either High Contracting Party.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Treaty and have affixed hereunto their seals.

DONE in duplicate, in the English and Italian languages, both equally authentic, at Rome, this second day of February one thousand nine hundred forty-eight.

For the Government of the United States of America :

JAMES CLEMENT DUNN

For the Italian Government :

SFORZA

#### PROTOCOL

At the time of signing the Treaty of Friendship, Commerce and Navigation between the United States of America and the Italian Republic, the undersigned Plenipotentiaries, duly authorized by their respective Governments, have further agreed on the following provisions, which shall be considered as integral parts of said Treaty :

1. The provisions of paragraph 2 of Article V, providing for the payment of compensation, shall extend to interests held directly or indirectly by nationals, corporations and associations of either High Contracting Party in property which is taken within the territories of the other High Contracting Party.

2. Rights and privileges with respect to commercial, manufacturing and processing activities accorded, by the provisions of the Treaty, to privately owned and controlled enterprises of either High Contracting Party within the territories of the other High Contracting Party shall extend to rights and privileges of an economic nature granted to publicly owned or controlled enterprises of such other High Contracting Party, in situations in which such publicly owned or controlled enterprises operate in fact in competition with privately owned and controlled enterprises. The preceding sentence shall not, however, apply to subsidies granted to publicly owned or controlled enterprises in connection with: (a) manufacturing or processing goods for government use, or supplying goods and services to the government for government use; or (b) supplying, at prices substantially below competitive

prices, the needs of particular population groups for essential goods and services not otherwise practicably obtainable by such groups.

3. The concluding sentence of paragraph 1 of Article XVIII shall not be construed as applying to postal services.

4. The provisions of paragraph 2(a) of Article I shall not be construed to extend to the practice of professions the members of which are designated by law as public officials.

5. The provisions of paragraph 2 of Article XI shall not be construed to affect measures taken by either High Contracting Party to safeguard military secrets.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Protocol and have affixed hereunto their seals.

DONE in duplicate, in the English and Italian languages, both equally authentic, at Rome this second day of February one thousand nine hundred forty-eight.

For the Government of the United States of America:

JAMES CLEMENT DUNN

For the Italian Government:

SFORZA

#### ADDITIONAL PROTOCOL

In view of the grave economic difficulties facing Italy now and prospectively as a result of, *inter alia*, the damage caused by the late military operations on Italian soil; the looting perpetrated by the German forces following the Italian declaration of war against Germany; the present inability of Italy to supply, unassisted, the minimum needs of its people or the minimum requirements of Italian economic recovery; and Italy's lack of monetary reserves; at the time of signing the Treaty of Friendship, Commerce and Navigation between the United States of America and the Italian Republic, the undersigned Plenipotentiaries, duly authorized by their respective Governments, have further agreed on the following provisions, which shall be considered as integral parts of said Treaty:

1. The provisions of paragraph 3 of Article XIV of the abovementioned Treaty and that part of paragraph 4 of the same Article which relates to the allocation of shares, shall not obligate either High Contracting Party with respect to the application of quantitative restrictions on imports and exports:

(a) that have effect equivalent to exchange restrictions authorized in conformity with section 3(b) of Article VII of the Articles of Agreement of the International Monetary Fund;

(*b*) that are necessary to secure, during the early post-war transitional period, the equitable distribution among the several consuming countries of goods in short supply;

(*c*) that are necessary in order to effect, for the purchase of imports, the utilization of accumulated inconvertible currencies; or

(*d*) that have effect equivalent to exchange restrictions permitted under section 2 of Article XIV of the Articles of Agreement of the International Monetary Fund.

2. The privileges accorded to either High Contracting Party by subparagraphs (*c*) and (*d*), paragraph 1, of the present Protocol, shall be limited to situations in which (*a*) it is necessary for such High Contracting Party to apply restrictions on imports in order to forestall the imminent threat of, or to stop, a serious decline in the level of its monetary reserves or, in the case of very low monetary reserves, to achieve a reasonable rate of increase in its reserves, and (*b*) the application of the necessary restrictions in the manner permitted by the aforesaid paragraph 1 will yield such High Contracting Party a volume of imports above the maximum level which would be possible if such restrictions were applied in the manner prescribed in paragraphs 3 and 4 of Article XIV of the Treaty.

3. During the current transitional period of recovery from the recent war, the provisions of Article XVI, paragraph 1, of the Treaty shall not prevent the application by either High Contracting Party of needed controls to the internal sale, distribution or use of imported articles in short supply, other than or different from controls applied with respect to like articles of national origin. However, no such controls over the internal distribution of imported articles shall be (*a*) applied by either High Contracting Party in such a manner as to cause unnecessary injury to the competitive position within its territories of the commerce of the other High Contracting Party, or (*b*) continued longer than required by the supply situation.

4. Neither High Contracting Party shall impose any new restriction under paragraph 1 of the present Protocol without having given the other High Contracting Party notice thereof which shall, if possible, be not less than thirty days in advance and shall not in any event be less than ten days in advance. Each High Contracting Party shall afford to the other High Contracting Party opportunity for consultation at any time concerning the need for and the application of restrictions to which such paragraph relates as well as concerning the application of paragraph 3; and either High Contracting Party shall have the right to invite the International Monetary Fund to participate in such consultation, with reference to restrictions to which subparagraphs (*a*), (*c*) and (*d*) of paragraph 1 relate.

5. Whenever exchange difficulties necessitate that pursuant to Article XXIV, paragraph 1(*f*), the Italian Government regulate the withdrawals provided for in Article V, paragraph 2, the Italian Government may give priority to applications made by nationals, corporations and associations of the United States of America to withdraw compensation received on account of property acquired on or before December 8, 1934, or, if subsequently acquired:

(*a*) in the case of immovable property, if the owner at the time of acquisition had permanent residence outside Italy, or, if a corporation or association, had its center of management outside Italy;

(*b*) in the case of shares of stock, if at the time of acquisition Italian laws and regulations permitted such shares to be traded outside Italy;

(*c*) in the case of bank deposits, if carried on free account at the time of taking;

(*d*) in any case, if the property was acquired through importing foreign exchange, goods or services into Italy, or through reinvestments of profits or accrued interest from such imports whenever made.

The Italian Government undertakes to grant every facility to assist applicants in establishing their status for the purposes of this paragraph; and to accept evidence of probative value as establishing, in the absence of preponderant evidence to the contrary, a priority claim.

6. Whenever a multiple exchange rate system is in effect in Italy, the rate of exchange which shall be applicable for the purposes of Article V, paragraph 2, need not be the most favorable of all rates applicable to international financial transactions of whatever nature; provided, however, that the rate applicable will in any event permit the recipient of compensation actually to realize the full economic value thereof in United States dollars. In case dispute arises as to the rate applicable, the rate shall be determined by agreement between the High Contracting Parties.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Protocol and have affixed hereunto their seals.

DONE in duplicate, in the English and Italian languages, both equally authentic, at Rome, this second day of February one thousand nine hundred forty-eight.

For the Government of the United States of America  
JAMES CLEMENT DUNN

For the Italian Government  
SFORZA

## EXCHANGES OF NOTES

*The American Ambassador to the Minister of Foreign Affairs*

F.O. No. 827

ROME, February 2, 1948

EXCELLENCY:

I have the honor to refer to the proposals advanced by representatives of your Government, during the course of negotiations for the Treaty of Friendship, Commerce and Navigation signed this day, for facilitating and expanding the cultural relations between the peoples of our two countries.

I take pleasure in informing you that my Government, recognizing the importance of cultural ties between nations as developing increased understanding and friendship, will undertake to stimulate and foster cultural relations between our two countries, including the interchange of professors, students, and professional and academic personnel between the territories of the United States of America and of Italy, and agrees to discuss at a later time the possibility of agreements designed to establish arrangements whereby such interchange may be facilitated and whereby the cultural bonds between the two peoples may generally be strengthened.

Accept, Excellency, the renewed assurances of my highest consideration.

JAMES CLEMENT DUNN

His Excellency

Count CARLO SFORZA,

*Minister of Foreign Affairs,**Rome.**The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

THE MINISTER OF FOREIGN AFFAIRS

ROME, February 2, 1948

EXCELLENCY:

I have the honor to refer to Your Excellency's note of this date, which reads as follows:

[For text of U.S. note, see above.]

I have the honor to inform Your Excellency that the Italian Government will undertake, for its part, to stimulate and foster cultural relations, including the interchange of professors, students and academic personnel, and to discuss the possibility of cultural agreements between our two Governments in accordance with the ideas expressed in Your Excellency's note.

I take pleasure in availing myself of this occasion, Excellency, to renew to you the assurances of my highest consideration.

SFORZA

To His Excellency

JAMES CLEMENT DUNN,

*Ambassador of the United States of America  
Rome.*

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*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

F.O. No. 3170

EXCELLENCY,

I have the honor to refer to paragraph 3(c) of Article XXIV of the Treaty of Friendship, Commerce and Navigation between the United States of America and the Italian Republic signed at Rome on February 2, 1948, and to inform Your Excellency that it is the understanding of the Government of the United States of America that the provisions of the aforesaid Treaty relating to the treatment of goods do not preclude action by either of the parties thereto which is required or specifically permitted by the General Agreement on Tariffs and Trade<sup>10</sup> or by the Havana Charter for an International Trade Organization,<sup>11</sup> during such time as the party applying such measures is a contracting party to the General Agreement or is a member of the International Trade Organization, as the case may be.

I shall be glad if Your Excellency will confirm this understanding on behalf of the Government of the Italian Republic.

Accept, Excellency, the renewed assurances of my highest consideration.

JAMES CLEMENT DUNN

ROME, July 26, 1949.

His Excellency

COUNT CARLO SFORZA

*Minister of Foreign Affairs  
Rome*

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<sup>10</sup> TIAS 1700, *ante*, vol. 4, p. 641.

<sup>11</sup> Unperfected; for excerpts, see *A Decade of American Foreign Policy: Basic Documents, 1941-49* (S. Doc. 123, 81st Cong., 1st sess.), p. 391.

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS

ROME, July 26, 1949

## EXCELLENCY:

I have the honor to refer to your letter dated today in which, referring to paragraph 3 (c) of Article XXIV of the Treaty of Friendship, Commerce and Navigation between the United States of America and the Italian Republic, signed at Rome on February 2, 1948, you inform me that it is the understanding of the Government of the United States of America that the provisions of the aforesaid Treaty relating to the treatment of goods do not preclude action by either of the parties thereto which is required or specifically permitted by the General Agreement on Tariffs and Trade or by the Havana Charter for an International Trade Organization, during such time as the party applying such measures is a contracting party to the General Agreement or is a member of the International Trade Organization.

I have the honor to inform you that the Italian Government agrees to the foregoing.

Accept, Excellency, the assurances of my high consideration.

SFORZA

His Excellency

JAMES CLEMENT DUNN

*Ambassador of the United States of America  
Rome*

## AIR TRANSPORT SERVICES

*Agreement signed at Rome February 6, 1948, with annex, schedule, and protocol*

*Entered into force September 2, 1948; operative from February 6, 1948*

*Schedules amended by agreements of March 21 and 24, 1950,<sup>1</sup> and August 4, 1960<sup>2</sup>*

*Terminated May 31, 1967<sup>3</sup>*

62 Stat. 3729; Treaties and Other  
International Acts Series 1902

### AIR TRANSPORT AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF ITALY

The GOVERNMENT OF THE UNITED STATES OF AMERICA and the GOVERNMENT OF ITALY:

Desiring to conclude an Agreement for the purpose of promoting direct air communications between their respective territories

Have accordingly appointed authorized representatives for this purpose, who have agreed as follows:

#### ARTICLE 1

For the purposes of the present Agreement, and its Annex, except where the text provides otherwise:

(a) The term “aeronautical authorities” shall mean in the case of the United States of America, the “Civil Aeronautics Board” and any person or agency authorized to perform the functions exercised at the present time by the “Civil Aeronautics Board” and, in the case of Italy, the Ministry of Defense—Air [Direzione Generale dell’Aviazione Civile e Traffico Aereo], and any person or agency authorized to perform the functions exercised at present by the said Ministry of Defense—Air.

(b) The term “designated airlines” shall mean those airlines that the aeronautical authorities of one of the contracting parties have communi-

<sup>1</sup> 1 UST 455; TIAS 2081.

<sup>2</sup> 11 UST 2031; TIAS 4558.

<sup>3</sup> Pursuant to notice of termination given by Italy June 1, 1966.

cated in writing to the aeronautical authorities of the other contracting party that they are the airlines that it has designated in conformity with Article 3 of the present Agreement for the routes specified in such designation.

(c) The term "territory" shall have the meaning given to it by Article 2 of the Convention on International Civil Aviation, signed at Chicago on December 7, 1944.<sup>4</sup>

(d) The definitions contained in paragraphs (a), (b) and (d) of Article 96 of the Convention on International Civil Aviation signed at Chicago on December 7, 1944 shall be applied to the present Agreement and its Annex.

#### ARTICLE 2

Each contracting party grants to the other contracting party the rights as specified in the Annex hereto necessary for establishing the international civil air routes and services therein described, whether such services be inaugurated immediately or at a later date at the option of the contracting party to whom the rights are granted.

#### ARTICLE 3

Each of the air services so described shall be placed in operation as soon as the contracting party to whom the rights have been granted by Article 2 to designate an airline or airlines for the route concerned has authorized an airline for such route, and the contracting party granting the rights shall, subject to Article 7 hereof, be bound to give the appropriate operating permission to the airline or airlines concerned, provided that:

1. the airlines so designated may be required to qualify before the competent aeronautical authorities of the contracting party granting the rights under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by the present Agreement; and,

2. in areas of hostilities or of military occupation, or in areas affected thereby, such operations shall be subject to the approval of the competent military authorities.

#### ARTICLE 4

In order to prevent discriminatory practices and to assure equality of treatment, both contracting parties agree that:

(a) Each of the contracting parties may impose or permit to be imposed just and reasonable charges for the use of public airports and other facilities under its control. Each of the contracting parties agrees, however, that these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

<sup>4</sup> TIAS 1591, *ante*, vol. 3, p. 945.

(b) Fuel, lubricating oils and spare parts introduced into the territory of one contracting party by the other contracting party or its nationals, and intended solely for use by aircraft of the airlines of such contracting party shall, with respect to the imposition of customs duties, inspection fees or other national duties or charges by the contracting party whose territory is entered, be accorded the same treatment as that applying to national airlines and to airlines of the most-favored-nation.

(c) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one contracting party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other contracting party, be exempt from customs, inspection fees or similar duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

#### ARTICLE 5

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one contracting party and still in force shall be recognized as valid by the other contracting party for the purpose of operating the routes and services described in the Annex. Each contracting party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another State.

#### ARTICLE 6

(a) The laws and regulations of one contracting party relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the airlines designated by the other contracting party, and shall be complied with by such aircraft upon entering or departing from or while within the territory of the first party.

(b) The laws and regulations of one contracting party as to the admission to or departure from its territory of passengers, crew, or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo of the airlines designated by the other contracting party upon entrance into or departure from, or while within the territory of the first party.

#### ARTICLE 7

Notwithstanding the provisions of Article 9 hereof, each contracting party reserves the right to withhold or revoke the exercise of the rights specified in the Annex to the present Agreement by a carrier designated by the other

contracting party in the event that it is not satisfied that substantial ownership and effective control of such carrier are vested in nationals of the other contracting party, or in case of failure by such carrier, or the Government designating such carrier, to comply with the laws and regulations referred to in Article 6 hereof, or otherwise to perform its obligations hereunder or to fulfil the conditions under which the rights are granted in accordance with the present Agreement and its Annex.

#### ARTICLE 8

The present Agreement, its Annex, and all contracts connected therewith shall be registered with the International Civil Aviation Organization (I.C.A.O.).

#### ARTICLE 9

Either of the contracting parties may at any time notify the other of its intention to terminate the present Agreement. Such a notice shall be sent simultaneously to the International Civil Aviation Organization. In the event such communication is made, the present Agreement shall terminate one year after the date of receipt of the notice to terminate, unless by agreement between the contracting parties the communication under reference is withdrawn before the expiration of that time. If the other contracting party fails to acknowledge receipt, notice shall be deemed as having been received fourteen (14) days after its receipt by the International Civil Aviation Organization (I.C.A.O.).

#### ARTICLE 10

In the event either of the contracting parties considers it desirable to modify the routes or conditions set forth in the attached Annex, it may request consultation between the competent authorities of both contracting parties, such consultation to begin within a period of sixty (60) days from the date of the request. When these authorities mutually agree on new or revised conditions affecting the Annex, their recommendations on the matter will come into effect after they have been confirmed by an exchange of diplomatic notes.

#### ARTICLE 11

If a general multilateral air transport Convention accepted by both contracting parties enters into force, the present Agreement shall be amended so as to conform with the provisions of such Convention.

#### ARTICLE 12

Except as otherwise provided in the present Agreement or its Annex, any dispute between the contracting parties relative to the interpretation or application of the present Agreement or its Annex, which cannot be settled

through consultation, shall be submitted for an advisory report to a tribunal of three arbitrators, one to be named by each contracting party, and the third to be agreed upon by the two arbitrators so chosen, provided that such third arbitrator shall not be a national of either contracting party.

Each of the contracting parties shall designate an arbitrator within two months of the date of delivery by either party to the other party of a diplomatic note requesting arbitration of a dispute; and the third arbitrator shall be agreed upon within one month after such period of two months. If the third arbitrator is not agreed upon, within the time limitation indicated, the vacancy thereby created shall be filled by the appointment of a person, designated by the President of the Council of I.C.A.O., from a panel of arbitral personnel maintained in accordance with the practice of I.C.A.O. The executive authorities of the contracting parties will use their best efforts under the powers available to them to put into effect the opinion expressed in such advisory report. A moiety of the expenses of the arbitral tribunal shall be borne by each party.

#### ARTICLE 13

Changes made by either contracting party in the routes described in the schedules attached except those which change the points served by these airlines in the territory of the other contracting party shall not be considered as modifications of the Annex. The aeronautical authorities of either contracting party may therefore proceed unilaterally to make such changes, provided, however, that notice of any change is given without delay to the aeronautical authorities of the other contracting party.

If such other aeronautical authorities find that, having regard to the principles set forth in Section VII of the Annex to the present Agreement, interests of their air carrier or carriers are prejudiced by the carriage by the air carrier or carriers of the first contracting party of traffic between the territory of the second contracting party and the new point in the territory of the third country, the two contracting parties shall consult with a view to arrive at a satisfactory agreement.

#### ARTICLE 14

The present Agreement supersedes the provisional authorization for United States civil air services granted by the Italian Government in its Notes verbale dated July 16, 1945,<sup>5</sup> October 1, 1946<sup>6</sup> and April 14, 1947.<sup>7</sup>

#### ARTICLE 15

The present Agreement, including the provisions of the Annex thereto, shall become operative from the day it is signed. The Italian Government

<sup>5</sup> *Ante*, p. 189.

<sup>6</sup> *Ante*, p. 199.

<sup>7</sup> Not printed.

shall notify the Government of the United States of the completion of formalities prescribed by the internal legislation of Italy, and the Government of the United States shall consider the Agreement as becoming definitive upon the date of such notification.

IN WITNESS WHEREOF, the undersigned have signed the present Agreement.

DONE in duplicate, at Rome, this 6th day of February 1948, in the English and Italian languages, each of which shall be of equal authenticity.

For the Government of the United States of America:

JAMES CLEMENT DUNN

For the Government of Italy:

SFORZA

#### ANNEX

#### SECTION I

The Government of Italy grants to the Government of the United States of America the right to conduct air transport services by one or more air carriers of United States nationality designated by the latter country on the routes, specified in Schedule One attached, which transit or serve commercially the territory of Italy.

#### SECTION II

The Government of the United States of America grants to the Government of Italy the right to conduct air transport services by one or more air carriers of Italian nationality designated by the latter country on the routes, specified in Schedule Two attached which transit or serve commercially the territory of the United States of America.

#### SECTION III

One or more air carriers designated by each of the contracting parties under the conditions provided in the present Agreement and the Annex thereto will enjoy, in the territory of the other contracting party, rights of transit and of stops for non-traffic purposes, as well as the right of commercial entry and departure for international traffic in passengers, cargo and mail at the points enumerated on each of the routes specified in the Schedules attached.

#### SECTION IV

The air transport facilities (*facilitazioni*) available hereunder to the travelling public shall bear a close relationship to the requirements of the public for such transport.

## SECTION V

There shall be a fair and equal opportunity for the carriers of the contracting parties to operate on any route between their respective territories covered by the present Agreement and Annex.

## SECTION VI

In the operation by the air carriers of either contracting party of the trunk services (*servizi a lungo percorso*) described in the present Annex, the interest of the air carriers of the other contracting party shall be taken into consideration so as not to affect unduly the services which the latter provides on all or part of the same routes.

## SECTION VII

The services provided by a designated air carrier under the present Agreement and Annex shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such air carrier is a national and the country of ultimate destination of the traffic.

The right to embark or disembark on such services international traffic destined for and coming from third countries at a point or points on the routes specified in the present Annex shall be applied in accordance with the general principles of orderly development to which both contracting parties subscribe and shall be subject to the general principle that capacity should be related:

(a) to traffic requirements between the country of origin and the countries of destination;

(b) to the requirements of through airline operations (trunk services); and

(c) to the traffic requirements of the area through which the airline passes after taking account of local and regional services.

## SECTION VIII

In so far as the air carrier or carriers of one contracting party may be temporarily prevented through difficulties arising from the War from taking immediate advantage of the opportunity referred to in Section V above, the situation shall be reviewed between the contracting parties with the object of facilitating the necessary development, as soon as the air carrier or carriers of the first contracting party is or are in a position increasingly to make their proper contribution to the service.

## SECTION IX

It is the intention of both contracting parties that there should be regular and frequent consultation between their respective aeronautical authorities

and that there should thereby be close collaboration in the observance of the principles and the implementation of the provisions outlined in the present Agreement and Annex.

#### SECTION X

(A) The determination of rates in accordance with the following paragraphs shall be made at reasonable levels, due regard being paid to all relevant factors, such as cost of operation, reasonable profit, and the rates charged by any other carriers, as well as the characteristics of each service.

(B) The rates to be charged by the air carriers of either contracting party between points in the territory of the United States and points in Italian territory referred to in the attached Schedules shall, consistent with the provisions of the present Agreement and its Annex, be subject to the approval of the aeronautical authorities of the contracting parties, who shall act in accordance with their obligations under the present Annex, within the limits of their legal powers.

(C) Any rate proposed by the air carrier or carriers of either contracting party shall be filed with the aeronautical authorities of both contracting parties at least thirty (30) days before the proposed date of introduction; provided that this period of thirty (30) days may be reduced in particular cases if so agreed by the aeronautical authorities of both contracting parties.

(D) The Civil Aeronautics Board of the United States having approved the traffic conference machinery of the International Air Transport Association (hereinafter called I.A.T.A.), for a period of one year beginning in February 1947, any rate agreements concluded through this machinery during this period and involving United States air carriers will be subject to approval of the Board. Rate agreements concluded through this machinery may also be required to be subject to the approval of the aeronautical authorities of Italy pursuant to the principles enunciated in paragraph (B) above.

(E) The contracting parties agree that the procedure described in paragraphs (F), (G) and (H) of this Section shall apply:

1. If during the period of the Civil Aeronautics Board's approval of the I.A.T.A. traffic conference machinery, either any specific rate agreement is not approved, within a reasonable time by either contracting party, or a conference of I.A.T.A. is unable to agree on a rate, or

2. If at any time no I.A.T.A. machinery is applicable, or

3. If either contracting party at any time withdraws or fails to renew its approval of that part of the I.A.T.A. traffic conference machinery relevant to this Section.

(F) In the event that power is conferred by law upon the aeronautical authorities of the United States to fix fair and economic rates for the transport of persons and property by air on international services and to suspend proposed rates in a manner comparable to that in which the Civil Aero-

nautics Board at present is empowered to act with respect to such rates for the transport of persons and property by air within the United States, each of the contracting parties shall thereafter exercise its authority in such manner as to prevent any rate or rates proposed by one of its carriers for services from the territory of one contracting party to a point or points in the territory of the other contracting party from becoming effective, if in the judgment of the aeronautical authorities of the contracting party whose air carrier or carriers is or are proposing such rate, that rate is unfair or uneconomic. If one of the contracting parties on receipt of the notification referred to in paragraph (C) above is dissatisfied with the rate proposed by the air carrier or carriers of the other contracting party, it shall so notify the other contracting party prior to the expiry of the first fifteen (15) of the thirty (30) days referred to, and the contracting parties shall endeavor to reach agreement on the appropriate rate.

In the event that such agreement is reached, each contracting party will exercise its best efforts to put such rate into effect as regards its air carrier or air carriers.

If agreement has not been reached at the end of the thirty (30) day period referred to in paragraph (C) above, the proposed rate may, unless the aeronautical authorities of the country of the air carrier concerned see fit to suspend its application, go into effect provisionally pending the settlement of any dispute in accordance with the procedure outlined in paragraph (H) below.

(G) Prior to the time when such power may be conferred by law upon the aeronautical authorities of the United States, if one of the contracting parties is dissatisfied with any rate proposed by the air carrier or carriers of either contracting party for services from the territory of one contracting party to a point or points in the territory of the other contracting party, it shall so notify the other prior to the expiry of the first fifteen (15) of the thirty (30) day period referred to in paragraph (C) above, and the contracting parties shall endeavor to reach agreement on the appropriate rate.

In the event that such agreement is reached, each contracting party will use its best efforts to cause such agreed rate to be put into effect by its air carrier or carriers.

It is recognized that if no such agreement can be reached prior to the expiry of such thirty (30) days, the contracting party raising the objection to the rate may take such steps as it may consider necessary to prevent the inauguration or continuation of the service in question at the rate complained of.

(H) When in any case under paragraph (F) and (G) above the aeronautical authorities of the two contracting parties cannot agree within a reasonable time upon the appropriate rate after consultation initiated by the complaint of one contracting party concerning the proposed rate or an existing rate of the air carrier or carriers of the other contracting party, upon the request of either, both contracting parties shall submit the question to

the International Civil Aviation Organization for an advisory report, and each party will use its best efforts under the powers available to it to put into effect the opinion expressed in such report.

#### SCHEDULE <sup>8</sup>

1. An airline or airlines designated by the Government of the United States shall be entitled to operate air services on each of the air routes indicated via intermediate points, in both directions, and to make scheduled landings in Italy at the points specified in this paragraph:

The United States of America to MILAN, ROME, NAPLES and beyond.

2. An airline or airlines designated by the Government of Italy shall be entitled to operate air services on a route or routes and to make scheduled landings in the United States at a point or points to be agreed to between the Government of the United States of America and the Government of Italy at such time as the Government of Italy resolves to commence operations.

3. Points on any of the specified routes may at the option of the designated airline or airlines be omitted on any or all flights.

#### PROTOCOL

At the time of signing the Air Transport Agreement between the Government of the United States of America and the Government of Italy, the two contracting parties have further agreed as follows:

The airports on Italian territory, whose construction, improvement or installations have been financed in whole or part by the Government of the United States and which will be open to international civil traffic, will be open to the duly authorized air carriers of the United States who will enjoy thereon, on a non-discriminatory basis, right of transit and non-traffic stop. They will likewise enjoy there the commercial rights which may be granted them by the present Agreement and the Annex thereto or any other agreement now in force or later concluded.

ROME, *February 6th, 1948.*

For the Government of the United States of America:

JAMES CLEMENT DUNN

For the Italian Government:

SFORZA

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<sup>8</sup> For amendments of schedules, see agreements of March 21 and 24, 1950 (1 UST 455; TIAS 2081), and August 4, 1960 (11 UST 2031; TIAS 4558).

## SETTLEMENT OF CLAIMS OF ITALIAN PRISONERS OF WAR

*Exchange of letters, with memorandum and annexes, at Rome  
February 14, 1948, supplementing agreement of August 14, 1947*

*Entered into force February 14, 1948*

*Supplemented by agreement of January 14, 1949*<sup>1</sup>

62 Stat. 3853; Treaties and Other  
International Acts Series 1948

*The American Treasury Representative to the Minister of the Treasury*

AMERICAN EMBASSY  
*Rome, Italy, February 14, 1948*

MY DEAR MR. MINISTER:

With respect to the settlement of certain wartime claims of Italian former Prisoners-of-War, there is attached herewith a Memorandum outlining a proposed procedure for processing such claims still outstanding.

If you are in agreement with the procedure outlined, your letter of acknowledgement, together with this letter and attachment, will constitute a definitive agreement regarding procedure.

Very truly yours,

HENRY J. TASCA  
*Treasury Representative*

His Excellency

GUSTAVO DEL VECCHIO  
*Minister of the Treasury  
Rome.*

### MEMORANDUM WITH RESPECT TO PROCEDURE FOR FINAL SETTLEMENT OF CLAIMS OF ITALIAN FORMER PRISONERS-OF-WAR

The Government of the United States, in order to implement relevant provisions of the "Memorandum of Understanding" reached with the

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<sup>1</sup> TIAS 1950, *post*, p. 338.

Lombardo Mission on August 14, 1947,<sup>2</sup> providing for the settlement of certain wartime claims of individuals in Italy who are Italian nationals and who have claims arising from their status as Prisoners-of-war in custody of the United States, proposes the following procedure for the settlement of such claims:

The Italian Government will immediately upon the effective date of implementation of the proposals below regarding procedures, issue a public announcement, to be circulated in every way possible, requesting Italian nationals who are holders of Military Payment Orders and Certificates of Credit, who have not already done so, to transmit such documents to the Liaison Office, Prisoner-of-war Division, Ministry of Defense. Such Military Payment Orders and Certificates of Credit will be turned over to the appropriate United States authorities for screening and checking. A "Statement of Credit Balance", in lieu of each authentic Military Payment Order or Certificate of Credit presented, will be returned to the Italian Government. The Italian Government is requested to undertake to pay promptly in lire at the rate of exchange as provided below all certified claims as indicated in the individual "Statements" transmitted from time-to-time by the United States Government to the designated Italian authorities. In accordance with Article II, paragraph 11 of the "Memorandum of Understanding" referred to above, the United States Government will pay in dollars to the Italian Government an amount equal to the total of Military Payment Orders and Certificates of Credit collected, as indicated in the aforesaid "Statements of Credit Balance".

In connection with the acceptance of Military Payment Orders and Certificates of Credit, the Italian Government is requested to observe the following safeguards against fraud and erroneous payments:

1. Payee should be required to present positive identification prior to any acceptance and payment for Military Payment Order or Certificate of Credit held.

2. All Military Payment Orders or Certificates of Credit should be signed in the presence of an official of the Italian Government prior to any acceptance or payment.

3. An affidavit of nationality should be submitted by all persons presenting Certificates for payment to the effect that such persons were nationals of Italy on October 31, 1947. Such affidavits of nationality should also be accompanied by a certification by a local official of the Italian Government.

4. No Military Payment Orders will be accepted which appear to have been altered or tampered with in any manner. However, consideration may be given to statements submitted which contain explanations of such altera-

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<sup>2</sup> TIAS 1757, *ante*, p. 215.

tion or tampering of such a nature as clearly to warrant payment of the amount involved.

5. All Military Payment Orders and Certificates of Credit collected will be retained by the United States Government for its official records.

6. Legal heirs of deceased Prisoners-of-War, or person or persons authorized under Italian law to bind an estate in event of death or legal disability will be entitled to payment of Military Payment Orders or Certificates of Credit issued by the United States Government to Prisoners-of-War now deceased or under legal disability, and who at the time of their death were nationals of Italy, provided the steps indicated in Annex I are taken.

7. Legal heirs of a deceased Prisoner-of-War, or person or persons authorized under Italian law to bind his estate in event of death or legal disability will, in addition, execute appropriate certificates as indicated in Annexes I and II, attached to this Memorandum.

The question of whether holders of Certificates shall immediately receive payment in local currency or whether they shall in the first instance receive receipts pending the final working-out of arrangements respecting settlement between the United States and Italy is a matter for decision by the Italian Government.

However, the United States Government does not undertake to pay dollars for counterfeit or improperly documented Certificates of Credit and Military Payment Orders. All such Certificates of Credit and Military Payment Orders discovered by the United States Government subsequent to transfer by the Italian Government and payment therefor in dollars will be subject to refund in dollars from the Italian Government to the United States Government.

All payments made under the above procedure will be free of deductions, commissions and charges. The Italian Government will apply the rate of exchange prevailing on the dollar for United States Government expenditures on the date of announcement of the agreed procedure for conversion of Certificates of Credit and Military Payment Orders.

Holders of Military Payment Orders and Certificates of Credit turned in subsequent to the date of public announcement should be required to sign a statement such as is provided in Annex III to this Memorandum.

The United States Government desires the Italian Government to expedite in every way possible the collection of these instruments over a reasonable period of time. The Italian Government will establish a deadline of two months from the date of public announcement of agreed procedure for the presentation of Military Payment Orders and Certificates of Credit. While the Italian Government will make every effort to assure that all claims are presented on or before two months from the date of the public announcement of the agreement regarding procedure, the United States Government will consider sympathetically any request for extension of such time period.

## ANNEX I

## AFFIDAVIT BY LEGAL HEIRS FOR ENCASHMENT OF MILITARY PAYMENT ORDERS

1. The person or persons who, under Italian law, are the legal heirs of deceased Prisoners-of-War or who are authorized to bind his estate in the event of his death, mental incompetence, or physical or legal disability, will take the following action in order to effect encashment of Military Payment Orders issued by the United States to Italian former Prisoners-of-War who are now deceased or mentally incompetent, or under physical or legal disability:

(a) On the face of the Military Payment Order, under the caption "Received Payment", the legal heir, (heirs), or person (persons) authorized as herein stated will inscribe the name of the former Prisoner-of-War as indicated on the Payment Order, followed by his own signature and the words "legal heir (heirs) under Italian law" or such other designation as may be appropriate under Italian law.

(b) The following affidavit will be attached to the Military Payment Order, to be completed by the legal heir:

"I (we) declare that under the provisions of Italian law, I am (we are) the legal heir (heirs) or the person (persons) authorized under Italian law to bind the estate of the Prisoner-of-War whose name appears on the attached Military Payment Order, who was, on 15 October 1947 (or at the time of his death), a national of Italy, and who is now deceased, (mentally incompetent), (under physical or legal disability). There is attached herewith a notarial statutory declaration executed in full accordance with Italian law."

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(Signature)

## ANNEX II

## AFFIDAVIT BY LEGAL HEIRS FOR ENCASHMENT OF CERTIFICATES OF CREDIT BALANCE

The person or persons who, under Italian law, are the legal heirs of a deceased Prisoner-of-War, or who are authorized to bind his estate in the event of his death, mental incompetence, or physical or legal disability, will attach to the original Certificate of Credit Balance the following affidavit:

"I (we) declare that under the provisions of Italian law, I am (we are) the legal heir (heirs) or the person (persons) authorized under Italian law to bind the estate of the Prisoner-of-War whose name appears on the attached original Certificate of Credit Balance, who was on 15 October 1947 (or at the time of his death), a national of Italy, and who is now deceased

(mentally incompetent), (under physical or legal disability). In confirmation thereof, there is attached herewith a notarial statutory declaration executed in full accordance with Italian law.”

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(Signature)

## ANNEX III

## AFFIDAVIT

HOLDERS OF MILITARY PAYMENT ORDERS AND CERTIFICATES OF CREDIT  
TURNED IN AFTER OCTOBER 31, 1947

“I, the undersigned, declare that the attached Military Payment Order and/or Certificate of Credit was issued to me by the United States Government, and was for amounts which, under the provisions of the Conventions on Prisoners-of-War then in force, accrued to my credit for the period I was held in the custody of the United States Government as a Prisoner-of-War during World War II. I further declare that on October 31, 1947, I was a national of Italy. There is attached herewith a duly authorized and authentic certificate of nationality.”

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(Signature)

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(Prisoner-of-War  
Number)

*The Minister of the Treasury to the American Treasury Representative*

[TRANSLATION]

ITALIAN REPUBLIC  
The Ministry of the Treasury  
Prot. n. 305179 A. V.

ROME, *February 14, 1948*

DEAR DR. TASCA:

I refer to your letter of February 14, 1948, and to the “Memorandum” thereto attached, regarding the regulation and methods of payment of credit certificates held by Italian soldiers formerly prisoners of war in the United States of America.

I am happy to inform you that the intentions manifested by the United States Government and the procedure indicated in the aforementioned “Memorandum”, are to be considered as satisfactory.

It is understood, therefore, that the same “Memorandum” constitutes a definitive agreement with respect to the procedure to be followed in the regulation and liquidation of the credits in question.

I avail myself of the occasion, dear Dr. Tasca, to renew to you the assurances of my highest consideration.

*The Minister*  
DEL VECCHIO

Dr. HENRY J. TASCA  
*Treasury Representative*  
*American Embassy—Rome*

## WAR GRAVES

*Exchange of notes at Washington March 24 and April 19, 1948,  
amending agreement of December 18, 1947, and January 21, 1948  
Entered into force April 19, 1948*

62 Stat. 1891; Treaties and Other  
International Acts Series 1743

### *The Secretary of State to the Italian Ambassador*

The Secretary of State presents his compliments to His Excellency the Italian Ambassador and has the honor to refer to the Embassy's note no. 11332 of December 18, 1947 and the Department's reply of January 21, 1948<sup>1</sup> regarding the free use of sites in Italy selected for the establishment of permanent United States military cemeteries and the proposed modification of Article 3 [III] of the agreement reached by an exchange of notes in September 1946<sup>2</sup> between the Italian Ministry of Foreign Affairs and the American Embassy at Rome.

The Department assumes that in suggesting a modification of the "first paragraph" of Article 3 of this agreement, it was intended that the last two sentences of Article 3 be retained. In order that there may be no misunderstanding on this point, it is suggested that the Embassy's note and the Department's reply be amended to read "the first sentence of Article 3" rather than "the first paragraph of Article 3."

The Department would appreciate the Embassy's confirming its understanding in this regard.

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DEPARTMENT OF STATE,  
*Washington, March 24, 1948.*

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### *The Italian Ambassador to the Secretary of State*

The Italian Ambassador presents his compliments to the Honorable the Acting Secretary of State and has the honor to refer to the Department's note

<sup>1</sup> TIAS 1743, *ante*, p. 258.

<sup>2</sup> Exchange of notes verbales at Rome Sept. 13 and 24, 1946 (TIAS 1713), *ante*, p. 194.

of March 24, 1948 regarding the exchange of notes between the Department and the Embassy on the subject of the establishment in Italy of permanent United States military cemeteries.

In this connection the Embassy confirms its understanding that, in suggesting a modification of the first paragraph of Article 3 of the agreement reached on the above mentioned subject by an exchange of notes in September 1946 between the Italian Ministry of Foreign Affairs and the American Embassy at Rome, it was intended that the last two sentences of Article 3 be retained.

The Embassy therefore agrees that its note and the Department's reply be amended to read "the first sentence of Article 3" rather than "the first paragraph of Article 3".

A. T.

*Washington, D.C., April 19, 1948.*

DEPARTMENT OF STATE

*Washington, D.C.*

## ECONOMIC COOPERATION

*Agreement signed at Rome June 28, 1948, with annex  
Entered into force June 28, 1948*

*Amended by agreements of September 28 and October 2, 1948;<sup>1</sup>  
June 9 and 17, 1949;<sup>2</sup> February 7, 1950;<sup>3</sup> May 21, 1951;<sup>4</sup> and  
January 13, 1953<sup>5</sup>*

62 Stat. 2421; Treaties and Other  
International Acts Series 1789

### ECONOMIC COOPERATION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND ITALY

#### PREAMBLE

The GOVERNMENTS of THE UNITED STATES OF AMERICA and ITALY:

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of selfhelp and mutual cooperation, open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all possible steps to establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Government of Italy has joined with other like minded nations in a Convention for European Economic Cooperation signed at Paris on April 16, 1948 under which the signatories of that Convention agreed to undertake as their immediate task

<sup>1</sup> TIAS 1917, *post*, p. 326.

<sup>2</sup> *Post*, pp. 347 and 349.

<sup>3</sup> 1 UST 160; TIAS 2028.

<sup>4</sup> 2 UST 1169; TIAS 2263.

<sup>5</sup> 4 UST 116; TIAS 2769.

the elaboration and execution of a joint recovery program, and that the Government of Italy is a member of the Organization of European Economic Cooperation created pursuant to the provisions of that Convention;

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948<sup>6</sup> providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

Taking note that the Government of Italy has already expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948;

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such assistance by Italy, and the measures which the two Governments will take individually and together in furthering the recovery of Italy as an integral part of the joint program for European Recovery;

Have agreed as follows:

#### ARTICLE I

##### *Assistance and Cooperation*

1. The Government of the United States of America undertakes to assist Italy by making available to the Government of Italy or to any person, agency or organization designated by the latter Government, such assistance as may be requested by it and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, conditions, and termination provisions of the Economic Cooperation Act of 1948, Acts amendatory and supplementary thereto and Appropriation Acts thereunder, and will make available to the Government of Italy only such commodities, services and other assistance as are authorized to be made available by such Acts.

2. The Government of Italy, acting individually and through the Organization of European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a Joint Recovery Program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a Joint Recovery Program to become independent of extraordinary outside economic assistance within the period of this agreement. The Government of Italy reaffirms its intention to take

<sup>6</sup> 62 Stat. 137.

action to carry out the provisions of the general obligations of the Convention of European Economic Cooperation, to continue to participate actively in the work of the Organization of European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

3. With respect to assistance furnished by the Government of the United States of America to Italy and procured from areas outside the United States of America, its territories and possessions, the Government of Italy will cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms, and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

## ARTICLE II

### *General Undertaking*

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Government of Italy will use its best endeavors:

(A) To adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to it, including

1) Such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Government of Italy in support of the requirements of assistance to be furnished by the Government of the United States of America;

2) The observation and review of the use of such resources through an effective followup system approved by the Organization of European Economic Cooperation and

3) To the extent practicable, measures to locate, identify and put into appropriate use in furtherance of the joint program for European Recovery assets, and earnings therefrom, which belong to nationals of Italy and which are situated within the United States of America, its territories or possessions. Nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures or on the Government of Italy to dispose of such assets.

(B) To promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organization for European Economic Coopera-

tion; and when desired by the Government of the United States of America to communicate to that Government detailed proposals for specific projects contemplated by the Government of Italy and to be undertaken in substantial part with assistance made available pursuant to this agreement including whenever practicable projects for increased production of food, steel and transportation facilities; and

(C) To stabilize its currency, establish or maintain a valid rate of exchange, balance its governmental budget as soon as practicable, create or maintain internal financial stability, and generally restore or maintain confidence in its monetary system; and

(D) To cooperate with other participating countries in facilitating and stimulating an interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

2. Taking into account Article 8 of the Convention for European Economic Cooperation looking toward the full and effective use of manpower available in the various participating countries, the Government of Italy, with due regard for the urgency and importance of its own problem of surplus manpower, will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organization, directed to the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this agreement.

3. The Government of Italy will take the measures which it deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the Joint Program of European recovery.

### ARTICLE III

#### *Guaranties*

1. The Governments of the United States of America and Italy will, upon the request of either Government, consult respecting projects in Italy proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under Section 111 (b) (3) of the Economic Cooperation Act of 1948.

2. The Government of Italy agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any lire or credits in lire, assigned or transferred

to the Government of the United States of America pursuant to that Section shall be recognized as property of the Government of the United States of America.

#### ARTICLE IV

##### *Local Currency*

1. The provisions of this Article shall apply only with respect to assistance which may be furnished by the Government of the United States of America on a grant basis.

2. The Government of Italy will establish a special account in the Bank of Italy in the name of the Government of Italy (hereinafter called the Special Account) and will make deposits in lire to this account as follows:

(a) The unencumbered balance at the close of business on the day of the signature of this Agreement in the special accounts in the Bank of Italy in the name of the Government of Italy established pursuant to the Agreements between the Government of the United States of America and the Government of Italy made on July 4, 1947<sup>7</sup> and on January 3, 1948<sup>8</sup> and any further sums which may, from time to time, be required by such agreements to be deposited in the special accounts. It is understood that Subsection (e) of Section 114 of the Economic Cooperation Act of 1948 constitutes the approval and determination of the Government of the United States of America with respect to the disposition of such balances, referred to in those Agreements.

(b) The unencumbered balances of the deposits made by the Government of Italy pursuant to the exchange of notes between the two Governments dated April 20, 1948.<sup>9</sup>

(c) Amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services and technical information (including any costs of processing, storing, transporting, repairing or other services incident thereto) made available to Italy on a grant basis by any means authorized under the Economic Cooperation Act of 1948, less, however, the amount of the deposits made pursuant to the exchange of notes referred to in Subparagraph (b). The Government of the United States of America shall from time to time notify the Government of Italy of the indicated dollar cost of any such commodities, services and technical information, and the Government of Italy will thereupon deposit in the Special Account a commensurate amount of lire computed at a rate of exchange which shall be the par value agreed at such time with the International Monetary Fund; provided that this agreed value is the single rate applicable to the purchase of dollars for imports into Italy. If at the time of notification a par value for the lira is agreed with the Fund and

<sup>7</sup> TIAS 1653, *ante*, p. 204.

<sup>8</sup> TIAS 1678, *ante*, p. 255.

<sup>9</sup> Not printed here. For background, see *Department of State Bulletin*, May 23, 1948, p. 686.

there are one or more other rates applicable to the purchase of dollars for imports into Italy, or, if at the time of notification no par value for the lira is agreed with the Fund, the rate or rates for this particular purpose shall be mutually agreed upon between the Government of Italy and the Government of the United States of America. The Government of Italy may at any time make advance deposits in the Special Account which shall be credited against subsequent notifications pursuant to this paragraph.

3. The Government of the United States of America will from time to time notify the Government of Italy of its requirements for administrative expenditures in lire within Italy incident to operations under the Economic Cooperation Act of 1948, and the Government of Italy will thereupon make such sums available out of any balances in the Special Account in the manner requested by the Government of the United States of America in the notification.

4. Five percent of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid Appropriation Act, 1948 [1949],<sup>10</sup> shall be allocated to the use of the Government of the United States of America for its expenditures in Italy, and sums made available pursuant to paragraph three of this Article shall first be charged to the amounts allocated under this paragraph.

5. The Government of Italy will further make such sums of lire available out of any balances in the Special Account as may be required to cover costs (including port, storage, handling and similar charges) of transportation from any point of entry in Italy to the consignee's designated point of delivery in Italy of such relief supplies and packages as are referred to in Article VI.

6. The Government of Italy may draw upon any remaining balance in the Special Account for such purpose as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Government of Italy for drawings from the Special Account the Government of the United States of America will take into account the need for promoting or maintaining internal monetary and financial stabilization in Italy and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within Italy, including in particular:

(a) Expenditures upon projects or programs, including those which are part of a comprehensive program for the development of the productive capacity of Italy and the other participating countries, and projects or programs the external costs of which are being covered by assistance rendered by the Government of the United States of America under the Economic Cooperation Act of 1948 or otherwise, or by loans from the International Bank for Reconstruction and Development;

(b) Expenditures upon the exploration for and development of addi-

<sup>10</sup> 62 Stat. 1054.

tional production of materials which may be required in the United States of America because of deficiencies or potential deficiencies in the resources of the United States of America; and,

(c) Effective retirement of the national debt, especially debt held by the Bank of Italy or other banking institution.

7. Any unencumbered balance other than unexpended amounts allocated under paragraph 4 of this Article remaining in the Special Account on June 30, 1952, shall be disposed of within Italy for such purposes as may hereafter be agreed between the Governments of the United States of America and Italy, it being understood that the agreement of the United States of America shall be subject to approval by act or joint resolution of the Congress of the United States of America.

## ARTICLE V

### *Access to Materials*

1. The Government of Italy will facilitate the transfer to the United States of America, for stockpiling or other purposes, of materials originating in Italy which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Governments of the United States of America and Italy, after due regard for the reasonable requirements of Italy for domestic use and commercial export of such materials. The Government of Italy will take such specific measures as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within Italy, and the removal of any hindrances to the transfer of such materials to the United States of America. The Government of Italy will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

2. Recognizing the principle of equity in respect to the drain upon the natural resources of the United States of America, and of the participating countries, the Government of Italy will, when so requested by the Government of the United States of America, negotiate where applicable (a) a future schedule of minimum availabilities to the United States of America for future purchase and delivery of a fair share of materials originating in Italy which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources at world market prices so as to protect the access of the United States industry to an equitable share of such materials either in percentages of production or in absolute quantities from Italy, (b) arrangements providing suitable protection for the right of access for any citizen of the United States of America or any

corporation, partnership, or other association created under the laws of the United States of America or of any state or territory thereof and substantially beneficially owned by citizens of the United States of America, in the development of such materials on terms of treatment equivalent to those afforded to the nationals of Italy, and, (c) an agreed schedule of increased production of such materials where practicable in Italy and for delivery of an agreed percentage of such increased production to be transferred to the United States of America on a long-term basis in consideration of assistance furnished by the United States of America under this Agreement.

3. The Government of Italy when so requested by the Government of the United States of America, will cooperate whenever appropriate to further the objectives of paragraphs 1 and 2 of this Article in respect of materials originating outside of Italy.

#### ARTICLE VI

##### *Travel Arrangements and Relief Supplies*

1. The Government of Italy will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

2. The Government of Italy will, when so desired by the Government of the United States of America, enter into negotiations for agreements (including the provisions of duty-free treatment under appropriate safeguards) to facilitate the entry into Italy of supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies and of relief packages originating in the United States of America and consigned to individuals residing in Italy.

#### ARTICLE VII

##### *Consultation and Transmittal of Information*

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of Italy will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Government of Italy:

(A) Detailed information of projects, programs and measures proposed or adopted by the Government of Italy to carry out the provisions of this Agreement and the general obligations of the Convention for European Economic Cooperation.

(B) Full statements of operations under this Agreement including a statement of the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter;

(C) Information regarding its economy and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the Joint Recovery Program.

3. The Government of Italy will assist the Government of the United States of America to obtain information relating to the materials originating in Italy referred to in Article V which is necessary to the formulation and execution of the arrangements provided for in that Article.

#### ARTICLE VIII

##### *Publicity*

1. The Governments of the United States of America and Italy recognize that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European Recovery and of the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Government of Italy will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. It will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. It will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the program for Economic Recovery.

4. The Government of Italy will make public in Italy in each calendar quarter, full statements of operations under this Agreement, including information as to the use of funds, commodities and services received.

#### ARTICLE IX

##### *Missions*

1. The Government of Italy agrees to receive a Special Mission for Economic Cooperation which will discharge the responsibilities of the Government of the United States of America in Italy under this Agreement.

2. The Government of Italy will, upon appropriate notification from the Ambassador of the United States of America in Italy, consider the Special Mission and its personnel, and the United States Special Representative in Europe, as part of the Embassy of the United States of America in Italy for the purpose of enjoying the privileges and immunities accorded to that Embassy and its personnel of comparable rank. The Government of Italy will further accord appropriate courtesies to the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America and grant them the facilities and assistance necessary to the effective performance of their responsibilities.

3. The Government of Italy, directly and through its representatives on the Organization of European Economic Cooperation will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

#### ARTICLE X

##### *Settlement of Claims of Nationals*

1. The Governments of the United States of America and Italy agree to submit to the decisions of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of governmental measures (other than measures concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interests of such national, including contracts with or concessions granted by duly authorized authorities of such other Government.

It is understood that the undertaking of the Government of the United States of America in respect of claims espoused by the Government of Italy pursuant to this Article is made under the authority of and is limited by the terms and conditions of the recognition by the United States of America of the compulsory jurisdiction of the International Court of Justice under Article 36 of the statute of the Court, as set forth in the declaration of the President of the United States of America dated August 14, 1946.<sup>11</sup> The provisions of this paragraph shall be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements or principles of international law.

<sup>11</sup> TIAS 1598, *ante*, vol. 4, p. 140.

2. The Governments of the United States of America and of Italy further agree that such claims may be referred, in lieu of the Court, to any arbitral tribunal mutually agreed upon. It is understood that the undertaking of each Government pursuant to this paragraph is subject to and limited by the terms and conditions of existing arbitration treaties, conventions or other agreements, particularly any provisions respecting the functions of the Senate of the United States of America and the Italian Parliament.

3. It is further understood that neither Government will espouse a claim pursuant to this Article until its national has exhausted the remedies available to him in the Administrative and Judicial Tribunals of the country in which the claim arose.

## ARTICLE XI

### *Definitions*

As used in the Agreement, the term "participating country" means:

(1) any country which signed the report of the Committee of European Economic Cooperation at Paris on September 22, 1947, and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and

(2) any other country (including any of the zones of occupation of Germany, any areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration; for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purpose of this Agreement.

## ARTICLE XII

### *Entry into Force, Amendments, Duration*

1. This Agreement shall become effective on this day's date. Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall be given.

2. If during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumption underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after

three months from such notification the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

- (a) Six months after the date of such notice of intention to terminate, or
- (b) After such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of Italy are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice; provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.<sup>12</sup>

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary Agreements and arrangements shall be governed by their own terms. Article IV shall remain in effect until all the sums in the currency of Italy required to be deposited in accordance with its own terms have been disposed of as provided in that Article.

4. Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

5. The Annex to this agreement forms an integral part thereof.

6. This Agreement may be amended at any time by agreement between the two Governments.

7. This Agreement shall be registered with the Secretary General of the United Nations.

In witness whereof the respective representatives, duly authorized for the purpose, have signed the present Agreement.

DONE at Rome, in duplicate, in the English and Italian languages, both texts authentic, this 28th day of June 1948.

For the Government of the United States of America:

JAMES CLEMENT DUNN

For the Italian Government:

SFORZA

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<sup>12</sup> For an amendment of art. XII, para. 2(b), see agreement of Sept. 28 and Oct. 2, 1948 (TIAS 1917), *post*, p. 326.

## ANNEX

## INTERPRETIVE NOTES

1. It is understood that the requirements of paragraph 1 (*A*) of Article II, relating to the adoption of measures for the efficient use of resources, will include, with respect to commodities furnished under the Agreement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade.

2. It is understood that the obligations under paragraph 1 (*C*) of Article II to balance the budget as soon as practicable will not preclude deficits for over a short period but will mean a budgetary policy involving the balancing of the budget in the long-run.

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II means:

(a) Fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any products;

(b) Excluding enterprises from, or allocating or dividing, any territorial market or field of business activity or allocating customers, or fixing sales quotas or purchase quotas;

(c) Discriminating against particular enterprises;

(d) Limiting production or fixing production quotas;

(e) Preventing by agreement the development or application of technology or invention whether patented or unpatented;

(f) Extending the use of rights under patents, trade marks or copyrights granted by either country to matters which according to its laws and regulations are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants;

(g) Such other practices as the two Governments may agree to include.

The foregoing reproduces the definition of restrictive business practices contained in Article 46, paragraph three, Havana International Trade Organization Charter.<sup>13</sup>

<sup>13</sup> Unperfected. Art. 46(3) of the Havana Charter reads as follows:

"The practices referred to in paragraph 2 are the following:

(a) fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

(b) excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

(c) discriminating against particular enterprises;

(d) limiting production or fixing production quotas;

(e) preventing by agreement the development or application of technology or invention whether patented or unpatented;

(f) extending the use of rights under patents, trade marks or copyrights granted by any Member to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants;

(g) any similar practices which the Organization may declare, by a majority of two-thirds of the Members present and voting, to be restrictive business practices."

4. It is understood that the Government of Italy is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination.

5. It is understood that the phrase in Article V, "After due regard for the reasonable requirements of Italy for domestic use" will include the maintenance of reasonable stocks of the materials concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article V might appropriately include provision for consultation, in accordance with the principles of Article Thirty-two of the Havana Charter for an International Trade Organization,<sup>14</sup> in the event that stockpiles are liquidated.

6. It is understood that the Government of the United States of America in making the notifications referred to in paragraph 3 of Article IX will bear in mind the desirability of restricting, so far as practicable, the number of officials for whom full diplomatic privileges will be requested. It is also understood that the detailed application of Article IX will, when necessary, be the subject of inter-governmental discussion.

7. It is understood that the Government of Italy will not be requested, under paragraph 2(a) of Article VII, to furnish detailed information about minor projects or confidential commercial or technical information, the disclosure of which would injure legitimate commercial interests.

8. It is understood that if the Government of Italy should accept the compulsory jurisdiction of the International Court of Justice under Article 36 of the statute of the Court,<sup>15</sup> on suitable terms and conditions, the two Governments will consult with a view to replacing the second sentence of paragraph 1 of Article X with provisions along the following lines: "It is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited by the terms and conditions of such effective recognition as it has heretofore given to the compulsory jurisdiction of the International Court of Justice under Article 36 of the statute of the Court."

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<sup>14</sup> Unperfected. Art. 32(3) of the Havana Charter reads as follows:

"Such Member shall, at the request of any Member which considers itself substantially interested, consult as to the best means of avoiding substantial injury to the economic interests of producers and consumers of the primary commodity in question. In cases where the interests of several Members might be substantially affected, the Organization may participate in the consultations, and the Member holding the stocks shall give due consideration to its recommendations."

<sup>15</sup> TS 993, *ante*, vol. 3, p. 1186.

# MOST-FAVORED-NATION TREATMENT FOR AREAS UNDER OCCUPATION OR CONTROL

*Exchange of notes at Rome June 28, 1948*

*Entered into force June 28, 1948*

*Expired in accordance with its terms*

62 Stat. 2913; Treaties and Other  
International Acts Series 1829

*The American Ambassador to the Minister of Foreign Affairs*

F.O. No. 1445

ROME, June 28, 1948

EXCELLENCY,

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and Italy and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany, Japan or southern Korea, the Government of Italy will apply to the merchandise trade of such areas the provisions relating to the most favored nation treatment of the merchandise trade of the United States of America set forth in the Treaty of Friendship, Commerce and Navigation, signed February 2, 1948<sup>1</sup> and, pending the entry into force of such Treaty, in the exchange of Notes on commercial policy of August 14, 1947,<sup>2</sup> or, for such time as the Governments of the United States of America and Italy may both be contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947,<sup>3</sup> the provisions of that agreement, as now or hereafter amended, relating to the most favored nation treatment of such trade. It is understood that the undertaking in this paragraph relating to the application of the most favored nation provisions of the Treaty of Friendship, Commerce and Navigation shall be subject to the exceptions recognized in the general agreement on tariffs and trade permitting departures from the application of most favored nation treatment, and that the undertaking relating to the exchange of notes

<sup>1</sup> TIAS 1965, *ante*, p. 261.

<sup>2</sup> TIAS 1757, *ante*, p. 215.

<sup>3</sup> TIAS 1700, *ante*, vol. 4, p. 641.

on commercial policy shall be subject to such exceptions and to the exceptions recognized in the Treaty of Friendship, Commerce and Navigation; provided that nothing in this sentence shall be construed to require compliance with the procedures specified in the general agreement with regard to the application of the exceptions in the general agreement.

2. The undertaking in point 1 above will apply to the trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most favored nation treatment to the merchandise trade of Italy.

3. The undertakings in points 1 and 2 above are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Habana Charter for an International Trade Organization<sup>4</sup> relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in western Germany, Japan or southern Korea referred to in point 1, above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Italy to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Italy determines that the subsidization is such as to cause or to threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Accept, Excellency, the renewed assurances of my highest consideration.

JAMES CLEMENT DUNN

His Excellency

Count CARLO SFORZA,

*Minister of Foreign Affairs,  
Rome.*

<sup>4</sup> Unperfected; for excerpts, see *A Decade of American Foreign Policy: Basic Documents, 1941-49* (S. Doc. 123, 81st Cong., 1st sess.), p. 391.

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

THE MINISTRY OF FOREIGN AFFAIRS

ROME, *June 28, 1948*

EXCELLENCY:

In a letter dated today Your Excellency was so good as to communicate to me the following:

[For text of U.S. note, see above.]

I have the honor to inform you that the Italian Government is in accord with the foregoing.

I welcome the occasion, Excellency, to renew to you the assurances of my highest consideration.

SFORZA

His Excellency

JAMES CLEMENT DUNN

*Ambassador of the United States of America  
Rome*

## NONIMMIGRANT VISAS

*Exchange of notes verbales at Rome September 28 and 29, 1948*  
*Entered into force September 29, 1948; operative November 1, 1948*

62 Stat. 3480; Treaties and Other  
International Acts Series 1867

*The Ministry for Foreign Affairs to the American Embassy*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
D.G.E.—Allens  
04165/30

### NOTE VERBALE

The Ministry of Foreign Affairs has the honor to communicate to the Embassy of the United States of America that the Italian Government has decided to abolish, beginning November 1 next, the visa on passports of American citizens who intend to pass through Italy or sojourn there for a period not exceeding three consecutive months. The competent authorities of the Security Police may grant extensions of the residence permit, at the request of the persons concerned, for a maximum period of three months.

United States citizens who intend to remain in Italy for a longer or indefinite period must provide themselves, before beginning the trip, with a visa which will be granted by Italian representatives abroad after consultation with the competent central authority.

The Ministry of Foreign Affairs was pleased to learn from the American Embassy's pro memoria, no. 308 of June 27, 1947, and from subsequent communications, that its Government is prepared to grant to Italian citizens intending to go to the United States for a temporary stay non-immigrant visas valid for presentation at a port of disembarkation one or more times in a two-year period. Such visa will have the validity of the passport on which it is placed for a maximum period of two years.

The Italian central authorities will make their decision known with reference to the applications of United States citizens for a long stay within two months after receipt of the respective applications. It would be appreciated if, within the same period, the consuls of the United States of America would undertake to accept the applications of Italian citizens desiring to obtain a non-immigrant visa or make known their reasons in case of refusal.

The Ministry of Foreign Affairs has the honor to request the Embassy of the United States of America to make its views known with respect to the provisions alluded to above and to communicate the date of entry into force.

ROME, *September 28, 1948*

MINISTRY OF FOREIGN AFFAIRS

THE EMBASSY OF THE  
UNITED STATES OF AMERICA,  
*Rome*

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*The American Embassy to the Ministry for Foreign Affairs*

F.O. No. 1887

NOTE VERBALE

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs, and has the honor to acknowledge with pleasure the Ministry's Note No. 04165/30 of September 28, 1948 regarding the decision of the Italian Government to waive from November 1, 1948 visas on passports of United States citizens who intend to transit through Italy or stay in Italy for not exceeding three consecutive months, with the privilege of extension for a maximum period of three months.

American consular offices are being instructed by the Department of State, effective November 1, 1948, to grant non-immigrant visas valid for 24 months to Italian subjects classified as temporary visitors under Section 3(2) of the United States Immigration Act of 1924,<sup>1</sup> as amended, as long as visa requirements are waived for American citizens proceeding to Italy for a visit, or in transit. The 24 months' period of validity will apply only to temporary visitors classified under Section 3(2) of the Act; visas issued to government officials and members of international organizations under Sections 3(1) and 3(7) of the Act will continue to be issued valid for twelve months. The waiver of passport visa fees for non-immigrant temporary visitors is continued.

In considering the period of validity for two years it should be understood that the visas granted would be valid for presentation at a port of entry at any time, or any number of times, during the two-year period. It would have no relation to the period of stay in the country which may be granted to the bearer of such a visa if he is admitted into the country after inspection at the port of entry. In accordance with existing procedure, the immigration officials at the port of entry would continue to specify the authorized length of stay of an alien for each visit. In general the passport of an alien

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<sup>1</sup> 43 Stat. 154.

must be valid for a period of at least 60 days beyond the period of the alien's contemplated stay in the United States.

No visa granted for a period of two years would be valid for such period unless the passport or other acceptable travel document of the bearer is valid for such period. However, if the passport or travel document is not valid for the full period of two years at the time the visa is granted the passport or travel document may be extended by the issuing authority for the full period of two years or more, in which event the visa would be considered as valid for the full period of two years.

The Embassy notes that the Italian authorities will take action on applications for longer sojourns of United States citizens within two months and agrees, insofar as possible within the limits of American law, to act on applications for visas submitted by Italian citizens within the same period of time.

ROME, *September 29, 1948.*

HMB

To the  
MINISTRY OF FOREIGN AFFAIRS,  
*Rome.*

## ECONOMIC COOPERATION

*Exchange of notes at Rome September 28 and October 2, 1948,  
amending agreement of June 28, 1948*

*Entered into force October 2, 1948*

62 Stat. 3815; Treaties and Other  
International Acts Series 1917

*The American Ambassador to the Minister of Foreign Affairs*

F.O. No. 1904

EXCELLENCY,

I have the honor to refer to the Economic Cooperation Agreement between the United States of America and Italy, which was signed at Rome on June 28, 1948,<sup>1</sup> and, under the instructions of my Government, to suggest that the following interpretation be accepted and agreed upon as representing the intent of the agreement:

In Article XII, paragraph 2, sub-paragraph (b), the words “. . . provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than July [June] 30, 1953.”, and the corresponding words in the Italian text, shall be understood as applying to and modifying both sub-paragraph (a) and sub-paragraph (b) of Article XII, paragraph 2.

Accept, Excellency, the renewed assurance of my highest consideration.

JAMES CLEMENT DUNN

ROME, *September 28, 1948.*

His Excellency

Count CARLO SFORZA,

*Minister for Foreign Affairs,*

*Rome.*

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<sup>1</sup> TIAS 1789, *ante*, p. 306.

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

THE MINISTER OF FOREIGN AFFAIRS

04794/448

ROME, *October 2, 1948*

EXCELLENCY:

I have the honor to acknowledge receipt of note No. 1904 dated September 28, 1948.

In the said note, with reference to the Economic Cooperation Agreement between Italy and the United States of America, which was signed at Rome on June 28, 1948, Your Excellency suggests an interpretation of Article XII of that Agreement:

Specifically, that the words of paragraph 2, sub-paragraph (b), “. . . provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate the agreement, but not later than June 30, 1953” apply to both sub-paragraph (a) and sub-paragraph (b).

I have the honor to inform you that the Italian Government is in agreement with that interpretation.

I avail myself of the occasion to renew to Your Excellency the assurances of my highest consideration.

SFORZA

His Excellency

JAMES CLEMENT DUNN

*Ambassador of the United States of America,  
Rome*

## RELIEF ASSISTANCE

*Exchanges of notes at Rome November 26, 1948*

*Entered into force November 26, 1948*

*Supplemented by agreement of November 26, 1948*<sup>1</sup>

*Amended by agreement of July 19, 1952*<sup>2</sup>

62 Stat. 3809; Treaties and Other  
International Acts Series 1914

*The American Ambassador to the Minister of Foreign Affairs*

No. 2131

NOVEMBER 26, 1948

### EXCELLENCY:

I have the honor to refer to paragraph 2, Article VI and paragraph 5, Article IV of the Economic Cooperation Agreement between Italy and the United States of America, signed in Rome on June 28, 1948.<sup>3</sup>

In accordance with the above-mentioned provisions and pursuant to exchanges of views between the Ministry of Foreign Affairs and the Italian Delegation for European Economic Cooperation on the one hand, and the Embassy of the United States of America and the Economic Cooperation Administration mission in Rome on the other, it is understood that:

(1) The Italian Government, pursuant to paragraph 2, Article VI, shall admit under duty-free treatment:

(a) Supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies qualified under ECA regulations, such supplies to be distributed in accordance with instructions of such agencies, by and consigned to ENDSI (Ente Nazionale Distribuzione Soccorsi in Italia), an organization created by Legislative Decree of the Lieutenant General, dated September 28, 1944, Official Gazette No. 62 of September 30, 1944, for the purpose of distributing relief goods. "Relief Goods" shall be construed as meaning supplies or products intended for relief purposes, excluding nonessential luxury items.

<sup>1</sup> TIAS 1914, *post*, p. 331.

<sup>2</sup> 3 UST 5078; TIAS 2694.

<sup>3</sup> TIAS 1789, *ante*, p. 306.

(b) Standard relief parcels supplied by CARE (Cooperative for American Remittances to Europe), or by such similar agencies as may be mutually agreed upon.

(c) Gift parcels labelled "U.S.A. Gift Parcel", shipped by parcel post from individuals in the United States of America, its territories and insular possessions, to individuals residing in Italy, packed in accordance with current international postal regulations, weight not to exceed 10 kilograms gross; limited to food, but not more than 2 kilograms coffee, and not more than 3 kilograms sugar; clothing and clothing materials, shoes and shoe-making materials, and medical and health supplies excluding narcotics, alkaloids and saccharine; in such quantities as to clearly indicate usage limited to addressee and family and limited to one parcel per month for each individual Italian addressee.

(d) Gift parcels labelled "U.S.A. Gift Parcel", shipped other than by parcel post, from individuals, partnerships, corporations or associations in the United States, its territories and insular possessions, addressed to individuals residing in Italy, provided that the weight, content and other limitations as given in (c) above shall apply and provided further that ENDSI is designated as the receiving agency and acts as distribution agent.

(2) As regards transportation costs within Italy referred to in paragraph 5, Article IV of the Economic Cooperation Agreement, it is understood that:

(a) Relief goods, standard relief parcels and packages admitted duty free under (1) a, b and d above shall be received, warehoused, handled and transported to designated recipient without charge by ENDSI to donor, recipient or relief agency. All costs for such services shall be borne by ENDSI with funds made available by the Italian Government, and not from the Special Account (Lire Fund).

(b) With respect to gift parcels referred to in (1) c above, the Italian Postal Service shall determine its charges within Italy at the rates established by the international postal system. The Italian Postal Service shall be reimbursed for such charges from the Special Account (Lire Fund).

(3) The Italian Government shall reimburse the Italian Postal Service for its charges under (2) b above from the Special Account, and shall submit monthly to the ECA mission—copy to the ECA Controller in Washington—a report of the amounts reimbursed, in a form satisfactory to the Italian Government and to the ECA mission, it being understood that each of such reports shall specify the total weight transported and charges therefor. If any adjustment in the amount of such reimbursements is necessary as a result of ECA audit, such adjustment shall be made promptly.

(4) With regard to duty-free treatment, the terms of this note shall take effect immediately. With regard to the defrayment of postal charges for gift parcels, the terms of this note shall take effect after notification has been

given the Italian Government by the U.S. Government that postage has been reduced and charges therefor may then be paid from the special account. However, with respect to the provisions in (2) a above, the terms of this note shall be effective retroactively to July 1, 1948.

If the foregoing is in accord with the understanding of the Italian Government, I would appreciate Your Excellency's so advising me. The two notes then exchanged will constitute agreement by our two Governments in the premises.

Accept, Excellency, the renewed assurance of my highest consideration.

JAMES CLEMENT DUNN

His Excellency

Count CARLO SFORZA,  
*Minister for Foreign Affairs,*  
*Rome.*

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*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

THE MINISTRY OF FOREIGN AFFAIRS

No. 44/7350/605

ROME, *November 26, 1948*

EXCELLENCY:

I have the honor to refer to Your Excellency's Note No. 2131 of November 26, 1948, in which you were good enough to inform me as follows:

[For text of U.S. note, see above.]

I have the honor to inform you that the Italian Government is in agreement on the foregoing and that the present exchange of Notes constitutes an agreement between our two Governments.

Accept, Excellency, the assurances of my highest consideration.

SFORZA

His Excellency JAMES CLEMENT DUNN

*Ambassador of the United States of America*  
*Rome.*

## RELIEF ASSISTANCE

*Exchange of notes at Rome November 26, 1948, supplementing agreement of same date*

*Entered into force November 26, 1948*

62 Stat. 3813; Treaties and Other  
International Acts Series 1914

*The American Ambassador to the Minister of Foreign Affairs*

No. 2132

NOVEMBER 26, 1948

EXCELLENCY:

I have the honor to refer to your Excellency's Note No. 44/7350/605 dated November 26<sup>1</sup> with regard to the duty-free treatment and inland transportation of certain supplies of relief goods, relief parcels and gift packages.

It is the understanding of my Government that nothing in that Note shall change the present status of relations between the United States voluntary relief agencies and A.A.I. (Amministrazione Aiuti Internazionali), the organization created by Legislative Decree No. 5 of January 4, 1946, Official Gazette No. 25 of January 30, 1946, and Legislative Decree No. 1006 of September 19, 1947, Official Gazette No. 229 of October 6, 1947.

Accept, Excellency, the renewed assurance of my highest consideration.

JAMES CLEMENT DUNN

His Excellency  
COUNT CARLO SFORZA,  
*Minister for Foreign Affairs,  
Rome.*

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*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

THE MINISTRY OF FOREIGN AFFAIRS

No. 44/7351/606

ROME, November 26, 1948

EXCELLENCY:

I have the honor to refer to Your Excellency's Note No. 2132 of November 26, 1948, in which you were good enough to inform me as follows:

[For text of U.S. note, see above.]

<sup>1</sup> TIAS 1914, *ante*, p. 330.

I have the honor to inform you that the Italian Government is in agreement on the foregoing.

Accept, Excellency, the assurances of my highest consideration.

SFORZA

His Excellency

JAMES CLEMENT DUNN

*Ambassador of the United States of America,  
Rome*

## FINANCING OF EDUCATIONAL EXCHANGE PROGRAM

*Agreement signed at Rome December 18, 1948*

*Entered into force December 18, 1948*

*Amended by agreements of April 28 and June 14 and 30, 1954;<sup>1</sup>  
April 22 and June 30, 1955;<sup>2</sup> June 17, 1959;<sup>3</sup> October 5, 1966;<sup>4</sup>  
and October 12 and December 6, 1967<sup>5</sup>*

62 Stat. 3465; Treaties and Other  
International Acts Series 1864

### AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE ITALIAN REPUBLIC FOR FINANCING CERTAIN EDUCATIONAL EXCHANGE PROGRAMS

The GOVERNMENT OF THE UNITED STATES OF AMERICA and the GOVERNMENT OF THE ITALIAN REPUBLIC

Desiring to promote further mutual understanding between the peoples of the United States of America and of Italy by a wider exchange of knowledge and professional talents;

Considering that the Secretary of State of the United States of America may enter into an agreement for financing certain educational exchange programs from currencies or credits for currencies acquired pursuant to the Memorandum of Agreement dated September 9, 1946,<sup>6</sup> or any supplement or modification thereof (hereinafter collectively referred to as the *Memorandum*);

Have agreed as follows:

#### ARTICLE 1<sup>7</sup>

The Government of the Italian Republic shall deposit, subsequent to 30 days from December 18th 1948, with the Treasurer of the United States

<sup>1</sup> 5 UST 2913; TIAS 3148.

<sup>2</sup> 6 UST 2081; TIAS 3278.

<sup>3</sup> 10 UST 1186; TIAS 4254.

<sup>4</sup> 17 UST 2338; TIAS 6179.

<sup>5</sup> 18 UST 3158; TIAS 6408.

<sup>6</sup> Not printed.

<sup>7</sup> For amendments of art. 1, see 6 UST 2081, TIAS 3278; 10 UST 1186, TIAS 4254; 17 UST 2338, TIAS 6179; and 18 UST 3158, TIAS 6408.

of America on such dates as the Government of the United States of America shall specify, amounts of Italian currency until an aggregate amount of Italian currency equivalent to \$5,000,000 (United States currency) shall have been so deposited, provided, however, that in no event shall a total amount of Italian currency in excess of the equivalent of \$1,000,000 (United States currency) be deposited during any single calendar year. The amount of currency so deposited shall reduce the amount that would otherwise be payable in dollars by the Government of the Italian Republic to the Government of the United States of America in accordance with the *Memorandum*.

The rate of exchange between Italian currency and United States currency to be used in determining the amount of Italian currency to be deposited from time to time pursuant to this agreement shall be determined in accordance with the *Memorandum*, or any supplement or modification thereof.

#### ARTICLE 2<sup>8</sup>

The amounts thus made available to the Treasurer of the United States of America shall not be subject to the domestic and local laws of the United States of America as they relate to the use and expenditure of currencies and credits for currencies for the purposes set forth in the present agreement, and shall be considered as property constituted pursuant to a transaction entered into in accordance with the *Memorandum* and are therefore not subject in the Italian Republic to any tax, duty, or other assessment under paragraph 8 of the *Memorandum*. Such amounts shall be used for the purposes of:

1. Financing studies, research, instruction and other educational activities of or for citizens of the United States of America in schools and institutions of higher learning located in the Italian Republic or of citizens of the Italian Republic in United States schools and institutions of higher learning located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico and the Virgin Islands, including payment for transportation, maintenance, tuition and other expenses, incident to scholastic activities; or

2. Furnishing transportation for citizens of the Italian Republic who desire to attend United States schools and institutions of higher learning in the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico and the Virgin Islands, and whose attendance will not deprive citizens of the United States of America of an opportunity to attend such schools and institutions.

#### ARTICLE 3<sup>9</sup>

In order to promote the integrated development of the educational program, there shall be established a joint Commission, to be known as the

<sup>8</sup> For amendments of art. 2, see 6 UST 2081, TIAS 3278 and 18 UST 3158, TIAS 6408.

<sup>9</sup> For amendments of art. 3, see 6 UST 2081, TIAS 3278; 17 UST 2338, TIAS 6179; and 18 UST 3158, TIAS 6408.

American Commission for Cultural Exchange with Italy (hereinafter designated "the Commission") which will receive funds made available to the Government of the United States of America under the *Memorandum*. The funds so made available shall be placed at the disposal of the Commission by deposit in the Italian Republic in the name of the Treasurer of the Commission.

#### ARTICLE 4

The Commission shall exercise all powers necessary for carrying out the educational program, including the following:

(a) authorize the disbursement of the funds and the making of grants and advances therefrom;

(b) plan, adopt and carry out programs which, in the territory of the Italian Republic, shall be executed in collaboration with the Government of the Italian Republic;

(c) recommend to the Board of Foreign Scholarships, provided for in the United States Surplus Property Act of 1944,<sup>10</sup> as amended, students, teachers, professors, research scholars, resident in the Italian Republic, and institutions situated in the Italian Republic, qualified in the opinion of the Commission to participate in the programs in accordance with the aforesaid Act;

(d) recommend to the aforesaid Board of Foreign Scholarships such qualifications for the selection of participants in the programs as it may deem necessary;

(e) provide for periodic audits of the accounts of the Commission as directed by auditors selected by the Secretary of State of the United States of America;

(f) engage an executive officer, administrative and clerical staff and fix and authorize the payment of salaries and wages thereof out of the funds made available.

#### ARTICLE 5

All expenditures authorized by the Commission shall be made in accordance with budgets to be approved by the Secretary of State of the United States of America pursuant to such regulations he may prescribe, and the Commission shall not authorize any commitments or create any obligation in excess of the part of the funds actually placed at its disposal at the time of the authorization.

#### ARTICLE 6

The Commission shall consist of twelve members, six of whom shall be citizens of the United States of America, six of whom shall be citizens of the Italian Republic.

<sup>10</sup> 58 Stat. 765.

Of the citizens of the United States of America, a minimum of three shall be officers of the United States Foreign Service Establishments in the Italian Republic; one of them shall serve as Treasurer. The principal officer in charge of the Diplomatic Mission of the United States of America in the Italian Republic shall be Honorary Chairman of the Commission. He shall have the power of appointment and removal of the United States citizens on the Commission, and deciding vote in case of tie. The citizens of the Italian Republic on the Commission shall be appointed and may be removed by the Government of the Italian Republic. A Chairman with voting power shall be elected by the Commission from among its members.

The members shall serve from the time of their appointment until one year from the following December 31st, and shall be eligible for reappointment. Vacancies by reason of resignation, transfer of residence outside the territory of the Italian Republic, expiration of term of service or otherwise, shall be filled in accordance with the above procedure. The members shall serve without compensation, but the Commission may authorize the payment of the necessary expenses of the members in attending the meetings of the Commission.

The Commission shall adopt such rules and appoint such committees as it deems necessary for the conduct of its affairs.

#### ARTICLE 7

Reports shall be made annually on the activities of the Commission to the Secretary of State of the United States of America and the Government of the Italian Republic. Such reports shall be submitted in such form and detail as may be required by the Secretary of State.

#### ARTICLE 8

The principal office of the Commission shall be in Rome, but meetings of the Commission and any of its committees may be held in such other places as the Commission may from time to time determine, and the activities of any of the Commission officers or staff may be carried on at such places as may be approved by the Commission, within the limit of any rules, regulations and restrictions in force in territories under the authority of the Italian Republic.

#### ARTICLE 9

Wherever in the present agreement, the term "Secretary of State of the United States of America" is used, it shall be understood to mean the Secretary of State of the United States of America or any officer or employee of the Government of the United States of America designated by him to act on his behalf.

ARTICLE 10<sup>11</sup>

The Government of the United States of America and the Government of the Italian Republic shall make every effort to facilitate the exchange of persons programs authorized in this agreement and to resolve problems which may arise in the operation thereof.

ARTICLE 11<sup>12</sup>

The present agreement shall enter into force on the date of its signature. It shall be reviewed at the expiration of a period of three years. It may also be reviewed at any prior time at the instance of one or the other Government.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present agreement.

DONE in Rome, this 18th day of December 1948 in duplicate in the English and Italian languages, both equally authentic.

For the Government of the United States of America:  
JAMES CLEMENT DUNN

For the Italian Government:  
SFORZA

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<sup>11</sup> For an amendment of art. 10, see 18 UST 3158; TIAS 6408.

<sup>12</sup> For an amendment of art. 11, see 6 UST 2081; TIAS 3278.

## SETTLEMENT OF CLAIMS OF ITALIAN PRISONERS OF WAR; RELATED CLAIMS

*Agreement, with annex, signed at Rome January 14, 1949, supplementing agreement of February 14, 1948*

*Entered into force January 14, 1949*

63 Stat. 2602; Treaties and Other International Acts Series 1950

### AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF ITALY REGARDING SETTLEMENT OF UNITED STATES OBLIGATIONS TO FORMER ITALIAN PRISONERS OF WAR AND RELATED CLAIMS

In implementation of the relevant provisions of the "Memorandum of Understanding between the Government of the United States of America and the Government of Italy regarding settlement of certain wartime claims and related matters" signed on August 14, 1947,<sup>1</sup> and in conformity with the terms of the Convention on Prisoners of War, signed at Geneva on July 27, 1929,<sup>2</sup> and in order to obviate the necessity of protracted negotiations for the settlement of other related obligations, the Government of the United States of America and the Government of Italy have reached agreement as set forth below providing for the final settlement of certain outstanding obligations owing to, and certain wartime claims of, former Italian prisoners of war and surrendered Italian personnel who own valid evidences of obligations made out by the Government of the United States of America or its agencies, or claims arising from their former status as prisoners of war or personnel in custody of the Government of the United States of America and its agencies, as well as other claims on the part of such individuals and of residents of Italy. This Agreement supplements the Agreement set forth in an exchange of letters dated February 14, 1948<sup>3</sup> between the Minister of the Treasury of the Government of Italy and the United States Treasury Representative in Rome, establishing the procedure to be followed with

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<sup>1</sup> TIAS 1757, *ante*, p. 215.

<sup>2</sup> TS 846, *ante*, vol. 2, p. 932.

<sup>3</sup> TIAS 1948, *ante*, p. 299.

respect to the processing of evidences of obligations and claims of the types with which the present Agreement is concerned. A public announcement setting forth this procedure was made by the Government of Italy on February 18, 1948, and, on the basis of such procedure, a partial payment of \$4,382,241.03 was made on April 2, 1948, in respect of evidences of obligations therefore verified by the Government of the United States of America.

### ARTICLE I

The obligations and claims with which this Agreement is concerned include:

(a) Amounts earned by Italian nationals as prisoners of war, surrendered enemy personnel, or civilian internees which have been officially recognized in the form of Certificates of Credit Balances and Military Payment Orders denominated in dollars and which have been issued to such Italian nationals as receipts for the amounts earned.

(b) Amounts earned by Italian nationals as prisoners of war, surrendered enemy personnel or civilian internees while in the custody of the United States Government and its agencies to whom Military Payment Orders or Certificates of Credit Balances were not issued and who after repatriation were not reimbursed for such amounts either directly by American Authorities or by Italian banks for U.S. Government account.

(c) Personal property, including currencies, entrusted to representatives of the Government of the United States of America and its agencies by Italian nationals referred to in the foregoing numbered paragraphs (a) and (b), or by other persons who are residents of Italy, which was not restored to the rightful owners or otherwise accounted for.

### ARTICLE II

With respect to verified evidences of obligations and verified claims described in paragraphs 1 (a) and 1 (b) of this Agreement and to such evidences of obligations and such claims which have not been verified by the Government of the United States of America, the Government of the United States of America will, within ten days after the signing of this Agreement, pay to the Italian Government the sum of \$22,000,000, which, together with the payment of \$4,382,241.03 made on April 2, 1948, and the payments made prior to such date by the Government of the United States of America directly to individual holders of evidences of obligations, will constitute complete discharge of the Government of the United States of America for all evidences of obligations and all claims of the types described in paragraphs 1 (a) and 1 (b) of this Agreement.

## ARTICLE III

With respect to claims for personal property referred to in paragraph 1 (c) of this Agreement, entrusted to representatives of the Government of the United States of America and its agencies by Italian nationals and residents who are in the categories described in paragraphs 1 (a), 1 (b), and 1 (c) of this Agreement, the Government of the United States of America will transfer to the Government of Italy all currencies taken from former prisoners of war, surrendered enemy personnel, civilian internees, or residents of Italy, whether or not nationals of Italy, now held by the United States Army, Chief, Italian Prisoner of War Division, Italy, or on deposit in two accounts with the Bank of Italy in the name of the "Chief, IPW Division, Italy", and in consideration thereof, the Government of Italy will assume and discharge the obligation of the Government of the United States of America to such persons and save the Government of the United States of America harmless with respect to any liability arising from such claims. The Government of Italy will undertake to investigate and determine all questions relating to such claims and to adjust and settle all authentic claims by payment. A list of the various currencies to be transferred in this connection is contained in the Annex to this Agreement.

## ARTICLE IV

The Government of Italy agrees that the foregoing settlements regarding obligations and claims described in paragraphs 1 (a), 1 (b), and 1 (c) of this Agreement fully and completely discharge any and all obligations and claims against the Government of the United States of America by or on behalf of the Italian nationals (or persons claiming under them) formerly in the custody of the Government of the United States of America and its agencies who may have evidences of obligations or may have claims of the types described in paragraphs 1 (a), 1 (b), and 1 (c) of this Agreement. The Government of Italy will save the Government of the United States of America harmless from any liability arising as a result of such claims.

## ARTICLE V

The Government of Italy undertakes to expedite in every way possible the investigation, determination and settlement of all claims which form the subject of this Agreement. To this end, the Government of the United States agrees to turn over to the Government of Italy all documents in its possession relating to claims under para 1 (c) above and will aid the Government of Italy in the determination of the validity of claims under para 1 (a) and 1 (b) above. The Italian Government on its part agrees to turn over to the Government of the United States all military payment orders and certificates of credit balances as well as evidences of obligations under para 1 (c) above surrendered by claimants.

## ARTICLE VI

Done at Rome in duplicate, in the English and Italian languages, both of which shall have equal validity, this 14th day of January 1949.

For the Government of the United States of America:

JAMES CLEMENT DUNN

For the Government of Italy:

SFORZA

GIUSEPPE PELLA

## ANNEX

On Deposit in Banca d'Italia:

<u>Country</u>	<u>Currency</u>	<u>Amount</u>
Albania	Francs	1, 602. 60
Algeria	Francs	7, 145
Austria	Schillings	223
Belgium	Francs	21, 050. 35
Bulgaria	Levas	140
Czechoslovakia	Slov. Korone	1, 390
"	Cz/Sl. Korone	143. 30
Denmark	Kroner	350. 46
East Africa	Pounds	25
Finland	Marks	720
France	Francs	1, 288, 885
Germany	RM (Coins)	187, 244. 22
"	RM (Currency notes)	69, 945
Greece	Drachma	241. 322, 048
Gibraltar	Pound	1
Holland	Florins	1, 799. 01
Hungary	Pengos (Est)	926. 94
Jugoslavia	Dinar	14, 801
"	Occ. Lire (Est.)	7, 111
Malta	Pound	10
Norway	Kroner	1, 175. 01
Poland	Zloti	6, 745. 10
Portugal	Escudos	500
Rumania	Lei	6, 798
Russia	Rubles	2, 636
"	Rubles	280
Spain	Pesetas	15, 215
South Africa	Pounds	5
Sweden	Kronor	20
Switzerland	Francs (Currency)	7, 950
"	" (Gold Coin)	960
"	" (Draft)	150
Turkey	Lira	30
Tunisia	Francs	2. 150
USA	Dollars	3, 69
United Kingdom	Pounds	100. 10. 0
Austro-Hungarian Empire	Korone	1. 000
Czechoslovakia Boenne—M	Korone	9. 018
Jugoslavia	Kunas	63. 955
Moroco Monoco	Francs	2
Russia Czarist	Rubles	5. 546
Ukraine	Karbs	1. 578
Italy	Lire	224, 737, 983

On Deposit in IPW Division:

Italy	Lire	768, 391. 00
Germany	RM	12, 979. 00
Algeria	Francs	35. 00

## FINANCIAL AND ECONOMIC RELATIONS; CLAIMS

*Exchange of notes verbales at Rome February 24, 1949, supplementing  
memorandum of understanding of August 14, 1947  
Entered into force February 24, 1949*

63 Stat. 2415; Treaties and Other  
International Acts Series 1919

*The American Embassy to the Ministry for Foreign Affairs*

F.O. No. 2450

EMBASSY OF THE  
UNITED STATES OF AMERICA

### NOTE VERBALE

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to previous correspondence between the Embassy of the United States of America and the Ministry of Foreign Affairs, and to conversations between representatives of the Embassy and of the Ministry with regard to the desirability of clarifying the meanings of the phrases (1) "deterioration of the physical property while under Italian control," and (2) "where the physical property has suffered nonsubstantial damage as a result of acts of war." Such phrases appear in the second sentence of Article 3 [III], paragraph 16 (a) of the "Memorandum of Understanding between the Government of the United States of America and the Government of Italy regarding settlement of certain wartime claims and related matters," signed in Washington on August 14, 1947<sup>1</sup> (hereinafter referred to as the Memorandum of Understanding) and relate to the obligation of the Government of Italy to restore property to complete good order.

As a result of these communications and conversations agreement has been reached with regard to the foregoing matters and certain other connected problems, subject, however, to confirmation by the Governments of the United States of America and Italy.

The Embassy takes pleasure in informing the Ministry that the Government of the United States of America gives its approval and is prepared to

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<sup>1</sup> TIAS 1757, *ante*, p. 215.

enter into the agreement referred to above (hereinafter referred to as the "agreement"), which is as follows:

1. The Government of Italy shall in all cases where the approved amount of a claim is, at the date of payment, 1,500,000 lire or less, consider that the claim relates to deterioration of physical property while under Italian control or to non-substantial damage as a result of acts of war, and shall therefore pay the full amount of the claim. In all cases, moreover, where the approved amount of a claim is, at the date of payment, in excess of 1,500,000 lire, but two-thirds of such approved amount is less than 1,500,000 lire, the Government of Italy shall pay the sum of 1,500,000 lire.

2. The Government of Italy shall in all other cases pay two-thirds of the approved amount of a claim.

3. The obligation of the Government of Italy under the first sentence of paragraph 16 (a) of the Memorandum of Understanding is understood to remain unimpaired. Property or interests which were subjected to the measures enumerated in that first sentence in a manner not deemed to have been in the best interest of such property or interests shall, if in existence, be returned irrespective of the possession or purported ownership thereof. Where, however, property or interests cannot be returned because they are not in existence, the provisions of paragraphs 1 and 2 of this agreement shall apply.

4. A claimant may present separate claims in those instances where the properties with respect to which he is claiming are not physically contiguous and do not form part of a related whole.

Properties of a commercial or business enterprise that are used in the prosecution of the activities of that enterprise shall be considered as forming part of a related whole. In an instance where separate claims can properly be presented, each claim shall be entitled to separate consideration under this agreement.

5. (a). The word "claim" shall be deemed to refer to claims presented against the Government of Italy by nationals of the United States of America under paragraph 4 of Article 78 of the Treaty of Peace<sup>2</sup> and Article 3 of the Memorandum of Understanding.

(b). A national of the United States shall be considered, for purposes of the Memorandum of Understanding and of this agreement, as any person, corporation or association on whose behalf the Government of the United States would be entitled to claim the benefits of Article 78 of the Treaty of Peace or of the Memorandum of Understanding or of both.

6. Any dispute that may arise in giving effect to the Memorandum of Understanding or to this agreement shall be submitted to a Conciliation Commission constituted under Article 83 of the Treaty of Peace in the same

<sup>2</sup> TIAS 1648, *ante*, vol. 4, p. 341.

manner as a dispute that may arise in giving effect to Article 78 of the Treaty of Peace.

If the Government of Italy is prepared to give its approval to the foregoing agreement, it is suggested that a Note Verbale indicating such approval be transmitted by the Ministry of Foreign Affairs to the Embassy of the United States of America. The agreement shall be considered as having entered into effect as of the date of such Note Verbale.

*Rome, February 24, 1949.*

JCD

To the  
 MINISTRY OF FOREIGN AFFAIRS,  
*Rome.*

*The Ministry for Foreign Affairs to the American Embassy*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
 S. E. T.

45/03662/26

NOTE VERBALE

The Ministry of Foreign Affairs has the honor to confirm to the Embassy of the United States of America the receipt of Note Verbale No. 2450 of this date, which is transcribed below:

[For text of U.S. note, see above.]

The Ministry of Foreign Affairs has the honor to communicate to the Embassy of the United States of America that the Italian Government gives its approval to the above-mentioned agreement.

*Rome, February 24, 1949.*

MINISTRY OF FOREIGN AFFAIRS

THE EMBASSY OF THE UNITED STATES OF AMERICA  
*Rome*

## ECONOMIC COOPERATION

*Exchange of notes at Rome April 29, 1949*

*Entered in force April 29, 1949*

Department of State files

*The American Ambassador to the Minister of Foreign Affairs*

APRIL 29, 1949

### EXCELLENCY:

I have the honor to refer to conversations which have recently taken place between representatives of our two governments relating to the exercise by the Government of Italy of "drawing rights" pursuant to the Agreement for Intra-European Payments and Compensation of 16 October 1948. As a result of such conversations, which concerned particularly the "drawing rights" attributable to dollar assistance furnished by the Economic Cooperation Administration to participating countries for the purposes of the above-mentioned Agreement, an understanding has been reached which I take pleasure in confirming. That understanding is as follows:

1. To the extent that the Agent authorized to perform payments compensations under the Agreement for Intra-European Payments and Compensation utilized drawing rights established in favor of Italy, the Government of Italy will deposit commensurate amounts of lire in the special local currency account established under Article IV of the Economic Cooperation Agreement between Italy and the United States.<sup>1</sup>

2. The amounts to be deposited shall be equivalent to the U.S. dollar value of drawing rights made available by participating countries and exercised in favor of Italy as communicated to the ECA by the agent. This value will be identical with the amount of U.S. dollars allotted to such participating countries in order to obligate them to make such drawing rights available.

3. The rate of exchange governing the computation of amounts of local currency deemed equivalent to the dollar value of drawing rights as set forth in paragraph 2 above shall be the same as those governing deposits made in accordance with Article IV of the Economic Cooperation Agreement between Italy and the United States.

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<sup>1</sup> Agreement signed at Rome June 28, 1948 (TIAS 1789, *ante*, p. 306).

4. Deposits of local currency made pursuant to this exchange of notes shall be held and governed in accordance with all the terms and conditions applicable to deposits made pursuant to Article IV of the Economic Cooperation Agreement between the United States and Italy.

5. It is understood that obligations to deposit local currency in accordance with this note apply only in the case of drawing rights to which no obligations of repayment attach.

Please accept, Excellency, the renewed assurance of my highest consideration.

Sincerely,

JAMES CLEMENT DUNN

Count CARLO SFORZA  
*Minister of Foreign Affairs*  
*Palazzo Chigi*  
*Rome, Italy*

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*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

APRIL 29, 1949

EXCELLENCY:

I have the honor to refer to the memorandum Your Excellency sent me concerning the conversations which have recently taken place between representatives of our two governments relating to the exercise of drawing rights pursuant to the Agreement for Intra-European Payments and Compensations of October 16, 1948.

As a result of these conversations, which concerned particularly drawing rights attributable to dollar assistance furnished to the participating countries by the Economic Cooperation Administration for the purposes of the above-mentioned Agreement, the following understanding has been reached which I take pleasure in confirming:

[For terms of understanding, see numbered paragraphs in U.S. note, above.]

Please accept, Your Excellency, the renewed assurance of my highest consideration.

Sincerely,

SFORZA

His Excellency  
 JAMES CLEMENT DUNN  
*Ambassador of the United States of America*

# ECONOMIC COOPERATION: CONVERTIBILITY OF LIRE

*Exchange of notes at Rome June 9 and 17, 1949, supplementing agree-  
ment of June 28, 1948*

*Entered into force June 17, 1949*

Department of State files

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

No. 8226

ROME, June 9, 1949

MR. AMBASSADOR:

I have the honor to refer to the conversations which recently took place between representatives of our two Governments relating to private investments made by United States individuals or entities in Italy with guaranty of currency transfer by the Economic Cooperation Administration under the provisions of Article III of the Economic Cooperation Agreement between Italy and the United States of June 28, 1948.<sup>1</sup>

With respect thereto, the following points have been added to the agreement:

1. Following approval of the project, the United States investor shall receive in connection with the convertibility of capital and interest into dollars, treatment equivalent to the most favorable treatment now or in future granted by the Italian Government to foreign investors in Italy under similar circumstances, with the exception, however, of the advantages which those investors may enjoy in connection with existing or future customs unions entered into by Italy.

2. Lire which the United States Government may acquire pursuant to the application of the provisions on ECA guarantees shall receive no less favorable treatment than that granted to private funds derived from similar transactions made by United States investors.

Accept, Mr. Ambassador, the assurances of my high consideration.

SFORZA

His Excellency

JAMES CLEMENT DUNN,  
*Ambassador of the  
United States of America,  
Rome.*

<sup>1</sup> TIAS 1789, *ante*, p. 306.

*The American Ambassador to the Minister of Foreign Affairs*

ROME, June 17, 1949

## EXCELLENCY

I have the honor to refer to your letter No. 8226 of June 9, 1949, regarding private investments by United States nationals in Italy under guaranties of currency transfer by the Economic Cooperation Administration as referred to in Article III of the Economic Cooperation Agreement between Italy and the United States of America dated June 28, 1948.

In this connection, agreement has been reached on the following points:

1. After the approval of the project, the U.S. investor will receive the most favorable treatment in respect to convertibility into dollars of principal and income currently accorded by the Italian Government, or which may be accorded by the Italian Government in the future, to foreign investors in Italy under similar circumstances, excluding, however, advantages which foreign investors may derive from customs unions that have been concluded or may be concluded in the future by Italy.

2. In the event that lire should be acquired by the U.S. Government pursuant to the application of ECA guaranty provisions, such lire will be accorded no less favorable treatment than that given to private funds arising from similar transactions by U.S. investors.

Please accept, Excellency, the renewed assurance of my highest consideration.

JAMES CLEMENT DUNN

His Excellency

Count CARLO SFORZA

*Minister of Foreign Affairs**Rome*

## ECONOMIC COOPERATION: LIRE ACQUIRED BY UNITED STATES GOVERNMENT

*Exchange of notes at Rome June 9 and 17, 1949, supplementing agree-  
ment of June 28, 1948*

*Entered into force June 17, 1949*

Department of State files

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

ROME, June 9, 1949

No. 8227

MR. AMBASSADOR:

I have the honor to refer to the conversations which recently took place between representatives of our two Governments relating to private investments made in Italy by United States individuals or entities with guaranty of currency transfer by the Economic Cooperation Administration.

With respect thereto, it is agreed that the lire acquired pursuant to Article III (2) of the Economic Cooperation Agreement between Italy and the United States of America of June 28, 1948,<sup>1</sup> shall be freely available to cover administrative expenditures borne by the United States Government in Italy and in territories under Italian jurisdiction.

Accept, Mr. Ambassador, the assurances of my high consideration.

SFORZA

His Excellency

JAMES CLEMENT DUNN,  
*Ambassador of the  
United States of America,  
Rome.*

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*The American Ambassador to the Minister of Foreign Affairs*

ROME, June 17, 1949

EXCELLENCY

I have the honor to refer to your letter No. 8227 of June 9, 1949, regarding private investments by United States nationals in Italy under guaranties of currency transfer by the Economic Cooperation Administration.

<sup>1</sup>TIAS 1789, *ante*, p. 306.

In this connection, it has been agreed that lire acquired under the provisions of Article III, paragraph 2 of the Economic Cooperation Agreement between Italy and the United States of America dated June 28, 1948, will be freely available for the U.S. Government's administrative expenditures in Italy and territories under Italian jurisdiction.

Please accept, Excellency, the renewed assurance of my highest consideration.

JAMES CLEMENT DUNN

His Excellency

Count CARLO SFORZA

*Minister of Foreign Affairs*

*Rome*

# Japan

## PEACE AND AMITY

*Treaty signed at Kanagawa March 31, 1854*

*Supplemented by agreements of June 17, 1854,<sup>1</sup> and June 23, 1854<sup>2</sup>*

*Senate advice and consent to ratification July 15, 1854*

*Ratified by the President of the United States August 7, 1854*

*Ratified by Japan in the "1st year of Ansei, Elder Brother, Tiger, 12th month" (January 18 to February 16, 1855)*

*Ratifications exchanged at Shimoda February 21, 1855*

*Entered into force February 21, 1855*

*Proclaimed by the President of the United States June 22, 1855*

*Modified by treaty of July 29, 1858<sup>3</sup>*

*Superseded July 17, 1899, by agreement of November 22, 1894<sup>4</sup>*

11 Stat. 597; Treaty Series 183<sup>5</sup>

The United States of America, and the Empire of Japan, desiring to establish firm, lasting and sincere friendship between the two Nations, have resolved to fix in a manner clear and positive, by means of a Treaty or general convention of peace and Amity, the rules which shall in future be mutually observed in the intercourse of their respective Countries; for which most desirable object, the President of the United States has conferred full powers on his Commissioner, Matthew Calbraith Perry, Special Ambassador of the United States to Japan: And the August Sovereign of Japan, has given similar full powers to his Commissioners, Hayashi, Dai-gaku no-kami; Ido, Prince of Tsus-Sima; Izawa, Prince of Mima-saki; and Udono, Member of the Board of Revenue. And the said Commissioners after having exchanged their said full powers, and duly considered the premises, have agreed to the following Articles.

<sup>1</sup> TS 183, *post*, p. 355.

<sup>2</sup> TS 183, *post*, p. 357.

<sup>3</sup> TS 185, *post*, p. 362.

<sup>4</sup> TS 192, *post*, p. 387.

<sup>5</sup> For a detailed study of this treaty, see 6 Miller 439.

## ARTICLE I

There shall be a perfect, permanent, and universal peace, and a sincere and cordial amity between the United States of America, on the one part, and the Empire of Japan on the other part; and between their people respectively, without exception of persons or places.

## ARTICLE II

The Port of Simoda in the principality of Idzu, and the Port of Hakodade, in the principality of Matsmai, are granted by the Japanese as ports for the reception of American Ships, where they can be supplied with Wood, Water, provisions, and Coal, and other articles their necessities may require as far as the Japanese have them. The time for opening their first named Port is immediately on signing this Treaty; the last named Port is to be opened immediately after the same day in the ensuing Japanese Year.

*Note.* A tariff of prices shall be given by the Japanese Officers of the things which they can furnish, payment for which shall be made in Gold and Silver Coin.

## ARTICLE III

Whenever Ships of the United States are thrown or wrecked on the Coast of Japan, the Japanese vessels will assist them, and carry their crews to Simoda, or Hakodade, and hand them over to their Countrymen appointed to receive them; whatever articles the Shipwrecked men may have preserved shall likewise be restored, and the expenses incurred in the rescue and support of Americans and Japanese who may thus be thrown upon the shores of either nation are not to be refunded.

## ARTICLE IV

Those Shipwrecked persons and other Citizens of the United States shall be free as in other Countries, and not subjected to confinement, but shall be amenable to just laws.

## ARTICLE V

Shipwrecked men and other Citizens of the United States, temporarily living at Simoda and Hakodade shall not be subject to such restrictions and confinement as the Dutch and Chinese are at Nagasaki, but shall be free at Simoda to go where they please within the limits of Seven Japanese miles (or Ri.) from a small Island in the harbor of Simoda, marked on the accompanying Chart, hereto appended: <sup>6</sup>—and shall in like manner

<sup>6</sup> A full-size facsimile of the chart may be found in a pocket inside the back cover of 6 Miller.

be free to go where they please at Hakodade, within limits to be defined after the visit of the United States Squadron to that place.

#### ARTICLE VI

If there be any other sort of goods wanted, or any business which shall require to be arranged, there shall be careful deliberation between the parties in order to settle such matters.

#### ARTICLE VII

It is agreed that Ships of the United States resorting to the ports open to them, shall be permitted to exchange gold and Silver Coin and articles of goods for other articles of goods, under such regulations as shall be temporarily established by the Japanese Government for that purpose. It is stipulated however that the Ships of the United States shall be permitted to carry away whatever articles they are unwilling to exchange.

#### ARTICLE VIII

Wood, water, provisions, Coal and goods required shall only be procured through the agency of Japanese Officers appointed for that purpose, and in no other manner.

#### ARTICLE IX

It is agreed, that if at any future day the government of Japan shall grant to any other Nation or Nations privileges and advantages which are not herein granted to the United States, and the Citizens thereof, that these same privileges and advantages shall be granted likewise to the United States, and to the Citizens thereof, without any consultation or delay.

#### ARTICLE X

Ships of the United States shall be permitted to resort to no other ports in Japan but Simoda and Hakodade unless in distress or forced by stress of weather.

#### ARTICLE XI

There shall be appointed by the Government of the United States, Consuls or Agents to reside in Simoda at any time after the expiration of Eighteen months from the date of the Signing of this Treaty, provided that either of the two governments deem such arrangement necessary.

#### ARTICLE XII

The present Convention having been concluded and duly signed, shall be obligatory and faithfully observed by the United States of America and

Japan, and by the Citizens and Subjects of each respective power; and it is to be ratified and approved by the President of the United States, by and with the advice and consent of the Senate thereof, and by the August Sovereign of Japan, and the ratification shall be exchanged within eighteen months from the date of the Signature thereof, or sooner if practicable.

In faith whereof, we the respective plenipotentiaries of the United States of America and the Empire of Japan aforesaid have signed and sealed these presents.

Done at Kanagawa this thirty first day of March in the Year of our Lord Jesus Christ, One thousand eight hundred and fifty four; and of Kayei, the Seventh Year, third month and Third day.

M. C. PERRY

## PEACE AND AMITY

*Additional regulations signed at Shimoda June 17, 1854, supplementing treaty of March 31, 1854*<sup>1</sup>

*Entered into force June 17, 1854*

*Ratified by Japan in the "1st year of Ansei, Elder Brother, Tiger, 12th month" (January 18 to February 16, 1855)*

*Japanese instrument of ratification delivered February 21, 1855*<sup>2</sup>

*Superseded July 4, 1859, with respect to treaty ports by treaty of July 29, 1858; <sup>3</sup> superseded July 17, 1899, by agreement of November 22, 1894*<sup>4</sup>

Treaty Series 183

### ADDITIONAL REGULATIONS,

Agreed to between Commodore MATTHEW C. PERRY, Special Envoy to Japan, from the United States of America, and HAYASHI, DAIGAKU NOKAMI; IDO, Prince of Tsus-sima; IZAWA, Prince of Mimasaki; TSUDZUKI, Prince of Suruga; UDONO, Member of the board of Revenue; TAKE NO UCHI SHEITARO, and MATSUSAKI MICHITARO; Commissioners of the Emperor of Japan, on behalf of their respective governments.

ARTICLE 1ST. The Imperial Governors of Simoda will place Watch Stations wherever they deem best, to designate the limits of their jurisdiction;—but Americans are at liberty to go through them, unrestricted, within the limits of seven Japanese Ri, or miles; and those who are found transgressing Japanese laws, may be apprehended by the police and taken on board their ships.

ART. 2ND: Three landing places shall be constructed for the boats of Merchant ships and Whale ships resorting to this port; one at Simoda, one at Kakizaki, and the third at the brook lying South East of Centre Island. The Citizens of the United States, will, of course, treat the Japanese Officers with proper respect.

ART. 3D: Americans, when on shore, are not allowed access to Military establishments or private houses, without leave; but they can enter shops and visit Temples as they please.

<sup>1</sup> TS 183, *ante*, p. 351.

<sup>2</sup> For a detailed study of these regulations, including the question of U.S. ratification, see 6 Miller 439, 646.

<sup>3</sup> TS 185, *post*, p. 362.

<sup>4</sup> TS 192, *post*, p. 387.

ART. 4TH: Two Temples, the Rioshen at Simoda, and the Yokushen at Kakizaki, are assigned as resting places for persons in their walks, until public houses and inns are erected for their convenience.

ART. 5TH: Near the Temple Yokushen at Kakizaki, a burial ground has been set apart for Americans; where their graves and tombs shall not be molested.

ART. 6TH: It is stipulated in the treaty of Kanagawa, that coal will be furnished at Hakodadi, but as it is very difficult for the Japanese to supply it at that port, Commodore Perry promises to mention this to his government, in order that the Japanese government may be relieved from the obligation of making that port a coal depot.

ART. 7TH: It is agreed that henceforth the Chinese language shall not be employed in Official communications between the two Governments, except when there is no Dutch Interpreter.

ART. 8TH: A Harbor master and three skillful Pilots have been appointed for the port of Simoda.

ART. 9TH: Whenever goods are selected in the shops, they shall be marked with the name of the purchaser and the price agreed upon, and then be sent to the Goyoshi, or Government office, where the money is to be paid to Japanese officers, and the articles delivered by them.

ART. 10TH: The shooting of birds and animals is generally forbidden in Japan, and this law is therefore to be observed by all Americans.

ART. 11TH: It is hereby agreed that five Japanese Ri, or miles, be the limit allowed to Americans at Hakodadi, and the requirements contained in Article 1st, of these Regulations are hereby made also applicable to that port within that distance.

ART. 12TH: His Majesty, the Emperor of Japan, is at liberty to appoint whoever he pleases, to receive the ratification of the Treaty of Kanagawa, and give an acknowledgement on his part.

It is agreed that nothing herein contained, shall in any way affect or modify the stipulations of the Treaty of Kanagawa, should that be found to be contrary to these Regulations.

In Witness whereof, copies of these Additional Regulations have been signed and sealed in the English and Japanese languages by the respective parties, and a certified translation in the Dutch language, and exchanged by the Commissioners of the United States and Japan.

Simoda, Japan, June 17th, 1854.

M. C. PERRY

*Commander-in-chief of the U.S. Naval Forces in  
the East India, China, and Japan seas;  
and Special Envoy to Japan*

## PORT OF SHIMODA

*Regulations signed at Shimoda June 23, 1854, supplementing treaty of March 31, 1854,<sup>1</sup> with United States certificate of June 22, 1854*

*Entered into force June 23, 1854*

*Superseded July 17, 1899, by agreement of November 22, 1894<sup>2</sup>*

Treaty Series 183<sup>3</sup>

### REGULATIONS RESPECTING PILOTS, AND THE SUPPLYING OF AMERICAN VESSELS ENTERING THE PORT OF SIMODA

A lookout place shall be established at some convenient point, from which vessels appearing in the offing can be seen and reported, and when one is discovered, making apparently for the harbor, a boat shall be sent to her with a pilot.

And in order to carry this regulation into full effect, boats of suitable size and quality, shall always be kept in readiness by the harbor master, which, if necessary, shall proceed beyond Rock island, to ascertain whether the vessel in sight intends entering the harbor or not. If it may be the desire of the master of said vessel to enter port, the pilot shall conduct her to safe anchorage, and during her stay, shall render every assistance in his power, in facilitating the procurement of all the supplies she may require.

The rates of pilotage, shall be; for vessels drawing over 18 American feet, fifteen dollars; for all vessels drawing over 13, and less than 18 feet, ten dollars; and for all vessels under 13 feet, five dollars.

These rates shall be paid in gold or silver coin, or its equivalent in goods, and the same shall be paid for piloting a vessel out, as well as into port.

When vessels anchor in the outer harbor, and do not enter the inner port, only half the above rates of compensation shall be paid to the pilot.

The prices for supplying water to American vessels at Simoda, shall be fourteen hundred cash, per boat load, (the casks being furnished by the

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<sup>1</sup> TS 183, *ante*, p. 351.

<sup>2</sup> TS 192, *post*, p. 387.

<sup>3</sup> For a detailed study of these regulations, see 6 Miller 439.

vessel.) And for wood delivered on board, about seven thousand, two hundred cash, per cube of five American feet.

SILAS BENT  
*Flag Lieutenant*

KURA-KAWA-KAHEI  
*Lieutenant Governor*

*Approved,*

M. C. PERRY  
*Commander-in-Chief of the U.S. Naval forces in  
the East India, China, and Japan seas*

U.S. STEAM FRIGATE MISSISSIPPI,  
*Simoda, Japan,  
June 23d, 1854.*

UNITED STATES CERTIFICATE

*This Is To Certify*

That Yohatsi, Hikoyemon and Dshirobe, have been appointed Pilots for American vessels entering or departing from the port of Simoda, and,

That the following rates for pilotage have been established by the proper authorities, vis:

For vessels drawing over eighteen American feet,	\$15,00.
For vessels drawing over thirteen and less than eighteen feet,	\$10,00.
For vessels drawing under thirteen feet,	\$5,00.

These rates shall be paid in gold or silver coin, or its equivalent in goods; and the same shall be paid for piloting vessels out, as well as into port.

When vessels anchor in the outer roads and do not enter the inner harbor, only half the above rates of compensation shall be paid to the pilots.

*By order of the Commander-in-chief,*

SILAS BENT  
*Flag Lieutenant*

*Approved,*

M. C. PERRY  
*Commander-in-chief of the U.S. Naval Forces in  
the East India, China, and Japan seas*

U.S. STEAM FRIGATE MISSISSIPPI,  
*Simoda, Island of Nippon,  
Japan,  
June 22d, 1854.*

## RIGHTS OF AMERICAN CITIZENS IN JAPAN

*Convention signed at Shimoda June 17, 1857*

*Entered into force June 17, 1857, except for article two, which entered into force July 4, 1858*

*Senate advice and consent to ratification June 15, 1858*

*Ratified by the President of the United States June 30, 1858*

*Proclaimed by the President of the United States June 30, 1858*

*Abrogated, in part, July 4, 1859, by agreement of July 29, 1858<sup>1</sup>*

*Terminated July 17, 1899, by treaty of November 22, 1894<sup>2</sup>*

11 Stat. 723; Treaty Series 184<sup>3</sup>

For the purpose of further regulating the intercourse of American Citizens, within the Empire of Japan, and after due deliberation, His Excellency Townsend Harris, Consul General of the United States of America, for the Empire of Japan, and Their Excellencies, Inowouye, Prince of Sinano and Nakamoera, Prince of Dewa, Governors of Simoda, all having Full Powers from their respective Governments, have agreed on the following Articles, to wit:

### ARTICLE ONE

The Port of Nagasaki in the Principality of Hizen, shall be open to American Vessels, where they may repair damages, procure water, fuel, provisions and other necessary Articles, even coals, where they are obtainable.

### ARTICLE TWO

It being known, that American Ships, coming to the Ports of Simoda and Hakodade, cannot have their wants supplied by the Japanese, it is agreed, that American Citizens may permanently reside at Simoda and Hakodade, and the Government of the United States may appoint a Vice Consul, to reside at Hakodade.

This Article to go into effect, on the Fourth Day of July Eighteen Hundred Fifty Eight.

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<sup>1</sup> TS 185, *post*, p. 362.

<sup>2</sup> TS 192, *post*, p. 387.

<sup>3</sup> For a detailed study of this convention, see 7 Miller 595.

## ARTICLE THREE

In settlement of accounts, the value of the money brought by the Americans shall be ascertained by weighing it with Japanese Coin (gold and silver Itsebues), that is, gold with gold, and silver with silver, or weights representing Japanese Coin may be used, after such weights have been carefully examined, and found to be correct.

The value of the money of the Americans, having been thus ascertained, the sum of Six Per Cent shall be allowed to the Japanese, for the expense of recoinage.

## ARTICLE FOUR

Americans, committing offences in Japan, shall be tried by the American Consul General or Consul, and shall be punished, according to American Laws.

Japanese, committing offences against Americans, shall be tried by the Japanese Authorities, and punished according to Japanese Laws.

## ARTICLE FIVE

American Ships which may resort to the Ports of Simoda, Hakodade or Nagasaki, for the purpose of obtaining necessary supplies, or to repair damages, shall pay for them in gold or silver Coin, and if they have no money, goods shall be taken in exchange.

## ARTICLE SIX

The Government of Japan admits the right of His Excellency the Consul General of the United States, to go beyond the limits of Seven Ri, but has asked him to delay the use of that right, except in cases of emergency, shipwreck &c., to which he has assented.

## ARTICLE SEVEN

Purchases for His Excellency the Consul General or his family, may be made by him only, or by some member of his family, and payment made to the Seller, for the same, without the intervention of any Japanese Official, and for this purpose Japanese silver and copper Coin shall be supplied to His Excellency the Consul General.

## ARTICLE EIGHT

As His Excellency the Consul General of the United States of America has no knowledge of the Japanese language, nor Their Excellencies the Governors of Simoda a knowledge of the English language, it is agreed, that the true meaning shall be found in the Dutch Version of the Articles.

## ARTICLE NINE

All the foregoing Articles shall go into effect from the Date hereof, except Article Two, which shall go into effect, on the Date indicated in it.

Done in quintuplicate, (each Copy being in English, Japanese and Dutch) at the Goyosso of Simoda, on the Seventeenth Day of June, in the Year of the Christian Era, Eighteen Hundred, Fifty Seven, and of the Independence of the United States of America, the Eighty First, corresponding to the Fourth Japanese Year of Ansei, Mi, the Fifth Month, the Twenty Sixth Day, the English Version being signed by His Excellency the Consul General of the United States of America, and the Japanese Version, by Their Excellencies, the Governors of Simoda.

TOWNSEND HARRIS [SEAL]

## AMITY AND COMMERCE

*Treaty and regulations signed at Yedo July 29, 1858*  
*Senate advice and consent to ratification December 15, 1858*  
*Ratified by Japan March 19, 1859*  
*Entered into force July 4, 1859*  
*Ratified by the President of the United States April 12, 1860*  
*Ratifications exchanged at Washington May 22, 1860*<sup>1</sup>  
*Proclaimed by the President of the United States May 23, 1860*  
*Amended by convention of June 25, 1866*<sup>2</sup>  
*Modified by convention of July 25, 1878*<sup>3</sup>  
*Superseded July 17, 1899, by treaty of November 22, 1894*<sup>4</sup>

12 Stat. 1051; Treaty Series 185<sup>5</sup>

### TREATY

The President of the United States of America and his Majesty the Ty-Coon of Japan, desiring to establish on firm and lasting foundations the relations of peace and friendship now happily existing between the two countries, and to secure the best interest of their respective citizens and subjects by encouraging, facilitating, and regulating their industry and trade, have resolved to conclude a treaty of amity and commerce for this purpose, and have, therefore, named as their plenipotentiaries, that is to say: The President of the United States, his excellency Townsend Harris, Consul General of the United States of America for the Empire of Japan, and his Majesty the Ty-Coon of Japan, their excellencies Jno-oo-ye, Prince of Sinano, and Iwasay, Prince of Hego, who, after having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon and concluded the following articles:

### ARTICLE I

There shall henceforward be perpetual peace and friendship between the United States of America and his Majesty the Ty-Coon of Japan and his successors.

<sup>1</sup> For convention of Mar. 19, 1859, postponing exchange of ratifications, see TS 185, *post*, p. 373.

<sup>2</sup> TS 188, *ante*, vol. 1, p. 18.

<sup>3</sup> TS 189, *post*, p. 377.

<sup>4</sup> TS 192, *post*, p. 387.

<sup>5</sup> For a detailed study of this treaty, see 7 Miller 947.

The President of the United States may appoint a diplomatic agent to reside at the city of Yedo, and consuls or consular agents to reside at any or all of the ports in Japan which are opened for American commerce by this treaty. The diplomatic agent and consul general of the United States shall have the right to travel freely in any part of the empire of Japan from the time they enter on the discharge of their official duties.

The government of Japan may appoint a diplomatic agent to reside at Washington, and consuls or consular agents for any or all of the ports of the United States. The diplomatic agent and consul general of Japan may travel freely in any part of the United States from the time they arrive in the country.

#### ARTICLE II

The President of the United States, at the request of the Japanese government, will act as a friendly mediator in such matters of difference as may arise between the government of Japan and any European power.

The ships of war of the United States shall render friendly aid and assistance to such Japanese vessels as they may meet on the high seas, so far as can be done without a breach of neutrality; and all American consuls residing at ports visited by Japanese vessels shall also give them such friendly aid as may be permitted by the laws of the respective countries in which they reside.

#### ARTICLE III

In addition to the ports of Simoda and Hakodadi, the following ports and towns shall be opened on the dates respectively appended to them, that is to say: Kanagawa, on the (4th of July, 1859) fourth day of July, one thousand eight hundred and fifty-nine; Nagasaki, on the (4th of July, 1859) fourth day of July, one thousand eight hundred and fifty-nine; Nee-e-gata, on the (1st of January, 1860) first day of January, one thousand eight hundred and sixty; Hiogo, on the (1st of January, 1863) first day of January, one thousand and eight hundred and sixty-three.

If Nee-e-gata is found to be unsuitable as a harbor, another port on the west coast of Nipon shall be selected by the two governments in lieu thereof. Six months after the opening of Kanagawa the port of Simoda shall be closed as a place of residence and trade for American citizens. In all the foregoing ports and towns American citizens may permanently reside; they shall have the right to lease ground, and purchase the buildings thereon, and may erect dwellings and warehouses. But no fortification or place of military strength shall be erected under pretence of building dwellings or warehouses; and to see that this article is observed, the Japanese authorities shall have the right to inspect, from time to time, any buildings which are being erected, altered, or repaired. The place which the Americans shall occupy for their buildings, and the harbor regulations, shall be arranged by the American consul and the authorities of each place, and if they cannot agree the matter

shall be referred to and settled by the American diplomatic agent and the Japanese government.

No wall, fence, or gate shall be erected by the Japanese around the place of residence of the Americans, or anything done which may prevent a free egress and ingress to the same.

From the (1st of January, 1862) first day of January, one thousand eight hundred and sixty-two, Americans shall be allowed to reside in the city of Yedo; and from the (1st of January, 1863) first day of January, one thousand eight hundred and sixty-three, in the city of Osaca, for the purposes of trade only. In each of these two cities a suitable place within which they may hire houses, and the distance they may go, shall be arranged by the American diplomatic agent and the government of Japan. Americans may freely buy from Japanese and sell to them any articles that either may have for sale, without the intervention of any Japanese officers in such purchase or sale, or in making or receiving payment for the same; and all classes of Japanese may purchase, sell, keep, or use any articles sold to them by the Americans.

The Japanese government will cause this clause to be made public in every part of the empire as soon as the ratifications of this treaty shall be exchanged.

Munitions of war shall only be sold to the Japanese government and foreigners.

No rice or wheat shall be exported from Japan as cargo, but all Americans resident in Japan, and ships, for their crews and passengers, shall be furnished with sufficient supplies of the same. The Japanese government will sell, from time to time, at public auction, any surplus quantity of copper that may be produced. Americans residing in Japan shall have the right to employ Japanese as servants or in any other capacity.

#### ARTICLE IV

Duties shall be paid to the government of Japan on all goods landed in the country, and on all articles of Japanese production that are exported as cargo, according to the tariff hereunto appended.

If the Japanese custom-house officers are dissatisfied with the value placed on any goods by the owner, they may place a value thereon, and offer to take the goods at that valuation. If the owner refuses to accept the offer, he shall pay duty on such valuation. If the offer be accepted by the owner, the purchase money shall be paid to him without delay, and without any abatement or discount.

Supplies for the use of the United States navy may be landed at Kana-gawa, Hakodadi, and Nagasaki, and stored in warehouse, in the custody of an officer of the American government, without the payment of any duty.

But, if any such supplies are sold in Japan, the purchaser shall pay the proper duty to the Japanese authorities.

The importation of opium is prohibited, and any American vessel coming to Japan for the purposes of trade, having more than three (3) catties (four pounds avoirdupois) weight of opium on board, such surplus quantity shall be seized and destroyed by the Japanese authorities. All goods imported into Japan, and which have paid the duty fixed by this treaty, may be transported by the Japanese into any part of the empire without the payment of any tax, excise, or transit duty whatever.

No higher duties shall be paid by Americans on goods imported into Japan than are fixed by this treaty, nor shall any higher duties be paid by Americans than are levied on the same description of goods if imported in Japanese vessels, or the vessels of any other nation.

#### ARTICLE V<sup>6</sup>

All foreign coin shall be current in Japan and pass for its corresponding weight of Japanese coin of the same description. Americans and Japanese may freely use foreign or Japanese coin in making payments to each other.

As some time will elapse before the Japanese will be acquainted with the value of foreign coin, the Japanese government will, for the period of one year after the opening of each harbor, furnish the Americans with Japanese coin, in exchange for theirs, equal weight being given and no discount taken for recoinage. Coins of all description (with the exception of Japanese copper coin) may be exported from Japan, and foreign gold and silver uncoined.

#### ARTICLE VI

Americans committing offences against Japanese shall be tried in American consular courts, and when guilty shall be punished according to American law. Japanese committing offences against Americans shall be tried by the Japanese authorities and punished according to Japanese law. The consular courts shall be open to Japanese creditors, to enable them to recover their just claims against American citizens, and the Japanese courts shall in like manner be open to American citizens for the recovery of their just claims against Japanese.

All claims for forfeitures or penalties for violations of this treaty, or of the articles regulating trade which are appended hereunto, shall be sued for in the consular courts, and all recoveries shall be delivered to the Japanese authorities.

Neither the American or Japanese governments are to be held responsible for the payment of any debts contracted by their respective citizens or subjects.

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<sup>6</sup> For an amendment of art. V, see art. VI of convention of June 25, 1866 (TS 188) *ante*, vol. 1, p. 20.

## ARTICLE VII

In the opened harbors of Japan Americans shall be free to go, where they please, within the following limits:

At Kanagawa, the River Logo, (which empties into the Bay of Yedo between Kawasaki and Sinagawa,) and (10) ten ri in another direction.

At Hakodadi, (10) ten ri in any direction.

At Hiogo, (10) ten ri in any direction, that of Kioto excepted, which city shall not be approached nearer than (10) ten ri. The crews of vessels resorting to Hiogo shall not cross the River Enagawa, which empties into the Bay between Hiogo and Asaca. The distances shall be measured inland from Goyoso, or town hall, of each of the foregoing harbors, the ri being equal to (4,275) four thousand two hundred and seventy-five yards, American measure.

At Nagasaki Americans may go into any part of the imperial domain in its vicinity. The boundaries of Nee-e-gata, or the place that may be substituted for it, shall be settled by the American diplomatic agent and the government of Japan. Americans who have been convicted of felony, or twice convicted of misdemeanors, shall not go more than (1) one Japanese ri inland from the places of their respective residences, and all persons so convicted shall lose their right of permanent residence in Japan, and the Japanese authorities may require them to leave the country.

A reasonable time shall be allowed to all such persons to settle their affairs, and the American consular authority shall, after an examination into the circumstances of each case, determine the time to be allowed, but such time shall not in any case exceed one year, to be calculated from the time the person shall be free to attend to his affairs.

## ARTICLE VIII

Americans in Japan shall be allowed the free exercise of their religion, and for this purpose shall have the right to erect suitable places of worship. No injury shall be done to such buildings, nor any insult be offered to the religious worship of the Americans. American citizens shall not injure any Japanese temple or mia, or offer any insult or injury to Japanese religious ceremonies, or to the objects of their worship.

The Americans and Japanese shall not do anything that may be calculated to excite religious animosity. The government of Japan has already abolished the practice of trampling on religious emblems.

## ARTICLE IX

When requested by the American consul, the Japanese authorities will cause the arrest of all deserters and fugitives from justice, receive in jail all

persons held as prisoners by the consul, and give to the consul such assistance as may be required to enable him to enforce the observance of the laws by the Americans who are on land, and to maintain order among the shipping. For all such service, and for the support of prisoners kept in confinement, the consul shall in all cases pay a just compensation.

#### ARTICLE X

The Japanese government may purchase or construct in the United States ships of war, steamers, merchant ships, whale ships, cannon, munitions of war, and arms of all kinds, and any other things it may require. It shall have the right to engage in the United States scientific, naval and military men, artizans of all kinds, and mariners to enter into its service. All purchases made for the government of Japan may be exported from the United States, and all persons engaged for its service may freely depart from the United States: *Provided*, That no articles that are contraband of war shall be exported, nor any persons engaged to act in a naval or military capacity, while Japan shall be at war with any power in amity with the United States.

#### ARTICLE XI

The articles for the regulation of trade, which are appended to this treaty, shall be considered as forming a part of the same, and shall be equally binding on both the contracting parties to this treaty, and on their citizens and subjects.

#### ARTICLE XII

Such of the provisions of the treaty made by Commodore Perry, and signed at Kanagawa, on the 31st of March, 1854,<sup>7</sup> as conflict with the provisions of this treaty are hereby revoked; and as all the provisions of a convention executed by the consul general of the United States and the governors of Simoda, on 17th of June, 1857,<sup>8</sup> are incorporated in this treaty, that convention is also revoked.

The person charged with the diplomatic relations of the United States in Japan, in conjunction with such person or persons as may be appointed for that purpose by the Japanese government, shall have power to make such rules and regulations as may be required to carry into full and complete effect the provisions of this treaty, and the provisions of the articles regulating trade appended thereunto.

#### ARTICLE XIII

After the (4th of July, 1872) fourth day of July, one thousand eight hundred and seventy-two, upon the desire of either the American or Japanese governments, and on one year's notice given by either party, this treaty, and

<sup>7</sup> TS 183, *ante*, p. 351.

<sup>8</sup> TS 184, *ante*, p. 359.

such portions of the treaty of Kanagawa as remain unrevoked by this treaty, together with the regulations of trade hereunto annexed, or those that may be hereafter introduced, shall be subject to revision by commissioners appointed on both sides for this purpose, who will be empowered to decide on, and insert therein, such amendments as experience shall prove to be desirable.

#### ARTICLE XIV

This treaty shall go into effect on the (4th of July, 1859) fourth day of July, in the year of our Lord one thousand eight hundred and fifty-nine, on or before which day the ratifications of the same shall be exchanged at the city of Washington; but if, from any unforeseen cause, the ratifications cannot be exchanged by that time, the treaty shall still go into effect at the date above mentioned.

The act of ratification on the part of the United States shall be verified by the signature of the President of the United States, countersigned by the Secretary of State, and sealed with the seal of the United States.

The act of ratification on the part of Japan shall be verified by the name and seal of his Majesty the Ty-Coon, and by the seals and signatures of such of his high officers as he may direct.

This treaty is executed in quadruplicate, each copy being written in the English, Japanese, and Dutch languages, all the versions having the same meaning and intention, but the Dutch version shall be considered as being the original.

In witness whereof, the above named plenipotentiaries have hereunto set their hands and seals, at the city of Yedo, this twenty-ninth day of July, in the year of our Lord one thousand eight hundred and fifty-eight, and of the independence of the United States of America the eighty-third, corresponding to the Japanese era, the nineteenth day of the sixth month of the fifth year of Ansei Mma.

TOWNSEND HARRIS [SEAL]

#### REGULATIONS UNDER WHICH AMERICAN TRADE IS TO BE CONDUCTED IN JAPAN<sup>9</sup>

##### REGULATION FIRST

Within (48) forty-eight hours (Sundays excepted) after the arrival of an American ship in a Japanese port, the captain or commander shall exhibit to the Japanese custom-house authorities the receipt of the American consul, showing that he has deposited the ship's register and other papers, as required by the laws of the United States, at the American consulate, and

<sup>9</sup> For amendments and modifications of the regulations, see conventions of June 25, 1866 (TS 188), *ante*, vol. 1, p. 18, and July 25, 1878 (TS 189), *post*, p. 377.

he shall then make an entry of his ship, by giving a written paper, stating the name of the ship, and the name of the port from which she comes, her tonnage, the name of her captain or commander, the names of her passengers, (if any,) and the number of her crew, which paper shall be certified by the captain or commander to be a true statement, and shall be signed by him; he shall at the same time deposit a written manifest of his cargo, setting forth the marks and numbers of the packages and their contents, as they are described in his bills of lading, with the names of the person or persons to whom they are consigned. A list of the stores of the ship shall be added to the manifest. The captain or commander shall certify the manifest to be a true account of all the cargo and stores on board the ship, and shall sign his name to the same. If any error is discovered in the manifest, it may be corrected within (24) twenty-four hours (Sundays excepted) without the payment of any fee; but for any alteration or post entry to the manifest made after that time, a fee of (\$15) fifteen dollars shall be paid. All goods not entered on the manifest shall pay double duties on being landed. Any captain or commander that shall neglect to enter his vessel at the Japanese custom-house within the time prescribed by this regulation shall pay a penalty of (\$60) sixty dollars for each day that he shall so neglect to enter his ship.

#### REGULATION SECOND

The Japanese government shall have the right to place custom-house officers on board any ship in their ports (men-of-war excepted.) All custom-house officers shall be treated with civility, and such reasonable accommodation shall be allotted to them as the ship affords. No goods shall be unladen from any ship between the hours of sunset and sunrise, except by special permission of the custom-house authorities, and the hatches, and all other places of entrance into that part of the ship where the cargo is stowed, may be secured by Japanese officers, between the hours of sunset and sunrise, by affixing seals, locks, or other fastenings; and if any person shall, without due permission, open any entrance that has been so secured, or shall break or remove any seal, lock, or other fastening that has been affixed by the Japanese custom-house officers, every person so offending shall pay a fine of (\$60) sixty dollars for each offence. Any goods that shall be discharged or attempted to be discharged from any ship, without having been duly entered at the Japanese custom-house, as hereinafter provided, shall be liable to seizure and confiscation.

Packages of goods made up with an attempt to defraud the revenue of Japan, by concealing therein articles of value which are not set forth in the invoice, shall be forfeited.

American ships that shall smuggle, or attempt to smuggle, goods in any of the non-opened harbors of Japan, all such goods shall be forfeited to the Japanese government, and the ship shall pay a fine of (\$1,000) one thousand

dollars for each offence. Vessels needing repairs may land their cargo for that purpose without the payment of duty. All goods so landed shall remain in charge of the Japanese authorities, and all just charges for storage, labor, and supervision shall be paid thereon. But if any portion of such cargo be sold, the regular duties shall be paid on the portion so disposed of. Cargo may be transhipped to another vessel in the same harbor without the payment of duty; but all transhipments shall be made under the supervision of Japanese officers, and after satisfactory proof has been given to the custom-house authorities of the *bona fide* nature of the transaction, and also under a permit to be granted for that purpose by such authorities. The importation of opium being prohibited, if any person or persons shall smuggle, or attempt to smuggle, any opium, he or they shall pay a fine of (\$15) fifteen dollars for each catty of opium so smuggled or attempted to be smuggled; and if more than one person shall be engaged in the offence, they shall collectively be held responsible for the payment of the foregoing penalty.

### REGULATION THIRD

The owner or consignee of any goods, who desires to land them, shall make an entry of the same at the Japanese custom-house. The entry shall be in writing, and shall set forth the name of the person making the entry, and the name of the ship in which the goods were imported, and the marks, numbers, packages, and the contents thereof, with the value of each package extended separately in one amount, and at the bottom of the entry shall be placed the aggregate value of all the goods contained in the entry. On each entry the owner or consignee shall certify, in writing, that the entry then presented exhibits the actual cost of the goods, and that nothing has been concealed whereby the customs of Japan would be defrauded; and the owner or consignee shall sign his name to such certificate.

The original invoice or invoices of the goods so entered shall be presented to the custom-house authorities, and shall remain in their possession until they have examined the goods contained in the entry.

The Japanese officers may examine any or all of the packages so entered, and for this purpose may take them to the custom-house, but such examination shall be without expense to the importer or injury to the goods, and after examination, the Japanese shall restore the goods to their original condition in the packages, (so far as may be practicable,) and such examination shall be made without any unreasonable delay.

If any owner or importer discovers that his goods have been damaged on the voyage of importation before such goods have been delivered to him, he may notify the custom-house authorities of such damage, and he may have the damaged goods appraised by two or more competent and disinterested persons, who, after due examination, shall make a certificate setting forth the amount per cent. of damage on each separate package, describing it by its

mark and number, which certificates shall be signed by the appraisers in presence of the custom-house authorities, and the importer may attach the certificate to his entry, and make a corresponding deduction from it. But this shall not prevent the custom-house authorities from appraising the goods in the manner provided in article fourth of the treaty, to which these regulations are appended.

After the duties have been paid, the owner shall receive a permit authorizing the delivery to him of the goods, whether the same are at the custom-house or on ship-board. All goods intended to be exported shall be entered at the Japanese custom-house before they are placed on ship-board. The entry shall be in writing, and shall state the name of the ship by which the goods are to be exported, with the marks and numbers of the packages, and the quantity, description, and value of their contents. The exporter shall certify in writing that the entry is a true account of all the goods contained therein, and shall sign his name thereto. Any goods that are put on board of a ship for exportation before they have been entered at the custom-house, and all packages which contain prohibited articles, shall be forfeited to the Japanese government.

No entry at the custom-house shall be required for supplies for the use of ships, their crews and passengers, nor for the clothing, &c., of passengers.

#### REGULATION FOURTH

Ships wishing to clear shall give (24) twenty-four hours' notice at the custom-house, and at the end of that time they shall be entitled to their clearance; but if it be refused, the custom-house authorities shall immediately inform the captain or consignee of the ship of the reasons why the clearance is refused, and they shall also give the same notice to the American consul.

Ships of war of the United States shall not be required to enter or clear at the custom-house, nor shall they be visited by Japanese custom-house or police officers. Steamers carrying the mails of the United States may enter and clear on the same day, and they shall not be required to make a manifest, except for such passengers and goods as are to be landed in Japan; but such steamers shall, in all cases, enter and clear at the custom-house.

Whale ships touching for supplies, or ships in distress, shall not be required to make a manifest of their cargo; but if they subsequently wish to trade, they shall then deposit a manifest, as required in regulation first.

The word ship, wherever it occurs in these regulations, or in the treaty to which they are attached, is to be held as meaning ship, barque, brig, schooner, sloop, or steamer.

#### REGULATION FIFTH

Any person signing a false declaration or certificate with the intent to defraud the revenue of Japan shall pay a fine of (\$125) one hundred and twenty-five dollars for each offence.

## REGULATION SIXTH

No tonnage duties shall be levied on American ships in the ports of Japan, but the following fees shall be paid to the Japanese custom-house authorities: For the entry of a ship (\$15) fifteen dollars; for the clearance of a ship (\$7) seven dollars; for each permit (\$1½) one dollar and a half; for each bill of health (\$1½) one dollar and a half; for any other document (\$1½) one dollar and a half.

## REGULATION SEVENTH

Duties shall be paid to the Japanese government on all goods landed in the country according to the following tariff:

CLASS ONE.—All articles in this class shall be free of duty.

Gold and silver, coined or uncoined.

Wearing apparel in actual use.

Household furniture and printed books not intended for sale, but the property of persons who come to reside in Japan.

CLASS TWO.—A duty of (5) five per cent. shall be paid on the following articles: All articles used for the purpose of building, rigging, repairing, or fitting out of ships; whaling gear of all kinds; salted provisions of all kinds; bread and breadstuffs; living animals of all kinds; coals; timber for building houses; rice; paddy; steam machinery; zinc; lead; tin; raw silk.

CLASS THREE.—A duty of (35) thirty-five per cent. shall be paid on all intoxicating liquors, whether prepared by distillation, fermentation, or in any other manner.

CLASS FOUR.—All goods not included in any of the preceding classes shall pay a duty of (20) twenty per cent.

All articles of Japanese production, which are exported as cargo, shall pay a duty of (5) five per cent, with the exception of gold and silver coin and copper in bars. (5) Five years after the opening of Kanagawa the import and export duties shall be subject to revision if the Japanese government desires it.

TOWNSEND HARRIS [SEAL]

## AMITY AND COMMERCE

*Convention signed at Kanagawa March 19, 1859, postponing exchange  
of ratifications of treaty of July 29, 1858  
Entered into force March 19, 1859*

Treaty Series 185<sup>1</sup>

### CONVENTION

Whereas the fourteenth Article of the Treaty, made at Yedo, between the United States of America and the Empire of Japan, and signed on the twenty ninth day of July one thousand eight hundred and fifty eight,<sup>2</sup> provides, that the Ratifications of the said Treaty, shall be exchanged at the City of Washington, on or before the Fourth day of July, one thousand eight hundred and fifty nine, and

Whereas the Government of Japan, owing to grave and weighty reasons, has requested the postponement of the time, fixed for the exchange of Ratifications, we the undersigned Plenipotentiaries have, after due deliberation, agreed upon, and concluded the following Convention.

### ARTICLE FIRST

For the foregoing reasons, a Copy of the Treaty, bearing the Ratification of His Majesty the Tycoon of Japan, has been left in the hands of the Consul General of the United States of America, and the same shall be returned by him, to the Japanese Government, on his being informed, of the exchange of Ratifications at Washington.

### ARTICLE SECOND

No Embassy shall leave Japan for any Foreign Nation, before the mission, bearing the Japanese Ratification, has arrived at Washington.

### ARTICLE THIRD

The clause of the third Article of the Treaty of Yedo, relating to the freedom of trade, between Americans and Japanese, shall be made public, by the Japanese Government, in all parts of the Empire, on the First day of July next.

<sup>1</sup> For a detailed study of this convention, see 7 Miller 947.

<sup>2</sup> TS 185, *ante*, p. 362.

## ARTICLE FOURTH

The Government of Japan has agreed, that the Embassy will be ready to leave Yedo for the United States of America, on the Twenty second day of February, one thousand eight hundred and sixty.

This Convention is executed in triplicate, each Copy being in the English, Japanese and Dutch languages, all the versions having the same meaning and intention, but the Dutch version shall be considered, as the original.

In Witness whereof, we the undersigned Plenipotentiaries, have hereunto set our hands and seals, at Kanagawa, on the nineteenth day of March, of the Year of Our Lord, one thousand, eight hundred and fifty nine, and of the Independence of the United States of America, the eighty third, corresponding to the Japanese Era, the fifteenth day of the second month, of the sixth Year of Ansei Hitsdzi.

TOWNSEND HARRIS	[SEAL]
MIDZUNO TSIKFGONO CAMI <sup>3</sup>	[SEAL]
HORI ORIBAY NO CAMI	[SEAL]
MURAGAKI AWADZINO CAMI	[SEAL]
KATO SIOZABRO	[SEAL]

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<sup>3</sup> The Japanese signatures are in the abbreviated form known as *kakihan*.

## REDUCTION OF IMPORT DUTIES

*Convention signed at Yedo January 28, 1864*

*Entered into force at Kanagawa February 8, 1864, and at Nagasaki and Hakodate March 9, 1864*

*Senate advice and consent to ratification February 21, 1866*

*Ratified by the President of the United States April 9, 1866*

*Proclaimed by the President of the United States April 9, 1866*

*Superseded July 1, 1866, by convention of June 25, 1866<sup>1</sup>*

14 Stat. 655; Treaty Series 186

### CONVENTION

For the purpose of encouraging and facilitating the Commerce of the Citizens of the United States in Japan and after due deliberation His Excellency Robert H. Pruyn, Minister Resident of the United States in Japan, and His Excellency Sibata Sadataro, Governor for Foreign Affairs, both having full powers from their respective Governments, have agreed on the following Articles, viz:

#### ARTICLE ONE

The following articles, used in the preparation and packing of tea, shall be free of duty:

Sheet lead	Indigo
Soder	Gypsum
Matting	Firing pans and baskets
Rattan	
Oil for painting	

#### ARTICLE TWO

The following articles shall be admitted at the reduced duty of five percent:

Machines and machinery

Drugs and medicines

Note: The prohibition of the importation of opium, according to the existing Treaty, remains in full force.

<sup>1</sup> TS 188, *ante*, vol. 1, p. 18.

Iron in pigs or bars, sheet iron and iron wire  
 Tin plates  
 White sugar in loaves or crushed  
 Glass and glassware  
 Clocks, watches, and watch chains  
 Wines malted and spirituous liquors

#### ARTICLE THREE

The Citizens of the United States importing or exporting goods shall always pay the Duty fixed thereon, whether such goods are intended for their own use or not.

#### ARTICLE FOUR

This Convention having been agreed upon a Year ago and its signature delayed through unavoidable circumstances, it is hereby agreed that the Same shall go into effect at Kanagawa on the 8th of February next, corresponding to the First day of the First month of the Fourth Japanese Year of Bunkin Ne—and at Nagasaki and Hakodate on the 9th day of March next corresponding to the first day of the Second month of the Fourth Japanese Year of Bunkin Ne.

Done in quadruplicate; each Copy being written in the English, Japanese and Dutch languages; all the versions having the same meaning but the Dutch version shall be considered as the original.

In Witness whereof the abovenamed Plenipotentiaries have hereunto set their hands and Seals at the City of Yedo the 28th day of January of the Year of our Lord one thousand eight hundred and Sixty four and of the Independence of the United States the Eighty Eighth, corresponding to the twentieth day of the twelfth month of the Third Year of Bunkin Ye of the Japanese era.

ROBT. H. PRUYN [SEAL]

## REVISION OF COMMERCIAL TREATIES

*Convention signed at Washington July 25, 1878*

*Senate advice and consent to ratification December 18, 1878*

*Ratified by the President of the United States January 20, 1879*

*Ratified by Japan February 7, 1879*

*Ratifications exchanged at Washington April 8, 1879*

*Entered into force April 8, 1879*

*Proclaimed by the President of the United States April 8, 1879*

*Superseded July 17, 1899, by treaty of November 22, 1894<sup>1</sup>*

20 Stat. 797; Treaty Series 189

### CONVENTION REVISING CERTAIN PORTIONS OF EXISTING COMMERCIAL TREATIES AND FURTHER EXTENDING COMMERCIAL INTERCOURSE BETWEEN THE UNITED STATES AND JAPAN

The President of the United States of America, and His Majesty the Emperor of Japan, both animated with the desire of maintaining the good relations which have so happily subsisted between their respective countries, and wishing to strengthen, if possible, the bond of friendship and to extend and consolidate commercial intercourse between the two countries by means of an additional convention, have for that purpose named as their respective plenipotentiaries; that is to say; the President of the United States, William Maxwell Evarts, Secretary of State of the United States, and His Majesty the Emperor of Japan, Jushie Yoshida Kiyonari, of the Order of the Rising Sun, and of the Third Class, and His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE I

It is agreed by the high contracting parties that the Tariff Convention, signed at Yedo on the 25th day of June, 1866,<sup>2</sup> or the 13th of the 5th month of the second year of Keio, by the respective representatives of the United States, Great Britain, France and Holland on the one hand, and Japan on

<sup>1</sup> TS 192, *post*, p. 387.

<sup>2</sup> TS 188, *ante*, vol. 1, p. 18.

the other, together with the schedules of tariff on imports and exports and the bonded warehouse regulations, both of which are attached to the said convention, shall hereby be annulled and become inoperative as between the United States and Japan under the condition expressed in Article X of this present convention; and all such provisions of the treaty of 1858,<sup>3</sup> or the fifth year of Ansei, signed at Yedo, as appertain to the regulations of harbors, customs and taxes, as well as the whole of the trade-regulations, which are attached to the said treaty of 1858, or the fifth year of Ansei, shall also cease to operate.

It is further understood and agreed that from the time when this present convention shall take effect, the United States will recognize the exclusive power and right of the Japanese government to adjust the customs tariff and taxes and to establish regulations appertaining to foreign commerce in the open ports of Japan.

#### ARTICLE II

It is, however, further agreed that no other or higher duties shall be imposed on the importation into Japan of all articles of merchandise from the United States, than are or may be imposed upon the like articles of any other foreign country; and if the Japanese government should prohibit the exportation from, or importation into, its dominions of any particular article or articles, such prohibition shall not be discriminatory against the products, vessels or citizens of the United States.

#### ARTICLE III

It is further agreed, that, as the United States charge no export duties on merchandise shipped to Japan, no export duties on merchandise shipped in the latter country for the United States shall be charged after this treaty shall go into effect.

#### ARTICLE IV

It is further stipulated and agreed, that, so long as the first three sentences which are comprised in the first paragraph of article VI of the treaty of 1858, or the fifth year of Ansei, shall be in force, all claims by the Japanese government for forfeitures or penalties for violations of such existing treaty, as well as for violations of the customs, bonded-warehouse and harbor regulations, which may, under this convention, from time to time, be established by that government, shall be sued for in the consular courts of the United States, whose duty it shall be to try each and every case fairly and render judgment in accordance with the provisions of such treaty and of such regulations; and the amount of all forfeitures and fines shall be delivered to the Japanese authorities.

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<sup>3</sup> TS 185, *ante*, p. 362.

## ARTICLE V

It is understood and declared by the high contracting parties, that the right of controlling the coasting trade of Japan belongs solely, and shall be strictly reserved, to the government of that Empire.

## ARTICLE VI

It is, however, agreed, that vessels of the United States arriving at any port of Japan open to foreign commerce, may unload, in conformity with the customs laws of that country, such portions of their cargoes as may be desired, and that they may depart with the remainder, without paying any duties, imposts or charges whatsoever, except for that part which shall have been landed, and which shall be so noted on the manifest. The said vessels may continue their voyage to one or more other open ports of Japan, there to land the part or residue of their cargoes, desired to be landed at such port or ports. It is understood, however, that all duties, imposts, or charges whatsoever, which are or may become chargeable upon the vessels themselves, are to be paid only at the first port where they shall break bulk or unload part of their cargo; and that at any subsequent port used in the same voyage only the local port charges shall be exacted for the use of such port.

## ARTICLE VII

In view of the concessions made by the United States in regard to the customs tariff, and the customs and other regulations of Japan, as above stipulated in Article I, the government of Japan will, on the principle of reciprocity, make the following concessions, to wit: That two additional ports (whereof one shall be Shimo-no-seki, and the other shall be hereafter decided upon by the contracting parties jointly), from the date when the present convention may go into effect, shall be open to citizens and vessels of the United States, for the purposes of residence and trade.

## ARTICLE VIII

It is also agreed that, as the occasion for Article V of the treaty of 1858, or the fifth year of Ansei, between the two countries is considered to have passed away, that article shall, after the present treaty shall have gone into effect, be regarded as no longer binding.

## ARTICLE IX

It is further agreed, that such of the provisions of the treaties or conventions heretofore concluded between the two countries and not herein expressly abrogated, as conflict with any provisions of the present convention are hereby revoked and annulled; that the present convention shall be considered to be and form a part of the existing treaties between the two countries; that

the revision of such portions of the said treaties as are not modified or revoked by the present convention, as also the revision of the present convention itself, may be demanded hereafter by either of the high contracting parties; and that this convention, as well as the previous treaties as modified thereby, shall continue in force until, upon such a revision of the whole, or any part thereof, it shall be otherwise provided.

#### ARTICLE X

The present convention shall take effect when Japan shall have concluded such conventions or revisions of existing treaties with all the other treaty powers holding relations with Japan as shall be similar in effect to the present convention, and such new conventions or revisions shall also go into effect.

The present convention shall be ratified and the ratifications shall be exchanged at Washington as soon as may be within fifteen months from the date hereof.

In faith whereof the above named Plenipotentiaries have hereunto set their hands and seals, at the city of Washington, this twenty-fifth day of July, one thousand eight hundred and seventy-eight, or twenty-fifth day of the seventh month of the eleventh year of Meiji.

WILLIAM MAXWELL EVARTS [SEAL]  
YOSHIDA KIYONARI [SEAL]

## REIMBURSEMENT OF SHIPWRECK EXPENSES

*Convention signed at Tokyo May 17, 1880*

*Ratified by Japan June 5, 1880*

*Senate advice and consent to ratification March 23, 1881*

*Ratified by the President of the United States April 7, 1881*

*Ratifications exchanged at Washington June 16, 1881*

*Entered into force July 16, 1881*

*Proclaimed by the President of the United States October 3, 1881*

*Not revived after World War II*<sup>1</sup>

22 Stat. 815; Treaty Series 190

The United States of America and the Empire of Japan being desirous of concluding an agreement providing for the reimbursement of certain specified expenses which may be incurred by either country in consequence of the shipwreck on its coasts of the vessels of the other, have resolved to conclude a special convention for this purpose, and have named as their Plenipotentiaries:

The President of the United States of America, John A. Bingham, their Envoy Extraordinary and Minister Plenipotentiary to His Imperial Majesty; and His Majesty the Emperor of Japan, Inouye Kaoru Shoshii, Minister for Foreign Affairs and decorated with the 1st class of the order of the Rising Sun, who after reciprocal communication of their full powers found in good and due form, have agreed as follows:

All expenses incurred by the Government of the United States for the rescue, clothing, maintenance, and travelling of needy shipwrecked Japanese subjects, for the recovery of the bodies of the drowned, for the medical treatment of the sick and injured, unable to pay for such treatment, and for the burial of the dead, shall be repaid to the Government of the United States by that of Japan. And a similar course of procedure to the above shall be observed by the Government of the United States in the case of assistance being given by that of Japan to shipwrecked citizens of the United States.

But neither the Government of the United States, nor that of Japan shall be responsible for the repayment of the expenses incurred in the recovery or

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<sup>1</sup>Not included among treaties and other agreements continued in force or revived by U.S. note of Apr. 22, 1953, pursuant to art. 7 of treaty of peace signed at San Francisco Sept. 8, 1951 (3 UST 3175; TIAS 2490).

preservation of a wrecked vessel or the property on board. All such expenses shall be a charge upon the property saved, and shall be repaid by the parties interested therein upon receiving delivery of the same.

No charge shall be made by the Government of the United States nor by that of Japan for the expenses of the Government officers, police or local functionaries who shall proceed to the wreck, for the travelling expenses of officers escorting the shipwrecked men, nor for the expenses of official correspondence. Such expenses shall be borne by the Government of the country to which such officers, police, and local functionaries belong.

This convention shall be ratified by the respective Governments in due form of law, and the ratifications shall be exchanged at Washington as soon as may be. It shall take effect in the respective countries thirty days after the Exchange of said ratifications.

In witness whereof the respective Plenipotentiaries have hereunto affixed their signatures and seals.

Done, in duplicate in the English and Japanese languages at the city of Tokio, Japan, this 17th day of May in the year 1880, (17th day of the 5th month of the 13th year Meiji).

JOHN A. BINGHAM	[SEAL]
INOUE KAORU	[SEAL]

## EXTRADITION

*Treaty signed at Tokyo April 29, 1886*

*Senate advice and consent to ratification, with amendments, June 21, 1886*<sup>1</sup>

*Ratified by the President of the United States, with amendments, July 13, 1886*<sup>1</sup>

*Ratified by Japan September 25, 1886*

*Ratifications exchanged at Tokyo September 27, 1886*

*Proclaimed by the President of the United States November 3, 1886*

*Entered into force November 26, 1886*

*Supplemented by convention of May 17, 1906*<sup>2</sup>

*Revived (after World War II) July 22, 1953,<sup>3</sup> pursuant to article 7 of treaty of peace signed at San Francisco September 8, 1951*<sup>4</sup>

24 Stat. 1015; Treaty Series 191

The President of the United States of America and His Majesty the Emperor of Japan having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within the two countries and their jurisdictions, that persons charged with or convicted of the crimes or offences hereinafter named and being fugitives from justice,

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<sup>1</sup> The Senate resolution of advice and consent contained the following amendments:

Article II, paragraph 1, after the word "murder" where it first occurs, insert the word "and"; after the word "murder" where it occurs the second time, delete "and manslaughter".

Article II, paragraph 4, after the word "depositories" delete the following: "; and embezzlement by any person hired, salaried or employed, to the detriment of the employer or principal".

Article II, paragraph 5, delete "Larceny, of the value of fifty dollars and upwards, and" so that the amended paragraph reads "5. Robbery."

Article II, paragraph 14. Delete all of paragraph 14 reading as follows: "Fraud by a banker or a trustee, or by an officer or a director of a bank or trust company, made criminal by any laws for the time being in force."

Article IV, add, at the end, the words "or for any offense other than that in respect of which the extradition is granted".

Article VI, after the word "telegraph" insert the words "or other written communication"; after "that a" insert "lawful"; after "competent authority" insert "upon probable cause"; after "endeavor to procure" insert "so far as it lawfully may".

The text printed here is the amended text as proclaimed by the President.

<sup>2</sup> TS 454, *post*, p. 404.

<sup>3</sup> *Department of State Bulletin*, May 18, 1953, p. 721.

<sup>4</sup> 3 UST 3175; TIAS 2490.

should, under certain circumstances, be reciprocally delivered up, they have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say:

The President of the United States of America, Richard B. Hubbard, their Envoy Extraordinary and Minister Plenipotentiary near His Imperial Majesty, and His Majesty the Emperor of Japan, Count Inouye Kaoru, Jinsammi, His Imperial Majesty's Minister of State for Foreign Affairs, First Class of the Order of the Rising Sun, &c., &c., &c.

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

#### ARTICLE I

The High Contracting Parties engage to deliver up to each other, under the circumstances and conditions stated in the present Treaty, all persons, who being accused or convicted of one of the crimes or offences named below in Article II and committed within the jurisdiction of the one Party, shall be found within the jurisdiction of the other Party.

#### ARTICLE II

1. Murder, and assault with intent to commit murder.
2. Counterfeiting or altering money, or uttering or bringing into circulation counterfeit or altered money; counterfeiting certificates or coupons of public indebtedness, bank notes, or other instruments of public credit of either of the parties, and the utterance or circulation of the same.
3. Forgery, or altering and uttering what is forged or altered.
4. Embezzlement, or criminal malversation of the public funds, committed within the jurisdiction of either party, by public officers or depositaries.
5. Robbery.
6. Burglary, defined to be the breaking and entering by night-time into the house of another person with the intent to commit a felony therein; and the act of breaking and entering the house of another, whether in the day or night-time, with the intent to commit a felony therein.
7. The act of entering, or of breaking and entering, the offices of the Government and public authorities, or the offices of banks, banking-houses, savings-banks, trust companies, insurance or other companies, with the intent to commit a felony therein.
8. Perjury, or the subornation of perjury.
9. Rape.
10. Arson.
11. Piracy by the law of nations.

12. Murder, assault with intent to kill, and manslaughter, committed on the high seas, on board a ship bearing the flag of the demanding country.

13. Malicious destruction of, or attempt to destroy, railways, trams, vessels, bridges, dwellings, public edifices, or other buildings, when the act endangers human life.<sup>5</sup>

### ARTICLE III

If the person demanded be held for trial in the country on which the demand is made, it shall be optional with the latter to grant extradition or to proceed with the trial: Provided that, unless the trial shall be for the crime for which the fugitive is claimed, the delay shall not prevent ultimate extradition.

### ARTICLE IV

If it be made to appear that extradition is sought with a view to try or punish the person demanded for an offence of a political character, surrender shall not take place; nor shall any person surrendered be tried or punished for any political offence committed previously to his extradition, or for any offence other than that in respect of which the extradition is granted.

### ARTICLE V

The requisition for extradition shall be made through the diplomatic agents of the contracting parties, or, in the event of the absence of these from the country or its seat of government, by superior consular officers.

If the person whose extradition is requested shall have been convicted of a crime, a copy of the sentence of the court in which he was convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority, and of the latter by the Minister or Consul of the United States or of Japan, as the case may be, shall accompany the requisition. When the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country making the demand and of the depositions on which such warrant may have been issued, must accompany the requisition.

The fugitive shall be surrendered only on such evidence of criminality as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime had been there committed.

### ARTICLE VI

On being informed by telegraph, or other written communication through the diplomatic channel, that a lawful warrant has been issued by competent authority, upon probable cause, for the arrest of a fugitive criminal charged

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<sup>5</sup> For additions to list of crimes, see convention of May 17, 1906 (TS 454), *post*, p. 404.

with any of the crimes enumerated in Article II of this Treaty, and, on being assured from the same source that a request for the surrender of such criminal is about to be made in accordance with the provisions of this Treaty, each Government will endeavor to procure, so far as it lawfully may, the provisional arrest of such criminal, and keep him in safe custody for a reasonable time, not exceeding two months, to await the production of the documents upon which the claim for extradition is founded.

#### ARTICLE VII

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention, but they shall have the power to deliver them up if in their discretion it be deemed proper to do so.

#### ARTICLE VIII

The expenses of the arrest, detention, examination and transportation of the accused shall be paid by the Government which has requested the extradition.

#### ARTICLE IX

The present Treaty shall come into force sixty days after the exchange of the ratifications thereof. It may be terminated by either of them, but shall remain in force for six months after notice has been given of its termination.

The Treaty shall be ratified, and the ratifications shall be exchanged at Washington,<sup>6</sup> as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Treaty in duplicate and have thereunto affixed their seals.

Done at the city of Tokio, the twenty-ninth day of April in the eighteen hundred and eighty-sixth year of the Christian era, corresponding to the twenty-ninth day of the fourth month, of the nineteenth year of Meiji.

RICHARD B. HUBBARD	[SEAL]
INOUE KAORU	[SEAL]

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<sup>6</sup> In the protocol of exchange of ratifications, signed at Tokyo Sept. 27, 1886, the parties agreed that, in order to save time, the exchange should take place at Tokyo rather than at Washington.

## COMMERCE AND NAVIGATION

*Treaty and protocol signed at Washington November 22, 1894*

*Senate advice and consent to ratification February 5, 1895*

*Ratified by the President of the United States February 15, 1895*

*Ratified by Japan February 27, 1895*

*Ratifications exchanged at Washington March 21, 1895*

*Proclaimed by the President of the United States March 21, 1895*

*Entered into force July 17, 1899, except for article XVI, which entered into force March 8, 1897<sup>1</sup>*

*Provisions other than those relating to tariff superseded July 17, 1911, by treaty of February 21, 1911<sup>2</sup>*

*Tariff provisions expired January 26, 1940, upon termination of treaty of February 21, 1911*

29 Stat. 848; Treaty Series 192

### TREATY

The President of the United States of America and His Majesty the Emperor of Japan, being equally desirous of maintaining the relations of good understanding which happily exist between them, by extending and increasing the intercourse between their respective States, and being convinced that this object cannot better be accomplished than by revising the Treaties hitherto existing between the two countries, have resolved to complete such a revision, based upon principles of equity and mutual benefit, and, for that purpose, have named as their Plenipotentiaries, that is to say: The President of the United States of America, Walter Q. Gresham, Secretary of State of the United States, and His Majesty the Emperor of Japan, Jushii Shinichiro Kurino, of the Order of the Sacred Treasure, and of the Fourth Class; who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon and concluded the following Articles:

### ARTICLE I

The citizens or subjects of each of the two High Contracting Parties shall have full liberty to enter, travel, or reside in any part of the territories

<sup>1</sup> See convention of Jan. 13, 1897 (TS 193), *post*, p. 397.

<sup>2</sup> TS 558, *post*, p. 416.

of the other Contracting Party, and shall enjoy full and perfect protection for their persons and property.

They shall have free access to the Courts of Justice in pursuit and defence of their rights; they shall be at liberty equally with native citizens or subjects to choose and employ lawyers, advocates and representatives to pursue and defend their rights before such Courts, and in all other matters connected with the administration of justice they shall enjoy all the rights and privileges enjoyed by native citizens or subjects.

In whatever relates to rights of residence and travel; to the possession of goods and effects of any kind; to the succession to personal estate, by will or otherwise, and the disposal of property of any sort and in any manner whatsoever which they may lawfully acquire, the citizens or subjects of each Contracting Party shall enjoy in the territories of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native citizens or subjects, or citizens or subjects of the most favored nation. The citizens or subjects of each of the Contracting Parties shall enjoy in the territories of the other entire liberty of conscience, and, subject to the laws, ordinances, and regulations, shall enjoy the right of private or public exercise of their worship, and also the right of burying their respective countrymen, according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

They shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are, or may be paid by native citizens or subjects, or citizens or subjects of the most favored nation.

The citizens or subjects of either of the Contracting Parties residing in the territories of the other shall be exempted from all compulsory military service whatsoever, whether in the army, navy, national guard, or militia; from all contributions imposed in lieu of personal service; and from all forced loans or military exactions or contributions.

## ARTICLE II

There shall be reciprocal freedom of commerce and navigation between the territories of the two High Contracting Parties.

The citizens or subjects of each of the High Contracting Parties may trade in any part of the territories of the other by wholesale or retail in all kinds of produce, manufactures, and merchandize of lawful commerce, either in person or by agents, singly or in partnership with foreigners or native citizens or subjects; and they may there own or hire and occupy houses, manufactories, warehouses, shops and premises which may be necessary for them, and lease land for residential and commercial purposes, conforming themselves to the laws, police and customs regulations of the country like native citizens or subjects.

They shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other, which are or may be opened to foreign commerce, and shall enjoy, respectively, the same treatment in matters of commerce and navigation as native citizens or subjects, or citizens or subjects of the most favored nation, without having to pay taxes, imposts or duties, of whatever nature or under whatever denomination levied in the name or for the profit of the Government, public functionaries, private individuals, corporations, or establishments of any kind, other or greater than those paid by native citizens or subjects, or citizens or subjects of the most favored nation.

It is, however, understood that the stipulations contained in this and the preceding Article do not in any way affect the laws, ordinances and regulations with regard to trade, the immigration of laborers, police and public security which are in force or which may hereafter be enacted in either of the two countries.

### ARTICLE III

The dwellings, manufactories, warehouses, and shops of the citizens or subjects of each of the High Contracting Parties in the territories of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws, ordinances and regulations for citizens or subjects of the country.

### ARTICLE IV

No other or higher duties shall be imposed on the importation into the territories of the United States of any article, the produce or manufacture of the territories of His Majesty the Emperor of Japan, from whatever place arriving; and no other or higher duties shall be imposed on the importation into the territories of His Majesty the Emperor of Japan of any article, the produce or manufacture of the territories of the United States, from whatever place arriving, than on the like article produced or manufactured in any other foreign country; nor shall any prohibition be maintained or imposed on the importation of any article, the produce or manufacture of the territories of either of the High Contracting Parties, into the territories of the other, from whatever place arriving, which shall not equally extend to the importation of the like article, being the produce or manufacture of any other country. This last provision is not applicable to the sanitary and other prohibitions occasioned by the necessity of protecting the safety of persons, or of cattle, or of plants useful to agriculture.

## ARTICLE V

No other or higher duties or charges shall be imposed in the territories of either of the High Contracting Parties on the exportation of any article to the territories of the other than such as are, or may be, payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the territories of either of the two High Contracting Parties to the territories of the other which shall not equally extend to the exportation of the like article to any other country.

## ARTICLE VI

The citizens or subjects of each of the High Contracting Parties shall enjoy in the territories of the other exemption from all transit duties, and a perfect equality of treatment with native citizens or subjects in all that relates to warehousing, bounties, facilities, and drawbacks.

## ARTICLE VII

All articles which are or may be legally imported into the ports of the territories of His Majesty the Emperor of Japan in Japanese vessels may likewise be imported into those ports in vessels of the United States, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Japanese vessels; and, reciprocally, all articles which are or may be legally imported into the ports of the territories of the United States in vessels of the United States may likewise be imported into those ports in Japanese vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in vessels of the United States. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.

In the same manner, there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid, and the same bounties and drawbacks allowed, in the territories of either of the High Contracting Parties on the exportation of any article which is or may be legally exported therefrom, whether such exportation shall take place in Japanese vessels or in vessels of the United States, and whatever may be the place of destination, whether a port of either of the High Contracting Parties or of any third Power.

## ARTICLE VIII

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature, or under whatever denomination levied in the name or for the profit of Government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the territories of either country upon the

vessels of the other country which shall not equally and under the same conditions be imposed in the like cases on national vessels in general or vessels of the most favored nation. Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

#### ARTICLE IX

In all that regards the stationing, loading, and unloading of vessels in the ports, basins, docks, roadsteads, harbors or rivers of the territories of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country; the intention of the High Contracting Parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

#### ARTICLE X

The coasting trade of both the High Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to the laws, ordinances and regulations of the United States and Japan, respectively. It is, however, understood that citizens of the United States in the territories of His Majesty the Emperor of Japan and Japanese subjects in the territories of the United States, shall enjoy in this respect the rights which are, or may be, granted under such laws, ordinances and regulations to the citizens or subjects of any other country.

A vessel of the United States laden in a foreign country with cargo destined for two or more ports in the territories of His Majesty the Emperor of Japan, and a Japanese vessel laden in a foreign country with cargo destined for two or more ports in the territories of the United States, may discharge a portion of her cargo at one port, and continue her voyage to the other port or ports of destination where foreign trade is permitted, for the purpose of landing the remainder of her original cargo there, subject always to the laws and customs regulations of the two countries.

The Japanese Government, however, agrees to allow vessels of the United States to continue, as heretofore, for the period of the duration of the present Treaty, to carry cargo between the existing open ports of the Empire, excepting to or from the ports of Osaka, Niigata, and Ebisuminato.

#### ARTICLE XI

Any ship-of-war or merchant vessel of either of the High Contracting Parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary supplies, and to put to sea again, without paying any dues other than such as would be payable by national vessels. In case, however, the master of a merchant vessel should be under the neces-

sity of disposing of a part of his cargo in order to defray the expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any ship-of-war or merchant-vessel of one of the High Contracting Parties should run aground or be wrecked upon the coasts of the other, the local authorities shall inform the Consul General, Consul, Vice-Consul, or Consular Agent of the district, of the occurrence, or if there be no such consular officers, they shall inform the Consul General, Consul, Vice-Consul, or Consular Agent of the nearest district.

All proceedings relative to the salvage of Japanese vessels, wrecked or cast on shore in the territorial waters of the United States, shall take place in accordance with the laws of the United States, and, reciprocally, all measures of salvage relative to vessels of the United States, wrecked or cast on shore in the territorial waters of His Majesty the Emperor of Japan, shall take place in accordance with the laws, ordinances, and regulations of Japan.

Such stranded or wrecked ship or vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including those which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents, when claimed by them. If such owners or agents are not on the spot, the same shall be delivered to the respective Consuls General, Consuls, Vice-Consuls, or Consular Agents upon being claimed by them within the period fixed by the laws, ordinances and regulations of the country, and such Consular officers, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the case of the wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all the duties of the Customs unless cleared for consumption, in which case they shall pay the ordinary duties.

When a vessel belonging to the citizens or subjects of one of the High Contracting Parties is stranded or wrecked in the territories of the other, the respective Consuls General, Consuls, Vice-Consuls, and Consular Agents shall be authorized, in case the owner or master, or other agent of the owner, is not present, to lend their official assistance in order to afford the necessary assistance to the citizens or subjects of the respective States. The same rule shall apply in the case the owner, master, or other agent is present, but requires such assistance to be given.

## ARTICLE XII

All vessels which, according to United States law, are to be deemed vessels of the United States, and all vessels which, according to Japanese law, are to

be deemed Japanese vessels, shall, for the purposes of this Treaty, be deemed vessels of the United States and Japanese vessels, respectively.

#### ARTICLE XIII

The Consuls General, Consuls, Vice-Consuls, and Consular Agents of each of the High Contracting Parties, residing in the territories of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

It is understood that this stipulation shall not apply to the citizens or subjects of the country where the desertion takes place.

#### ARTICLE XIV

The High Contracting Parties agree that, in all that concerns commerce and navigation, any privilege, favor or immunity which either High Contracting Party has actually granted, or may hereafter grant, to the Government, ships, citizens or subjects of any other State, shall be extended to the Government, ships, citizens or subjects of the other High Contracting Party, gratuitously, if the concession in favor of that other State shall have been gratuitous, and on the same or equivalent conditions if the concession shall have been conditional; it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other upon the footing of the most favored nation.

#### ARTICLE XV

Each of the High Contracting Parties may appoint Consuls General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents, in all the ports, cities, and places of the other, except in those where it may not be convenient to recognize such officers.

This exception, however, shall not be made in regard to one of the High Contracting Parties without being made likewise in regard to every other Power.

The Consuls General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents may exercise all functions, and shall enjoy all privileges, exemptions, and immunities which are, or may hereafter be, granted to Consular officers of the most favored nation.

#### ARTICLE XVI

The citizens or subjects of each of the High Contracting Parties shall enjoy in the territories of the other the same protection as native citizens or subjects in regard to patents, trade-marks and designs, upon fulfilment of the formalities prescribed by law.

## ARTICLE XVII

The High Contracting Parties agree to the following arrangement:

The several Foreign Settlements in Japan shall, from the date this Treaty comes into force, be incorporated with the respective Japanese Communes, and shall thenceforth form part of the general municipal system of Japan. The competent Japanese Authorities shall thereupon assume all municipal obligations and duties in respect thereof, and the common funds and property, if any, belonging to such Settlements shall at the same time be transferred to the said Japanese Authorities.

When such incorporation takes place existing leases in perpetuity upon which property is now held in the said Settlements shall be confirmed, and no conditions whatsoever other than those contained in such existing leases shall be imposed in respect of such property. It is, however, understood that the Consular Authorities mentioned in the same are in all cases to be replaced by the Japanese Authorities. All lands which may previously have been granted by the Japanese Government free of rent for the public purposes of the said Settlements shall, subject to the right of eminent domain, be permanently reserved free of all taxes and charges for the public purposes for which they were originally set apart.

## ARTICLE XVIII

This Treaty shall, from the date it comes into force, be substituted in place of the Treaty of Peace and Amity concluded on the 3d day of the 3d month of the 7th year of Kayei, corresponding to the 31st day of March, 1854;<sup>3</sup> the Treaty of Amity and Commerce concluded on the 19th day of the 6th month of the 5th year of Ansei, corresponding to the 29th day of July, 1858;<sup>4</sup> the Tariff Convention concluded on the 13th day of the 5th month of the 2nd year of Keio, corresponding to the 25th day of June, 1866;<sup>5</sup> the Convention concluded on the 25th day of the 7th month of the 11th year of Meiji, corresponding to the 25th day of July, 1878,<sup>6</sup> and all Arrangements and Agreements subsidiary thereto concluded or existing between the High Contracting Parties; and from the same date such Treaties, Conventions, Arrangements and Agreements shall cease to be binding, and, in consequence, the jurisdiction then exercised by Courts of the United States in Japan and all the exceptional privileges, exemptions and immunities then enjoyed by citizens of the United States as a part of, or appurtenant to such jurisdiction, shall absolutely and without notice cease and determine, and thereafter all such jurisdiction shall be assumed and exercised by Japanese Courts.

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<sup>3</sup> TS 183, *ante*, p. 351.

<sup>4</sup> TS 185, *ante*, p. 362.

<sup>5</sup> TS 188, *ante*, vol. 1, p. 18.

<sup>6</sup> TS 189, *ante*, p. 377.

## ARTICLE XIX

This Treaty shall go into operation on the 17th day of July, 1899, and shall remain in force for the period of twelve years from that date.

Either High Contracting Party shall have the right, at any time thereafter to give notice to the other of its intention to terminate the same, and at the expiration of twelve months after such notice is given this Treaty shall wholly cease and determine.

## ARTICLE XX

This Treaty shall be ratified, and the ratifications thereof shall be exchanged, either at Washington or Tokio, as soon as possible and not later than six months after its signature.

In witness whereof the respective Plenipotentiaries have signed the present Treaty in duplicate and have thereunto affixed their seals.

Done at the City of Washington the 22d day of November, in the eighteen hundred and ninety-fourth year of the Christian era, corresponding to the 22d day of the 11th month of the 27th year of Meiji.

WALTER Q. GRESHAM	[SEAL]
SHINICHIRO KURINO	[SEAL]

## PROTOCOL

The Government of the United States of America and the Government of His Majesty the Emperor of Japan, deeming it advisable in the interests of both countries to regulate certain special matters of mutual concern, apart from the Treaty of Commerce and Navigation signed this day, have, through their respective Plenipotentiaries, agreed upon the following stipulations:

1. It is agreed by the Contracting Parties that one month after the exchange of the ratifications of the Treaty of Commerce and Navigation signed this day the Import Tariff now in operation in Japan in respect of goods and merchandise imported into Japan by citizens of the United States shall cease to be binding. From the same date the General Statutory Tariff of Japan shall, subject to the provisions of Article IX of the Treaty of March 31, 1854, at present subsisting between the Contracting Parties, so long as said Treaty remains in force, and, thereafter, subject to the provisions of Article IV and Article XIV of the Treaty signed this day, be applicable to goods and merchandise being the growth, produce or manufacture of the Territories of the United States upon importation into Japan.

But nothing contained in this Protocol shall be held to limit or qualify the right of the Japanese Government to restrict or to prohibit the importation of adulterated drugs, medicines, food or beverages; indecent or obscene

prints, paintings, books, cards, lithographic or other engravings, photographs or any other indecent or obscene articles; articles in violation of the patent, trade-mark or copy-right laws of Japan; or any other article which for sanitary reasons, or in view of public security or morals, might offer any danger.

2. The Japanese Government, pending the opening of the country to citizens of the United States, agrees to extend the existing passport system in such a manner as to allow citizens of the United States, on the production of a certificate of recommendation from the Representative of the United States at Tokio, or from any of the Consuls of the United States at the open ports of Japan, to obtain upon application passports available for any part of the country and for any period not exceeding twelve months, from the Imperial Japanese Foreign Office in Tokio, or from the Chief Authorities in the Prefecture in which an open port is situated, it being understood that the existing Rules and Regulations governing citizens of the United States who visit the interior of the Empire are to be maintained.

3. The undersigned Plenipotentiaries have agreed that this Protocol shall be submitted to the two High Contracting Parties at the same time as the Treaty of Commerce and Navigation signed this day, and that when the said Treaty is ratified the agreements contained in the Protocol shall also equally be considered as approved, without the necessity of a further formal ratification.

It is agreed that this Protocol shall terminate at the same time the said Treaty ceases to be binding.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto their seals.

Done at Washington the 22d day of November in the eighteen hundred and ninety-fourth year of the Christian era, corresponding to the the 22d day of the 11th month of the 27th year of Meiji.

WALTER Q. GRESHAM [SEAL]  
SHINICHIRO KURINO [SEAL]

## PATENTS, TRADEMARKS, AND DESIGNS

*Convention signed at Washington January 13, 1897, bringing into force article XVI of treaty of November 22, 1894*

*Senate advice and consent to ratification February 1, 1897*

*Ratified by the President of the United States February 2, 1897*

*Ratified by Japan March 6, 1897*

*Ratifications exchanged at Tokyo March 8, 1897*

*Entered into force March 8, 1897*

*Proclaimed by the President of the United States March 9, 1897*

*Superseded July 17, 1911, by article XV of treaty of February 21, 1911*<sup>1</sup>

29 Stat. 860; Treaty Series 193

The President of the United States of America and His Majesty the Emperor of Japan, being desirous of securing immediate reciprocal protection for patents, trade-marks and designs, have resolved to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries;

The President of the United States, the Honorable Richard Olney, Secretary of State of the United States; and His Majesty the Emperor of Japan, Toru Hoshi, Jushii, His Majesty's Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States:

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

Article XVI of the Treaty of Commerce and Navigation between the United States of America and Japan concluded at Washington on the twenty-second day, the eleventh month, the twenty-seventh year of Meiji, corresponding to the twenty-second day of November, eighteen hundred and ninety-four of the Christian Era,<sup>2</sup> shall have full force and effect from the date of the exchange of ratifications of this Convention.

The present Convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the Emperor of Japan in the usual manner; and the ratifications shall be exchanged at Tokyo as soon as possible.

<sup>1</sup> TS 558, *post*, p. 420.

<sup>2</sup> TS 192, *ante*, p. 387.

In witness whereof, the respective Plenipotentiaries have signed this Convention and have thereunto affixed their seals.

Done, in duplicate original, at Washington, this thirteenth day of January in the one thousand eight hundred and ninety-seventh year of the Christian Era.

RICHARD OLNEY [SEAL]  
TORU HOSHI [SEAL]

## PROTECTION OF COMMERCIAL RIGHTS IN CHINA

*Exchange of notes at Tokyo December 20 and 26, 1899*

*Entered into force December 26, 1899*

*Became obsolete May 20, 1943*<sup>1</sup>

Department of State files

*The American Minister to the Minister of Foreign Affairs*

No. 176

TOKYO, December 20, 1899

SIR:

Referring to our recent conversation, in which I informed Your Excellency that I have received telegraphic information from my Government that, on the 13th ultimo, there had been mailed to me a communication for the information of Your Excellency's Government, containing the representations of the United States in respect to their commercial interests in China, as presented in notes to Russia, Germany and Great Britain, which information Your Excellency had expressed a desire to obtain, I have the honor to inform Your Excellency that I have now received the communication desired, which I am instructed to submit to Your Excellency's Government and which reads as follows:

"This (the United States) Government, animated with a sincere desire to insure to the commerce and industry of the United States and of all other nations perfect equality of treatment within the limits of the Chinese Empire for their trade and navigation, especially within the so-called 'spheres of influence or interest' claimed by certain European Powers in China, has deemed the present an opportune moment to make representations in this direction to Germany, Great Britain and Russia.

"To obtain the object it has in view and to remove possible causes of international irritation and reestablish confidence so essential to commerce, it has seemed to this Government highly desirable that the various Powers claiming 'spheres of interest or influence' in China should give formal assurances that:

"1st. They will in no way interfere with any treaty port or any vested interest within any so-called 'sphere of interest' or leased territory they may have in China.

<sup>1</sup> Date on which the United States relinquished extraterritorial rights in China pursuant to treaty of Jan. 11, 1943 (TS 934, *ante*, vol. 6, p. 739, CHINA).

“2d. The Chinese treaty tariff of the time being shall apply to all merchandize landed or shipped to all such ports as are within said ‘sphere of interest’ (unless they be free ports), no matter to what nationality it may belong, and that duties so leviabie shall be collected by the Chinese Government.

“3rd. They will levy no higher harbor dues on vessels of another nationality frequenting any port in such ‘sphere’ than shall be levied on vessels of their own nationality, and no higher railroad charges over lines built, controlled or operated within its ‘sphere’ on merchandize belonging to citizens or subjects of other nationalities transported through such ‘sphere’ than shall be levied on similar merchandize belonging to their own nationals transported over equal distances.

“The policy pursued by His Imperial German Majesty in declaring Tsing-tao (Kiao-Chao) a free port, and in aiding the Chinese Government in establishing there a custom-house, and the Ukase of His Imperial Russian Majesty of August 11th last in erecting a free port at Dalny (Ta-lien-wan) are thought to be proof that these Powers are not disposed to view unfavorably the proposition to recognize that they contemplate nothing which will interfere in any way with the enjoyment by the commerce of all nations of the rights and privileges guaranteed to them by existing treaties by China.

“Repeated assurances from the British Government of its fixed policy to maintain throughout China freedom of trade for the whole world, insure, it is believed, the ready assent of that Power to our proposals. It is no less confidently believed that the commercial interests of Japan would be greatly served by the above mentioned declarations which harmonize with the assurance conveyed to this Government at various times by His Imperial Japanese Majesty’s Diplomatic Representative at this capital.

“You are therefore instructed to submit to His Imperial Japanese Majesty’s Government the above considerations and to invite their early attention to them and to express the earnest hope of your Government that they will accept them and aid in securing their acceptance by the other interested Powers.”

Hoping to receive a favorable response from Your Excellency’s Government, I avail myself of the occasion to extend to Your Excellency the assurances of my highest consideration.

A. E. BUCK

His Excellency

Viscount AOKI SIUZO,

*His Imperial Japanese Majesty’s*

*Minister for Foreign Affairs.*

*The Minister of Foreign Affairs to the American Minister*

[TRANSLATION]

DEPARTMENT OF FOREIGN AFFAIRS  
TOKIO, *the 26th day, the 12th month*  
*of the 32nd year of Meiji*

MONSIEUR LE MINISTRE,

I have the honor to acknowledge the receipt of the note No. 176 of the 20th instant, in which pursuing the instructions of the United States Government Your Excellency was so good as to communicate to the Imperial Government the representations of the United States as presented in notes to Russia, Germany and Great Britain on the subject of commercial interests of the United States in China.

I have the happy duty of assuring Your Excellency that the Imperial Government will have no hesitation to give their assent to so just and fair a proposal of the United States provided that all the other powers concerned shall accept the same.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

VISCOUNT AOKI SIUZO  
*Minister for Foreign Affairs*

His Excellency

A. E. BUCK,

*Envoy Extraordinary and Minister Plenipotentiary*  
*of the United States of America.*

## COPYRIGHT

*Convention signed at Tokyo November 10, 1905*

*Senate advice and consent to ratification February 28, 1906*

*Ratified by the President of the United States March 7, 1906*

*Ratified by Japan April 28, 1906*

*Ratifications exchanged at Tokyo May 10, 1906*

*Entered into force May 10, 1906*

*Proclaimed by the President of the United States May 17, 1906*

*Not revived after World War II*<sup>1</sup>

34 Stat. 2890; Treaty Series 450

The President of the United States of America and his Majesty the Emperor of Japan being equally desirous to extend to their subjects and citizens the benefit of legal protection in both countries in regard to copyright, have, to this end, decided to conclude a Convention, and have appointed as their respective Plenipotentiaries:

The President of the United States of America, Lloyd C. Griscom, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Japan; and

His Majesty the Emperor of Japan, General Count Taro Katsura, Junii, First Class of the Imperial Order of the Rising Sun, Third Class of the Imperial Order of the Golden Kite, His Imperial Majesty's Minister of State for Foreign Affairs;

who, having reciprocally communicated their full powers, found in good and due form, have agreed as follows:

### ARTICLE I

The subjects or citizens of each of the two High Contracting Parties shall enjoy in the dominions of the other, the protection of copyright for their works of literature and art as well as photographs, against illegal reproduction, on the same basis on which protection is granted to the subjects or citizens of the other, subject however to the provisions of Article II of the present Convention.

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<sup>1</sup>Not included among treaties and other agreements continued in force or revived by U.S. note of Apr. 22, 1953, pursuant to art. 7 of treaty of peace signed at San Francisco Sept. 8, 1951 (3 UST 3175; TIAS 2490).

## ARTICLE II

The subjects or citizens of each of the two High Contracting Parties may without authorization translate books, pamphlets or any other writings, dramatic works, and musical compositions, published in the dominions of the other by the subjects or citizens of the latter, and print and publish such translations.

## ARTICLE III

The present Convention shall be ratified, and the ratifications thereof shall be exchanged at Tokio as soon as possible. It shall come into operation from the date of the exchange of ratifications, and shall be applicable to such works only as shall be published after it shall have come into operation. Either of the Contracting Parties shall have the right at any time, to give notice to the other of its intention to terminate the present Convention, and at the expiration of three months after such notice is given this Convention shall wholly cease and determine.

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

Done in duplicate at Tokio, in the English and Japanese languages, this 10th day of November, of year one thousand nine hundred and five, corresponding to the 10th day of the 11th month of the 38th year of Meiji.

LLOYD C. GRISCOM      [SEAL]  
TARO KATSURA        [SEAL]

## EXTRADITION

*Convention signed at Tokyo May 17, 1906, supplementing treaty of April 29, 1886*

*Senate advice and consent to ratification June 22, 1906*

*Ratified by the President of the United States June 28, 1906*

*Ratified by Japan September 22, 1906*

*Ratifications exchanged at Tokyo September 25, 1906*

*Proclaimed by the President of the United States September 26, 1906*

*Entered into force October 5, 1906*

*Revived (after World War II) July 22, 1953,<sup>1</sup> pursuant to article 7 of treaty of peace signed at San Francisco September 8, 1951<sup>2</sup>*

34 Stat. 2951; Treaty Series 454

The President of the United States of America and His Majesty the Emperor of Japan being desirous to add the crimes of embezzlement of private moneys or property and larceny to the list of crimes or offences on account of which extradition may be granted under the Treaty concluded between the two countries on the 29th day of April, 1886<sup>3</sup> (corresponding to the 29th day of the 4th month of the 19th year of Meiji), with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a Supplementary Convention, and, for this purpose, have appointed as their Plenipotentiaries, to wit:

The President of the United States of America, Huntington Wilson, Chargé d'Affaires ad interim of the United States of America at Tokio, and

His Majesty the Emperor of Japan, Marquis Kinmoti Saionzi, Shonii, First Class of the Imperial Order of the Rising Sun, His Imperial Majesty's Minister of State for Foreign Affairs;

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

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<sup>1</sup> *Department of State Bulletin*, May 18, 1953, p. 721.

<sup>2</sup> 3 UST 3175; TIAS 2490.

<sup>3</sup> TS 191, *ante*, p. 383.

## ARTICLE

The following crimes are added to the list of crimes or offences numbered 1 to 13 in the second Article of the said Treaty of the 29th day of April, 1886 (corresponding to the 29th day of the 4th month of the 19th year of Meiji), on account of which extradition may be granted, that is to say:

Embezzlement by persons hired or salaried, to the detriment of their employers, where the amount of money or the value of the property embezzled is not less than \$200 or 400 Yen.

Larceny, where the offence is punishable by imprisonment for one year or more, or for which sentence of imprisonment for one year or more has been pronounced.

The present Convention shall be ratified and the ratifications shall be exchanged at Tokio as soon as possible.

It shall come into force ten days after the exchange of the ratifications, and it shall continue and terminate in the same manner as the said Treaty of the 29th day of April, 1886 (corresponding to the 29th day of the 4th month of the 19th year of Meiji).

In testimony whereof the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done in duplicate at Tokio, in the English and Japanese languages, this 17th day of May, one thousand nine hundred and six (corresponding to the 17th day of the 5th month of the 39th year of Meiji).

HUNTINGTON WILSON [SEAL]

MARQUIS SAÏONZI [SEAL]

## ARBITRATION

*Convention signed at Washington May 5, 1908*

*Senate advice and consent to ratification May 13, 1908*

*Ratified by Japan July 20, 1908*

*Ratified by the President of the United States August 19, 1908*

*Ratifications exchanged at Washington August 24, 1908*

*Entered into force August 24, 1908*

*Proclaimed by the President of the United States September 1, 1908*

*Extended by agreements of June 28, 1913;<sup>1</sup> August 23, 1918;<sup>2</sup> and August 23, 1923<sup>3</sup>*

*Expired August 23, 1928*

35 Stat. 2050; Treaty Series 509

The President of the United States of America and His Majesty the Emperor of Japan, taking into consideration the fact that the High Contracting Parties to the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899,<sup>4</sup> have reserved to themselves, by Article XIX of that Convention, the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment, have resolved to conclude an Arbitration Convention between the two countries, and for the purpose have named as their Plenipotentiaries, that is to say:

The President of the United States of America, Elihu Root, Secretary of State of the United States of America; and

His Majesty the Emperor of Japan, Baron Kogoro Takahira, Shosammi, Grand Cordon of the Imperial Order of the Rising Sun, His Ambassador Extraordinary and Plenipotentiary to the United States of America;

Who, after having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following Articles:

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<sup>1</sup> TS 591, *post*, p. 423.

<sup>2</sup> TS 639, *post*, p. 428.

<sup>3</sup> TS 683, *post*, p. 439.

<sup>4</sup> TS 392, *ante*, vol. 1, p. 230.

## ARTICLE I

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third parties.

## ARTICLE II

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that such special agreements will be made on the part of the United States by the President of the United States by and with the advice and consent of the Senate thereof.

Such agreements shall be binding only when confirmed by the two Governments by an Exchange of Notes.

## ARTICLE III

The present Convention shall remain in force for the period of five years from the date of the exchange of the ratifications.

## ARTICLE IV

The present Convention shall be ratified by the High Contracting Parties, and the ratifications thereof shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the present Convention, and have thereunto affixed their seals.

Done at the City of Washington, in duplicate, this fifth day of May, one thousand nine hundred and eight, corresponding to the fifth day of the fifth month of the forty-first year of Meiji.

ELIHU ROOT [SEAL]  
K. TAKAHIRA [SEAL]

## PROTECTION OF INDUSTRIAL PROPERTY IN KOREA

*Convention signed at Washington May 19, 1908*

*Senate advice and consent to ratification May 20, 1908*

*Ratified by the President of the United States June 2, 1908*

*Ratified by Japan August 3, 1908*

*Ratifications exchanged at Tokyo August 6, 1908*

*Proclaimed by the President of the United States August 11, 1908*

*Entered into force August 16, 1908*

*Obsolete after World War II*

35 Stat. 2041; Treaty Series 506

The President of the United States of America and His Majesty the Emperor of Japan being desirous to secure in Korea due protection for the inventions, designs, trade marks and copyrights of their respective citizens and subjects have resolved to conclude a convention for that purpose and have named as their Plenipotentiaries, that is to say:

The President of the United States of America, Robert Bacon, Acting Secretary of State of the United States; and

His Majesty the Emperor of Japan, Baron Kogoro Takahira, Shosammi, Grand Cordon of the Imperial Order of the Rising Sun, His Ambassador Extraordinary and Plenipotentiary to the United States of America;

Who, after having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following articles:

### ARTICLE I

The Japanese Government shall cause to be enforced in Korea simultaneously with the operation of this convention, laws and regulations relative to inventions, designs, trade marks and copyrights similar to those which now exist in Japan.

These laws and regulations are to be applicable to American citizens in Korea equally as to Japanese and Korean subjects. In case the existing laws and regulations of Japan referred to in the preceding paragraph shall hereafter be modified, those laws and regulations enforced in Korea shall also be modified according to the principle of such new legislation.

## ARTICLE II

The Government of the United States of America engages that in case of the infringement by American citizens of inventions, designs, trade marks or copyrights entitled to protection in Korea, such citizens shall in these respects be under the exclusive jurisdiction of the Japanese courts in Korea, the extraterritorial jurisdiction of the United States being waived in these particulars.

## ARTICLE III

Citizens of possessions belonging to the United States shall have in respect to the application of the present convention the same treatment as citizens of the United States.

## ARTICLE IV

Korean subjects shall enjoy in the United States the same protection as native citizens in regard to inventions, designs, trade marks and copyrights upon the fulfillment of the formalities prescribed by the laws and regulations of the United States.

## ARTICLE V

Inventions, designs, trade marks and copyrights duly patented or registered in Japan by citizens of the United States prior to the enforcement of the laws and regulations mentioned in Article I hereof shall without further procedure be entitled under the present convention to the same protection in Korea as is or may hereafter be there accorded to the same industrial and literary properties similarly patented or registered by Japanese or Korean subjects.

Inventions, designs, trade marks and copyrights duly patented or registered in the United States by citizens or subjects of either High Contracting Party or by Korean subjects prior to the operation of the present convention shall similarly be entitled to patent or registration in Korea without the payment of any fees, provided that said inventions, designs, trade marks and copyrights are of such a character as to permit of their patent or registration under the laws and regulations above-mentioned and provided further that such patent or registration is effected within a period of one year after this convention comes into force.

## ARTICLE VI

The Japanese Government engages to extend to American citizens the same treatment in Korea in the matter of protection of their commercial names as they enjoy in the dominions and possessions of Japan under the convention for the protection of industrial property signed at Paris March 20, 1883.<sup>1</sup>

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<sup>1</sup> TS 379, *ante*, vol. 1, p. 80.

“Hong” marks shall be considered to be commercial names for the purpose of this convention.

#### ARTICLE VII

The present convention shall be ratified and the ratifications thereof shall be exchanged at Tokyo as soon as possible. It shall come into force ten days after such exchange of ratifications.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at the City of Washington the 19th day of May in the nineteen hundred and eighth year of the Christian era corresponding to the 19th day of the 5th month of the 41st year of Meiji.

ROBERT BACON	[SEAL]
K. TAKAHIRA	[SEAL]

## PROTECTION OF INDUSTRIAL PROPERTY IN CHINA

*Convention signed at Washington May 19, 1908*

*Senate advice and consent to ratification May 20, 1908*

*Ratified by the President of the United States June 2, 1908*

*Ratified by Japan August 3, 1908*

*Ratifications exchanged at Tokyo August 6, 1908*

*Proclaimed by the President of the United States August 11, 1908*

*Entered into force August 16, 1908*

*Became obsolete May 20, 1943*<sup>1</sup>

35 Stat. 2044; Treaty Series 507

The President of the United States of America and His Majesty the Emperor of Japan being desirous to secure in China reciprocal protection for the inventions, designs, trade marks and copyrights of their respective citizens and subjects have resolved to conclude a convention for that purpose and have named as their Plenipotentiaries, that is to say:

The President of the United States of America, Robert Bacon, Acting Secretary of State of the United States; and

His Majesty the Emperor of Japan, Baron Kogoro Takahira, Shosammi, Grand Cordon of the Imperial Order of the Rising Sun, His Ambassador Extraordinary and Plenipotentiary to the United States of America;

Who, after having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following articles:

### ARTICLE I

Inventions, designs and trade marks duly patented or registered by citizens or subjects of one High Contracting Party in the appropriate office of the other Contracting Party shall have in all parts of China the same protection against infringement by citizens or subjects of such other Contracting Party as in the dominions and possessions of such other Contracting Party.

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<sup>1</sup> Date on which the United States relinquished extraterritorial rights in China pursuant to treaty of Jan. 11, 1943 (TS 984, *ante*, vol. 6, p. 739, CHINA).

## ARTICLE II

The citizens or subjects of each of the two High Contracting Parties shall enjoy in China the protection of copyright for their works of literature and art as well as photographs to the same extent as they are protected in the dominions and possessions of the other party.

## ARTICLE III

In case of infringement in China by a citizen or subject of one of the two High Contracting Parties of any invention, design, trade mark or copyright entitled to protection in virtue of this convention the aggrieved party shall have in the competent territorial or consular courts of such Contracting Party the same rights and remedies as citizens or subjects of such Contracting Party.

## ARTICLE IV

Each High Contracting Party engages to extend to the citizens or subjects of the other Contracting Party the same treatment in China in the matter of protection of their commercial names as they enjoy in the dominions and possessions of such Contracting Party under the convention for the protection of industrial property signed at Paris March 20, 1883.<sup>2</sup> "Hong" marks shall be considered to be commercial names for the purpose of this convention.

## ARTICLE V

Citizens of possessions belonging to the United States and subjects of Korea shall have in China the same treatment under the present convention as citizens of the United States and subjects of Japan respectively.

## ARTICLE VI

It is mutually agreed between the High Contracting Parties that the present convention shall be enforced so far as applicable in any other country in which either Contracting Party may exercise extraterritorial jurisdiction.

All rights growing out of the present convention shall be recognized in the insular and other possessions and leased territories of the High Contracting Parties and all legal remedies provided for the protection of such rights shall be duly enforced by the competent courts.

## ARTICLE VII

Any person amenable to the provisions of this convention who possesses at the time the present convention comes into force merchandise bearing an imitation of a trade mark owned by another person and entitled to protection under said convention shall remove or cancel such false trade mark

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<sup>2</sup> TS 379, *ante*, vol. 1, p. 80.

or withdraw such merchandise from market in China within six months from the date of the enforcement of this convention.

#### ARTICLE VIII

Unauthorized reproductions by the citizens or subjects of one High Contracting Party prior to the operation of this convention of the works of literature and art as well as photographs of the citizens or subjects of the other Contracting Party published after the 10th day of May, 1906, and entitled to protection in virtue of this convention shall be withdrawn from sale or circulation in China within one year from the date of the enforcement of this convention.

#### ARTICLE IX

The present convention shall be ratified and the ratifications thereof shall be exchanged at Tokyo as soon as possible. It shall come into force together with the convention relative to the protection of inventions, designs, trade marks and copyrights in Korea, ten days after such exchange of ratifications.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate and have thereunto affixed their seals.

Done at the City of Washington the 19th day of May in the nineteen hundred and eighth year of the Christian era corresponding to the 19th day of the 5th month of the 41st year of Meiji.

ROBERT BACON	[SEAL]
K. TAKAHIRA	[SEAL]

## POLICY IN THE FAR EAST (ROOT-TAKAHIRA AGREEMENT)

*Exchange of notes at Washington November 30, 1908*

*Entered into force November 30, 1908*

*Not revived after World War II*<sup>1</sup>

Treaty Series 511½

*The Japanese Ambassador to the Secretary of State*

IMPERIAL JAPANESE EMBASSY

*Washington, November 30, 1908*

SIR:

The exchange of views between us, which has taken place at the several interviews which I have recently had the honor of holding with you, has shown that Japan and the United States holding important outlying insular possessions in the region of the Pacific Ocean, the Governments of the two countries are animated by a common aim, policy, and intention in that region.

Believing that a frank avowal of that aim, policy, and intention would not only tend to strengthen the relations of friendship and good neighborhood, which have immemorially existed between Japan and the United States, but would materially contribute to the preservation of the general peace, the Imperial Government have authorized me to present to you an outline of their understanding of that common aim, policy, and intention:

1. It is the wish of the two Governments to encourage the free and peaceful development of their commerce on the Pacific Ocean.

2. The policy of both Governments, uninfluenced by any aggressive tendencies, is directed to the maintenance of the existing status quo in the region above mentioned and to the defense of the principle of equal opportunity for commerce and industry in China.

3. They are accordingly firmly resolved reciprocally to respect the territorial possessions belonging to each other in said region.

4. They are also determined to preserve the common interest of all powers in China by supporting by all pacific means at their disposal the

<sup>1</sup> Not included among treaties and other agreements continued in force or revived by U.S. note of Apr. 22, 1953, pursuant to art. 7 of treaty of peace signed at San Francisco Sept. 8, 1951 (3 UST 3175; TIAS 2490).

independence and integrity of China and the principle of equal opportunity for commerce and industry of all nations in that Empire.

5. Should any event occur threatening the status quo as above described or the principle of equal opportunity as above defined, it remains for the two Governments to communicate with each other in order to arrive at an understanding as to what measures they may consider it useful to take.

If the foregoing outline accords with the view of the Government of the United States, I shall be gratified to receive your confirmation.

I take this opportunity to renew to Your Excellency the assurance of my highest consideration.

K. TAKAHIRA

Honorable ELIHU ROOT,  
*Secretary of State.*

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*The Secretary of State to the Japanese Ambassador*

DEPARTMENT OF STATE  
*Washington, November 30, 1908*

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of to-day setting forth the result of the exchange of views between us in our recent interviews defining the understanding of the two Governments in regard to their policy in the region of the Pacific Ocean.

It is a pleasure to inform you that this expression of mutual understanding is welcome to the Government of the United States as appropriate to the happy relations of the two countries and as the occasion for a concise mutual affirmation of that accordant policy respecting the Far East which the two Governments have so frequently declared in the past.

I am happy to be able to confirm to Your Excellency, on behalf of the United States, the declaration of the two Governments embodied in the following words:

[For text of declaration, see numbered paragraphs in Japanese note, above.]

Accept, Excellency, the renewed assurance of my highest consideration.

ELIHU ROOT

His Excellency  
Baron KOGORO TAKAHIRA,  
*Japanese Ambassador.*

## COMMERCE AND NAVIGATION

*Treaty and protocol signed at Washington February 21, 1911; Japanese declaration of February 21, 1911*

*Senate advice and consent to ratification, with an understanding, February 24, 1911*<sup>1</sup>

*Ratified by the President of the United States, with an understanding, March 2, 1911*<sup>1</sup>

*Ratified by Japan March 31, 1911*

*Ratifications exchanged at Tokyo April 4, 1911*

*Proclaimed by the President of the United States April 5, 1911*

*Entered into force July 17, 1911*

*Terminated January 26, 1940*<sup>2</sup>

37 Stat. 1504; Treaty Series 558

### TREATY

The President of the United States of America and His Majesty the Emperor of Japan, being desirous to strengthen the relations of amity and good understanding which happily exist between the two nations, and believing that the fixation in a manner clear and positive of the rules which are hereafter to govern the commercial intercourse between their respective countries will contribute to the realization of this most desirable result, have resolved to conclude a Treaty of Commerce and Navigation for that purpose, and to that end have named their Plenipotentiaries, that is to say:

The President of the United States of America, Philander C. Knox, Secretary of State of the United States; and

His Majesty the Emperor of Japan, Baron Yasuya Uchida, Jusammi, Grand Cordon of the Imperial Order of the Rising Sun, His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States of America;

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

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<sup>1</sup> The advice and consent of the Senate was given with the understanding that "the treaty shall not be deemed to repeal or affect any of the provisions of the Act of Congress entitled 'An Act To Regulate the Immigration of Aliens into the United States,' approved February 20, 1907 [34 Stat. 898]."

<sup>2</sup> Pursuant to notice of termination given by the United States July 26, 1939.

## ARTICLE I

The citizens or subjects of each of the High Contracting Parties shall have liberty to enter, travel and reside in the territories of the other to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established.

They shall not be compelled, under any pretext whatever, to pay any charges or taxes other or higher than those that are or may be paid by native citizens or subjects.

The citizens or subjects of each of the High Contracting Parties shall receive, in the territories of the other, the most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or may be granted to native citizens or subjects, on their submitting themselves to the conditions imposed upon the native citizens or subjects.

They shall, however, be exempt in the territories of the other from compulsory military service either on land or sea, in the regular forces, or in the national guard, or in the militia; from all contributions imposed in lieu of personal service, and from all forced loans or military exactions or contributions.

## ARTICLE II

The dwellings, warehouses, manufactories and shops of the citizens or subjects of each of the High Contracting Parties in the territories of the other, and all premises appertaining thereto used for purposes of residence or commerce, shall be respected. It shall not be allowable to proceed to make a domiciliary visit to, or a search of, any such buildings and premises, or to examine or inspect books, papers or accounts, except under the conditions and with the forms prescribed by the laws, ordinances and regulations for nationals.

## ARTICLE III

Each of the High Contracting Parties may appoint Consuls General, Consuls, Vice Consuls, Deputy Consuls and Consular Agents in all ports, cities and places of the other, except in those where it may not be convenient to recognize such officers. This exception, however, shall not be made in regard to one of the Contracting Parties without being made likewise in regard to all other Powers.

Such Consuls General, Consuls, Vice Consuls, Deputy Consuls and Consular Agents, having received exequaturs or other sufficient authorizations from the Government of the country to which they are appointed, shall, on condition of reciprocity, have the right to exercise the functions and to

enjoy the exemptions and immunities which are or may hereafter be granted to the consular officers of the same rank of the most favored nation. The Government issuing exequaturs or other authorizations may in its discretion cancel the same on communicating the reasons for which it thought proper to do so.

#### ARTICLE IV

There shall be between the territories of the two High Contracting Parties reciprocal freedom of commerce and navigation. The citizens or subjects of each of the Contracting Parties, equally with the citizens or subjects of the most favored nation, shall have liberty freely to come with their ships and cargoes to all places, ports and rivers in the territories of the other which are or may be opened to foreign commerce, subject always to the laws of the country to which they thus come.

#### ARTICLE V

The import duties on articles, the produce or manufacture of the territories of one of the High Contracting Parties, upon importation into the territories of the other, shall henceforth be regulated either by treaty between the two countries or by the internal legislation of each.

Neither Contracting Party shall impose any other or higher duties or charges on the exportation of any article to the territories of the other than are or may be payable on the exportation of the like article to any other foreign country.

Nor shall any prohibition be imposed by either country on the importation or exportation of any article from or to the territories of the other which shall not equally extend to the like article imported from or exported to any other country. The last provision is not, however, applicable to prohibitions or restrictions maintained or imposed as sanitary measures or for purposes of protecting animals and useful plants.

#### ARTICLE VI

The citizens or subjects of each of the High Contracting Parties shall enjoy in the territories of the other exemption from all transit duties and a perfect equality of treatment with native citizens or subjects in all that relates to warehousing, bounties, facilities and drawbacks.

#### ARTICLE VII

Limited-liability and other companies and associations, commercial, industrial, and financial, already or hereafter to be organized in accordance with the laws of either High Contracting Party and domiciled in the territories of such Party, are authorized, in the territories of the other, to exercise

their rights and appear in the courts either as plaintiffs or defendants, subject to the laws of such other Party.

The foregoing stipulation has no bearing upon the question whether a company or association organized in one of the two countries will or will not be permitted to transact its business or industry in the other, this permission remaining always subject to the laws and regulations enacted or established in the respective countries or in any part thereof.

#### ARTICLE VIII

All articles which are or may be legally imported into the ports of either High Contracting Party from foreign countries in national vessels may likewise be imported into those ports in vessels of the other Contracting Party, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in national vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other foreign place.

In the same manner, there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid, and the same bounties and drawbacks allowed, in the territories of each of the Contracting Parties on the exportation of any article which is or may be legally exported therefrom, whether such exportation shall take place in vessels of the United States or in Japanese vessels, and whatever may be the place of destination, whether a port of the other Party or of any third Power.

#### ARTICLE IX

In all that regards the stationing, loading and unloading of vessels in the ports of the territories of the High Contracting Parties, no privileges shall be granted by either Party to national vessels which are not equally, in like cases, granted to the vessels of the other country; the intention of the Contracting Parties being that in these respects the respective vessels shall be treated on the footing of perfect equality.

#### ARTICLE X

Merchant vessels navigating under the flag of the United States or that of Japan and carrying the papers required by their national laws to prove their nationality shall in Japan and in the United States be deemed to be vessels of the United States or of Japan respectively.

#### ARTICLE XI

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever denomination, levied in the name or for the profit of Government, public functionaries, private in-

dividuals, corporations or establishments of any kind shall be imposed in the ports of the territories of either country upon the vessels of the other, which shall not equally, under the same conditions, be imposed on national vessels in general, or on vessels of the most favored nation. Such equality of treatment shall apply reciprocally to the respective vessels from whatever place they may arrive and whatever may be their place of destination.

#### ARTICLE XII

Vessels charged with performance of regular scheduled postal service of one of the High Contracting Parties, whether belonging to the State or subsidized by it for the purpose, shall enjoy, in the ports of the territories of the other, the same facilities, privileges and immunities as are granted to like vessels of the most favored nation.

#### ARTICLE XIII

The coasting trade of the High Contracting Parties is excepted from the provisions of the present Treaty and shall be regulated according to the laws of the United States and Japan, respectively. It is, however, understood that the citizens or subjects of either Contracting Party shall enjoy in this respect most-favored-nation treatment in the territories of the other.

A vessel of one of the Contracting Parties, laden in a foreign country with cargo destined for two or more ports of entry in the territories of the other, may discharge a portion of her cargo at one of the said ports, and, continuing her voyage to the other port or ports of destination, there discharge the remainder of her cargo, subject always to the laws, tariffs and customs regulations of the country of destination; and, in like manner and under the same reservation, the vessels of one of the Contracting Parties shall be permitted to load at several ports of the other for the same outward voyages.

#### ARTICLE XIV

Except as otherwise expressly provided in this Treaty, the High Contracting Parties agree that, in all that concerns commerce and navigation, any privilege, favor or immunity which either Contracting Party has actually granted, or may hereafter grant, to the citizens or subjects of any other State shall be extended to the citizens or subjects of the other Contracting Party gratuitously, if the concession in favor of that other State shall have been gratuitous, and on the same or equivalent conditions, if the concession shall have been conditional.

#### ARTICLE XV

The citizens or subjects of each of the High Contracting Parties shall enjoy in the territories of the other the same protection as native citizens or subjects in regard to patents, trade-marks and designs, upon fulfillment of the formalities prescribed by law.

## ARTICLE XVI

The present Treaty shall, from the date on which it enters into operation, supersede the Treaty of Commerce and Navigation dated the 22nd day of November, 1894;<sup>3</sup> and from the same date the last-named Treaty shall cease to be binding.<sup>4</sup>

## ARTICLE XVII

The present Treaty shall enter into operation on the 17th of July, 1911, and shall remain in force twelve years or until the expiration of six months from the date on which either of the Contracting Parties shall have given notice to the other of its intention to terminate the Treaty.

In case neither of the Contracting Parties shall have given notice to the other six months before the expiration of the said period of twelve years of its intention to terminate the Treaty, it shall continue operative until the expiration of six months from the date on which either Party shall have given such notice.

## ARTICLE XVIII

The present Treaty shall be ratified and the ratifications thereof shall be exchanged at Tokyo as soon as possible and not later than three months from the present date.

In witness whereof, the respective Plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 21st day of February, in the nineteen hundred and eleventh year of the Christian era, corresponding to the 21st day of the 2nd month of the 44th year of Meiji.

PHILANDER C. KNOX [SEAL]

Y. UCHIDA [SEAL]

## JAPANESE DECLARATION

In proceeding this day to the signature of the Treaty of Commerce and Navigation between Japan and the United States the undersigned, Japanese Ambassador in Washington, duly authorized by his Government has the honor to declare that the Imperial Japanese Government are fully prepared to maintain with equal effectiveness the limitation and control which they have for the past three years exercised in regulation of the emigration of laborers to the United States.

Y. UCHIDA

FEBRUARY 21, 1911.

<sup>3</sup> TS 192, *ante*, p. 387.

<sup>4</sup> See also protocol, p. 422.

## PROTOCOL

The Government of the United States of America and the Government of Japan have, through their respective Plenipotentiaries, agreed upon the following stipulation in regard to Article V of the Treaty of Commerce and Navigation between the United States and Japan signed this day to replace on the 17th of July, 1911, the Treaty of the 22nd of November, 1894:

Pending the conclusion of a treaty relating to tariff, the provisions relating to tariff in the Treaty of the 22nd of November, 1894, shall be maintained.

In witness whereof, the respective Plenipotentiaries have signed this Protocol in duplicate and have hereunto affixed their seals.

Done at Washington the 21st day of February, in the nineteen hundred and eleventh year of the Christian era, corresponding to the 21st day of the 2nd month of the 44th year of Meiji.

PHILANDER C. KNOX      [SEAL]  
Y. UCHIDA                      [SEAL]

## ARBITRATION

*Agreement signed at Washington June 28, 1913, extending agreement of May 5, 1908; memorandum of May 9, 1914*

*Senate advice and consent to ratification February 21, 1914*

*Ratified by the President of the United States March 12, 1914*

*Ratified by Japan May 19, 1914*

*Ratifications exchanged at Tokyo May 23, 1914*

*Entered into force May 23, 1914; operative from August 24, 1913*

*Proclaimed by the President of the United States May 26, 1914*

*Expired August 23, 1918*

38 Stat. 1775; Treaty Series 591

### AGREEMENT

The Government of the United States of America and the Government of His Majesty the Emperor of Japan, being desirous of extending the period of five years during which the Arbitration Convention concluded between them on May 5, 1908,<sup>1</sup> is to remain in force, which period is about to expire, have authorized the undersigned, to wit: The Honorable William Jennings Bryan, Secretary of State of the United States, and Viscount Sutemi Chinda, His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington, to conclude the following agreement:

#### ARTICLE I

The Convention of Arbitration of May 5, 1908, between the Government of the United States of America and the Government of His Majesty the Emperor of Japan, the duration of which by Article III thereof was fixed at a period of five years from the date of the exchange of ratifications, which period will terminate on August 24, 1913, is hereby extended and continued in force for a further period of five years from August 24, 1913.

#### ARTICLE II

The present Agreement shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the Emperor of Japan, and it shall become effective upon

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<sup>1</sup> TS 509, *ante*, p. 406.

the date of the exchange of ratifications, which shall take place at Tokyo as soon as possible.

Done in duplicate at Washington, this 28th day of June, one thousand nine hundred and thirteen, corresponding to the 28th day of the sixth month of the second year of Taisho.

WILLIAM JENNINGS BRYAN [SEAL]  
S. CHINDA [SEAL]

#### MEMORANDUM

*Arbitration Agreement between United States and Japan, signed June 28, 1913, extending the duration of the Arbitration Convention of May 5, 1908*

The Department of State acknowledges the receipt of the Memorandum of the Japanese Embassy, dated May 8, 1914, stating that:

“1. The Japanese Embassy construes Article I to mean that the Arbitration Convention of May 5, 1908, terminated at the end of the 23rd day of August, 1913, and that the term of its extension was to commence from the 24th day of the same month, that is, from after midnight of the aforesaid 23rd day.

2. Despite the provision in Article II to the effect that the Extension Agreement shall become effective upon the date of the exchange of ratifications, the United States Government proposes, according to the understanding of the Japanese Embassy, to render the Agreement retrospective in so far as to make it operative on and from August 24, 1913 as provided in Article I above referred to.”

The Department of State concurs in the views of the Japanese Embassy, as stated above, regarding the termination of the Arbitration Convention of May 5, 1908, and the retroactivity of the Agreement signed June 28, 1913.

DEPARTMENT OF STATE,  
May 9, 1914.

# MUTUAL INTERESTS IN CHINA (LANSING-ISHII AGREEMENT)

*Exchange of notes at Washington November 2, 1917*

*Entered into force November 2, 1917*

*Terminated by agreement of April 14, 1923*<sup>1</sup>

Treaty Series 630

*The Secretary of State to the Japanese Ambassador on Special Mission*

DEPARTMENT OF STATE  
*Washington, November 2, 1917*

EXCELLENCY:

I have the honor to communicate herein my understanding of the agreement reached by us in our recent conversations touching the questions of mutual interest to our Governments relating to the Republic of China.

In order to silence mischievous reports that have from time to time been circulated, it is believed by us that a public announcement once more of the desires and intentions shared by our two Governments with regard to China is advisable.

The Governments of the United States and Japan recognize that territorial propinquity creates special relations between countries, and, consequently, the Government of the United States recognizes that Japan has special interests in China, particularly in the part to which her possessions are contiguous.

The territorial sovereignty of China, nevertheless, remains unimpaired and the Government of the United States has every confidence in the repeated assurances of the Imperial Japanese Government that while geographical position gives Japan such special interests they have no desire to discriminate against the trade of other nations or to disregard the commercial rights heretofore granted by China in treaties with other powers.

The Governments of the United States and Japan deny that they have any purpose to infringe in any way the independence or territorial integrity of China and they declare, furthermore, that they always adhere to the principle of the so-called "Open Door" or equal opportunity for commerce and industry in China.

Moreover, they mutually declare that they are opposed to the acquisition by any Government of any special rights or privileges that would affect the

<sup>1</sup> TS 667, *post*, p. 437.

independence or territorial integrity of China or that would deny to the subjects or citizens of any country the full enjoyment of equal opportunity in the commerce and industry of China.

I shall be glad to have Your Excellency confirm this understanding of the agreement reached by us.

Accept, Excellency, the renewed assurance of my highest consideration.

ROBERT LANSING

His Excellency

Viscount KAKUJIRO ISHII,

*Ambassador Extraordinary and Plenipotentiary of Japan, on Special Mission.*

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*The Japanese Ambassador, on Special Mission, to the Secretary of State*

THE SPECIAL MISSION OF JAPAN

*Washington, November 2, 1917*

SIR: I have the honor to acknowledge the receipt of your note of to-day, communicating to me your understanding of the agreement reached by us in our recent conversations touching the questions of mutual interest to our Governments relating to the Republic of China.

I am happy to be able to confirm to you, under authorization of my Government, the understanding in question set forth in the following terms:

In order to silence mischievous reports that have from time to time been circulated, it is believed by us that a public announcement once more of the desires and intentions shared by our two Governments with regard to China is advisable.

The Governments of Japan and the United States recognize that territorial propinquity creates special relations between countries, and, consequently, the Government of the United States recognizes that Japan has special interests in China, particularly in the part to which her possessions are contiguous.

The territorial sovereignty of China, nevertheless, remains unimpaired and the Government of the United States has every confidence in the repeated assurances of the Imperial Japanese Government that while geographical position gives Japan such special interests they have no desire to discriminate against the trade of other nations or to disregard the commercial rights heretofore granted by China in treaties with other Powers.

The Governments of Japan and the United States deny that they have any purpose to infringe in any way the independence or territorial integrity of China and they declare, furthermore, that they always adhere to the principle of the so-called "Open Door" or equal opportunity for commerce and industry in China.

Moreover, they mutually declare that they are opposed to the acquisition by any government of any special rights or privileges that would affect the independence or territorial integrity of China or that would deny to the subjects or citizens of any country the full enjoyment of equal opportunity in the commerce and industry of China.

I take this opportunity to convey to you, Sir, the assurances of my highest consideration.

K. ISHII  
*Ambassador Extraordinary  
and Plenipotentiary  
of Japan on Special Mission*

Honorable ROBERT LANSING,  
*Secretary of State.*

## ARBITRATION

*Agreement signed at Washington August 23, 1918, extending agreement of May 5, 1908, as extended*

*Senate advice and consent to ratification October 10, 1918*

*Ratified by the President of the United States October 23, 1918*

*Ratified by Japan November 9, 1918*

*Ratifications exchanged at Washington December 30, 1918*

*Entered into force December 30, 1918; operative from August 24, 1918*

*Proclaimed by the President of the United States February 25, 1919*

*Expired August 23, 1923*

40 Stat. 1641; Treaty Series 639

The Government of the United States of America and the Government of His Majesty the Emperor of Japan, desiring to extend for another five years the period during which the Arbitration Convention concluded between them on May 5, 1908,<sup>1</sup> and extended by the Agreement concluded between the two Governments on June 28, 1913,<sup>2</sup> shall remain in force, have authorized the undersigned, to wit: Robert Lansing, Secretary of State of the United States, and Viscount Kikujiro Ishii, His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington, to conclude the following Agreement:

### ARTICLE I

The Convention of Arbitration of May 5, 1908, between the Government of the United States of America and the Government of His Majesty the Emperor of Japan, the duration of which by Article III thereof was fixed at a period of five years from the date of the exchange of ratifications, which period, by the Agreement of June 28, 1913, between the two Governments was extended for five years from August 24, 1913, is hereby extended and continued in force for the further period of five years from August 24, 1918.

### ARTICLE II

The present Agreement shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof,

<sup>1</sup> TS 509, *ante*, p. 406.

<sup>2</sup> TS 591, *ante*, p. 423.

and by His Majesty the Emperor of Japan, and it shall become effective upon the date of the exchange of ratifications, which shall take place at Washington as soon as possible.

DONE in duplicate in the English language at Washington this twenty-third day of August, one thousand nine hundred and eighteen, corresponding to the twenty-third day of the eighth month of the seventh year of Taisho.

ROBERT LANSING [SEAL]

K. ISHII [SEAL]

## RIGHTS IN FORMER GERMAN ISLANDS IN PACIFIC

*Treaty and exchanges of notes signed at Washington February 11,  
1922*

*Senate advice and consent to ratification March 1, 1922*

*Ratified by the President of the United States June 2, 1922*

*Ratified by Japan June 23, 1922*

*Ratifications exchanged at Washington July 13, 1922*

*Entered into force July 13, 1922*

*Proclaimed by the President of the United States July 13, 1922*

*Obsolete after World War II*

42 Stat. 2149; Treaty Series 664

### TREATY

The United States of America and Japan;

Considering that by Article 119 of the Treaty of Versailles, signed on June 28, 1919,<sup>1</sup> Germany renounced in favor of the Powers described in that Treaty as the Principal Allied and Associated Powers, to wit, the United States of America, the British Empire, France, Italy and Japan, all her rights and titles over her oversea possessions;

Considering that the benefits accruing to the United States under the aforesaid Article 119 of the Treaty of Versailles were confirmed by the Treaty between the United States and Germany, signed on August 25, 1921,<sup>2</sup> to restore friendly relations between the two nations;

Considering that the said four Powers, to wit, the British Empire, France, Italy and Japan, have agreed to confer upon His Majesty the Emperor of Japan a mandate, pursuant to the Treaty of Versailles, to administer the groups of the former German Islands in the Pacific Ocean lying north of the Equator, in accordance with the following provisions:

“Article 1. The islands over which a Mandate is conferred upon His Majesty the Emperor of Japan (hereinafter called the Mandatory) comprise all the former German islands situated in the Pacific Ocean and lying north of the Equator.

<sup>1</sup> *Ante*, vol. 2, p. 107.

<sup>2</sup> TS 658, *ante*, vol. 8, p. 145, GERMANY.

“Article 2. The Mandatory shall have full power of administration and legislation over the territory subject to the present Mandate as an integral portion of the Empire of Japan, and may apply the laws of the Empire of Japan to the territory, subject to such local modifications as circumstances may require.

The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present Mandate.

“Article 3. The Mandatory shall see that the slave trade is prohibited and that no forced labour is permitted, except for essential public works and services, and then only for adequate remuneration.

The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed on September 10th, 1919,<sup>3</sup> or in any convention amending same.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

“Article 4. The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

“Article 5. Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State Member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

“Article 6. The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 2, 3, 4, and 5.

“Article 7. The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the Mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations”;<sup>4</sup>

Considering that the United States did not ratify the Treaty of Versailles and did not participate in the agreement respecting the aforesaid Mandate;

<sup>3</sup> 7 LNTS 331.

<sup>4</sup> *Ante*, vol. 2, p. 52.

Desiring to reach a definite understanding with regard to the rights of the two Governments and their respective nationals in the aforesaid islands, and in particular the Island of Yap, have resolved to conclude a convention for that purpose and to that end have named as their Plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States; and

His Majesty the Emperor of Japan: Baron Kijuro Shidehara, His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows:

#### ARTICLE I

Subject to the provisions of the present Convention, the United States consents to the administration by Japan, pursuant to the aforesaid Mandate, of all the former German Islands in the Pacific Ocean, lying north of the Equator.

#### ARTICLE II

The United States and its nationals shall receive all the benefits of the engagements of Japan, defined in Articles 3, 4 and 5 of the aforesaid Mandate, notwithstanding the fact that the United States is not a Member of the League of Nations.

It is further agreed between the High Contracting Parties as follows:

(1) Japan shall insure in the islands complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; American missionaries of all such religions shall be free to enter the islands and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the islands; it being understood, however, that Japan shall have the right to exercise such control as may be necessary for the maintenance of public order and good government and to take all measures required for such control;

(2) Vested American property rights in the mandated islands shall be respected and in no way impaired;

(3) Existing treaties between the United States and Japan shall be applicable to the mandated islands;

(4) Japan will address to the United States a duplicate of the annual report on the administration of the Mandate to be made by Japan to the Council of the League of Nations;

(5) Nothing contained in the present Convention shall be affected by any modification which may be made in the terms of the Mandate as recited in

the Convention, unless such modification shall have been expressly assented to by the United States.

### ARTICLE III

The United States and its nationals shall have free access to the Island of Yap on a footing of entire equality with Japan or any other nation and their respective nationals in all that relates to the landing and operation of the existing Yap-Guam cable or of any cable which may hereafter be laid or operated by the United States or by its nationals connecting with the Island of Yap.

The rights and privileges embraced by the preceding paragraph shall also be accorded to the Government of the United States and its nationals with respect to radio-telegraphic communication; provided, however, that so long as the Government of Japan shall maintain on the Island of Yap an adequate radio-telegraphic station, cooperating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radio-telegraphic stations on the Island by the United States or its nationals shall be suspended.

### ARTICLE IV

In connection with the rights embraced by Article III, specific rights, privileges and exemptions, in so far as they relate to electrical communications, shall be enjoyed in the Island of Yap by the United States and its nationals in terms as follows:

(1) Nationals of the United States shall have the unrestricted right to reside in the Island, and the United States and its nationals shall have the right to acquire and hold on a footing of entire equality with Japan or any other nation or their respective nationals all kinds of property and interests, both personal and real, including lands, buildings, residences, offices, works and appurtenances.

(2) Nationals of the United States shall not be obliged to obtain any permit or license in order to be entitled to land and operate cables on the Island, or to establish radio-telegraphic service, subject to the provisions of Article III, or to enjoy any of the rights and privileges embraced by this Article and by Article III.

(3) No censorship or supervision shall be exercised over cable or radio messages or operations.

(4) Nationals of the United States shall have complete freedom of entry and exit in the Island for their persons and property.

(5) No taxes, port, harbour, or landing charges or exactions of any nature whatsoever, shall be levied either with respect to the operation of cables or radio stations, or with respect to property, persons or vessels.

(6) No discriminatory police regulations shall be enforced.

(7) The Government of Japan will exercise its power of expropriation in the Island to secure to the United States or its nationals needed property and facilities for the purpose of electrical communications if such property or facilities cannot otherwise be obtained.

It is understood that the location and the area of land so to be expropriated shall be arranged between the two Governments according to the requirements of each case. Property of the United States or of its nationals and facilities for the purpose of electrical communication in the Island shall not be subject to expropriation.

#### ARTICLE V

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective constitutions. The ratifications of this Convention shall be exchanged in Washington as soon as practicable, and it shall take effect on the date of the exchange of the ratifications.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Convention and have hereunto affixed their seals.

DONE in duplicate at the City of Washington, this eleventh day of February, one thousand nine hundred and twenty-two.

CHARLES EVANS HUGHES [SEAL]  
K. SHIDEHARA [SEAL]

#### EXCHANGES OF NOTES

*The Japanese Ambassador to the Secretary of State*

JAPANESE EMBASSY  
*Washington, February 11, 1922*

SIR:

In proceeding this day to the signature of the Convention between Japan and the United States with respect to the islands, under Japan's Mandate, situated in the Pacific Ocean and lying north of the Equator, I have the honor to assure you, under authorization of my Government, that the usual comity will be extended to nationals and vessels of the United States in visiting the harbors and waters of those islands.

Accept, Sir, the renewed assurances of my highest consideration.

K. SHIDEHARA

Honorable CHARLES E. HUGHES,  
*Secretary of State.*

*The Secretary of State to the Japanese Ambassador*DEPARTMENT OF STATE  
*Washington, February 11, 1922*

## EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's Note under date of February 11, 1922, stating that the Japanese Government are quite willing to extend to American nationals and vessels the usual comity in visiting the harbors and waters of the Japanese mandated islands.

Accept, Excellency, the renewed assurances of my highest consideration.

CHARLES E. HUGHES

His Excellency

Baron KIJURO SHIDEHARA,  
*Ambassador of Japan.*

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*The Secretary of State to the Japanese Ambassador*DEPARTMENT OF STATE  
*Washington, February 11, 1922*

## EXCELLENCY:

In proceeding this day to the signature of the Convention between the United States and Japan with respect to former German Possessions under a Mandate to Japan, I have the honor to state that if in the future the Government of the United States should have occasion to make any commercial treaties applicable to Australia and New Zealand, it will seek to obtain an extension of such treaties to the mandated islands south of the Equator, now under the Administration of those Dominions. I should add that the Government of the United States has not yet entered into a convention for the giving of its consent to the Mandate with respect to these islands.

I have the honor further to state that it is the intention of the Government of the United States, in making conventions, relating to former German territories under mandate, to request that the governments holding mandates should address to the United States, as one of the Principal Allied and Associated Powers, duplicates of the annual reports of the administration of their mandates.

Accept, Excellency, the renewed assurance of my highest consideration.

CHARLES E. HUGHES

His Excellency

Baron KIJURO SHIDEHARA,  
*Ambassador of Japan.*

*The Japanese Ambassador to the Secretary of State*

JAPANESE EMBASSY  
*Washington, February 11, 1922*

SIR:

I have the honor to acknowledge the receipt of your note of this date, stating that if in the future the Government of the United States should have occasion to make any commercial treaties applicable to Australia and New Zealand, it will seek to obtain an extension of such treaties to the islands south of the Equator, under the mandate of Australia and New Zealand, and further that it is the intention of the Government of the United States, in making hereafter conventions relating to former German territories under mandate, to request that the Mandatories should address to the United States, as one of the Principal Allied and Associated Powers, duplicates of the annual reports on the administration of such mandated territories.

In taking note of your communication under acknowledgment, I beg you, Sir, to accept the renewed assurances of my highest consideration.

K. SHIDEHARA

Honorable CHARLES E. HUGHES,  
*Secretary of State.*

# MUTUAL INTERESTS IN CHINA (CANCELLATION OF LANSING-ISHII AGREEMENT)

*Exchange of notes at Washington April 14, 1923*  
*Entered into force April 14, 1923*

Treaty Series 667

*The Secretary of State to the Japanese Ambassador*

DEPARTMENT OF STATE,  
*Washington, April 14, 1923*

EXCELLENCY:

I have the honor to communicate to Your Excellency my understanding of the views developed by the discussions which I have recently had with your Embassy in reference to the status of the Lansing-Ishii Exchange of Notes of November 2, 1917.<sup>1</sup>

The discussions between the two Governments have disclosed an identity of view and, in the light of the understandings arrived at by the Washington Conference on the Limitation of Armament,<sup>2</sup> the American and Japanese Governments are agreed to consider the Lansing-Ishii correspondence of November 2, 1917, as cancelled and of no further force or effect.

I shall be glad to have your confirmation of the accord thus reached.

Accept, Excellency, the renewed assurances of my highest consideration.

CHARLES E. HUGHES

His Excellency Mr. MASANAO HANIHARA,  
*Japanese Ambassador.*

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*The Japanese Ambassador to the Secretary of State*

JAPANESE EMBASSY  
*Washington, April 14, 1923*

SIR:

I have the honor to acknowledge the receipt of your note of today's date, communicating to me your understanding of the views developed by the dis-

<sup>1</sup> TS 630, *ante*, p. 425.

<sup>2</sup> For agreements concluded at the Washington Conference on the Limitation of Armament, Nov. 12, 1921-Feb. 6, 1922, see *ante*, vol. 2, pp. 329-386.

cussions which you have recently had with this Embassy in reference to the status of the Ishii-Lansing Exchange of Notes of November 2, 1917.

I am happy to be able to confirm to you, under instructions from my Government, your understanding of the views thus developed, as set forth in the following terms:

The discussions between the two Governments have disclosed an identity of view and, in the light of the understandings arrived at by the Washington Conference on the Limitation of Armament, the Japanese and American Governments are agreed to consider the Ishii-Lansing correspondence of November 2, 1917, as cancelled and of no further force or effect.

Accept, Sir, the renewed assurances of my highest consideration.

M. HANIHARA

Honorable CHARLES E. HUGHES,  
*Secretary of State.*

## ARBITRATION

*Agreement and exchange of notes signed at Washington August 23, 1923, extending agreement of May 5, 1908, as extended*  
*Senate advice and consent to ratification December 18, 1923*  
*Ratified by the President of the United States February 11, 1924*  
*Ratified by Japan February 20, 1924*  
*Ratifications exchanged at Washington April 26, 1924*  
*Entered into force April 26, 1924; operative from August 24, 1923*  
*Proclaimed by the President of the United States April 26, 1924*  
*Expired August 23, 1928*

43 Stat. 1757; Treaty Series 683

### AGREEMENT

The Government of the United States of America and the Government of His Majesty the Emperor of Japan, desiring to extend for another five years the period during which the Arbitration Convention concluded between them on May 5, 1908,<sup>1</sup> and extended by the Agreement concluded between the two Governments on June 28, 1913,<sup>2</sup> and further extended by the Agreement concluded between the two Governments on August 23, 1918,<sup>3</sup> shall remain in force, have respectively authorized the undersigned, to wit: Charles Evans Hughes, Secretary of State of the United States, and His Excellency Masanao Hanihara, His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington, to conclude the following Agreement:

### ARTICLE I

The Convention of Arbitration of May 5, 1908, between the Government of the United States of America and the Government of His Majesty the Emperor of Japan, the duration of which by Article III thereof was fixed at a period of five years from the date of the exchange of ratifications, which period, by the Agreement of June 28, 1913, between the two Governments was extended for five years from August 24, 1913, and was extended by the Agreement between them of August 23, 1918, for the further period of five years from August 24, 1918, is hereby extended and continued in force for the further period of five years from August 24, 1923.

<sup>1</sup> TS 509, *ante*, p. 406.

<sup>2</sup> TS 591, *ante*, p. 423.

<sup>3</sup> TS 639, *ante*, p. 428.

## ARTICLE II

The present Agreement shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by his Majesty the Emperor of Japan, and it shall become effective upon the date of the exchange of ratifications, which shall take place at Washington as soon as possible.

Done in duplicate in the English language at Washington this twenty-third day of August, one thousand nine hundred and twenty-three, corresponding to the twenty-third day of the eighth month of the twelfth year of Taisho.

CHARLES EVANS HUGHES	[SEAL]
M. HANIHARA	[SEAL]

## EXCHANGE OF NOTES

*The Secretary of State to the Japanese Ambassador*

DEPARTMENT OF STATE  
*Washington, August 23, 1923*

EXCELLENCY:

In connection with the signing today of an agreement for the renewal of the Convention of Arbitration concluded between the United States and the Government of His Majesty the Emperor of Japan, May 5, 1908, and renewed from time to time, I have the honor, in pursuance of our informal conversations, to state the following understanding which I shall be glad to have you confirm on behalf of your Government.

On February 24 last the President proposed to the Senate that it consent under certain stated conditions to the adhesion by the United States to the Protocol of December 16, 1920,<sup>4</sup> under which the Permanent Court of International Justice has been created at The Hague. As the Senate does not convene in its regular session until December next, action upon this proposal will necessarily be delayed. In the event that the Senate gives its assent to the proposal, I understand that the Government of His Majesty the Emperor of Japan will not be averse to considering a modification of the Convention of Arbitration which we are renewing, or the making of a separate agreement, providing for the reference of disputes mentioned in the Convention to the Permanent Court of International Justice.

Accept, Excellency, the renewed assurances of my highest consideration.

CHARLES E. HUGHES

His Excellency  
Mr. MASANAO HANIHARA,  
*Japanese Ambassador.*

<sup>4</sup> 6 LNTS 380.

*The Japanese Ambassador to the Secretary of State*

JAPANESE EMBASSY  
*Washington, August 23, 1923*

SIR:

I have the honor to acknowledge the receipt of your note of to-day's date, communicating to me your understanding reached in our informal conversations in connection with the renewal of the Convention of Arbitration concluded between Japan and the United States, May 5, 1908, and extended in its operation until August 24 of this year.

I am happy to be able to confirm to you, under instructions from my Government, your understanding as set forth in the following terms:

[For terms of understanding, see second paragraph of U.S. note, above.]

Accept, Sir, the renewed assurances of my highest consideration.

M. HANIHARA

Honorable CHARLES E. HUGHES,  
*Secretary of State.*

## DOUBLE TAXATION: SHIPPING PROFITS

*Exchange of notes at Washington March 31 and June 8, 1926*

*Entered into force June 8, 1926; operative from July 18, 1924*

*Revived (after World War II) July 22, 1953,<sup>1</sup> pursuant to article 7 of treaty of peace signed at San Francisco September 8, 1951<sup>2</sup>*

47 Stat. 2578; Executive Agreement Series 3

*The Japanese Ambassador to the Secretary of State*

JAPANESE EMBASSY

WASHINGTON, *March 31, 1926*

No. 41

SIR:

With reference to your note dated September 1, 1925, concerning the reciprocal exemption from taxation of income derived from the operation of merchant vessels, I have the honor to state, under instructions from Tokio, that my Government is happy to signify its willingness to agree with the views of the Treasury Department as stated in your note under acknowledgment; namely, that the reciprocal exemption shall be carried out from and including July 18, 1924, the date on which the Japanese Law No. 6 was promulgated, without adopting the methods suggested in my note dated June 18, 1925; and, further, that the exemption from taxation accorded by Section 213(b) (8) of the Revenue Act of 1924<sup>3</sup> applies only to such income as is derived from sources within the "United States" as that term is defined in Section 2 of the said Act, and from sources within the Virgin Islands.

In bringing the above to your knowledge, I am happy to note that a unanimity of views has been reached between our two Governments on this subject, and shall be glad if you will be good enough to take steps with the Treasury Department to the end that an arrangement looking to the reciprocal exemption in question be put into force.

Accept, Sir, the renewed assurances of my highest consideration.

T. MATSUDAIRA

Honorable FRANK B. KELLOGG,  
*Secretary of State.*

<sup>1</sup> *Department of State Bulletin*, May 18, 1953, p. 721.

<sup>2</sup> <sup>3</sup> UST 3175; TIAS 2490.

<sup>4</sup> 43 Stat. 269.

*The Secretary of State to the Japanese Ambassador*DEPARTMENT OF STATE  
WASHINGTON, *June 8, 1926*

## EXCELLENCY:

Referring further to your note of March 31, 1926, and to previous correspondence in regard to the establishment by the United States and Japan of reciprocal exemption from taxation of income derived from the operation of merchant vessels, I have the honor to inform you of the receipt of a letter on the subject from the Secretary of the Treasury dated May 26, 1926.

The Secretary of the Treasury states that he approved, on February 1, 1926, Treasury Decision 3812 embodying the ruling that from July 18, 1924, Japan satisfies the equivalent exemption provision of Section 213(b)(8) of the Revenue Act of 1924, and that this action is all that is necessary to give effect to the reciprocal arrangement on the part of the United States.

Accept, Excellency, the renewed assurances of my highest consideration.

JOSEPH C. GREW  
*Acting Secretary of State*

His Excellency

MR. TSUNEO MATSUDAIRA,  
*Japanese Ambassador.*

## WAIVER OF VISA FEES FOR NONIMMIGRANTS

*Exchange of notes at Tokyo July 6 and 7, 1926*  
*Entered into force July 7, 1926*  
*Not revived after World War II*<sup>1</sup>

Department of State files

*The American Ambassador to the Minister of Foreign Affairs*

No. 115

TOKYO, July 6, 1926

### EXCELLENCY:

I have the honor to inform Your Excellency that my Government is desirous of concluding an arrangement with the Imperial Japanese Government, by exchange of notes, to the following effect:

The Government of the United States will agree to collect no fees for passport visas or applications therefor from subjects of Japan who desire to visit the United States, including insular possessions, temporarily as tourists or temporarily for business or pleasure or who go in continuous transit through the United States or who, having been lawfully admitted to the United States, later go in transit from one part of the United States to another through foreign contiguous territory or who are entitled to enter the United States solely to carry on trade under, and in pursuance of, the present existing treaty of commerce and navigation, provided the Government of Japan will not require visa fees of citizens of the United States of like classes and under like circumstances.

This arrangement could, of course, be terminated at the will of either Government.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

CHARLES MACVEAGH

His Excellency

Baron SHIDEHARA,

*His Imperial Japanese Majesty's*  
*Minister for Foreign Affairs,*  
*etc.*

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<sup>1</sup> Not included among treaties and other agreements continued in force or revived by U.S. note of Apr. 22, 1953, pursuant to art. 7 of treaty of peace signed at San Francisco Sept. 8, 1951 (3 UST 3175; TIAS 2490).

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

DEPARTMENT OF FOREIGN AFFAIRS

*Tokio, July 7th, 1926*

No. 46

MR. AMBASSADOR:

Your Excellency was good enough to inform me by your Note No. 115 dated July 6, 1926, of the desire of the American Government to conclude an arrangement between the two Governments for the reciprocal relinquishment of fees for passport visas or applications therefor. In reply, I have the honor to state as follows:

The Government of Japan agrees to collect hereafter no fees for passport visas or applications therefor from citizens of the United States who desire to visit Japan, including her overseas possessions, temporarily as tourists or temporarily for business or pleasure or who go in continuous transit through Japan or who, having been lawfully admitted to Japan, later go in transit from one part of Japan to another through foreign contiguous territory or who are entitled to enter Japan solely to carry on trade under, and in pursuance of, the present existing treaty of commerce and navigation, provided the United States Government will not hereafter require fees for passport visas or applications therefor of Japanese subjects of the classes and in the circumstances specified in your note under acknowledgment.

It is understood that this arrangement is terminable at the will of either Government.

I avail myself of this occasion to renew to Your Excellency, Mr. Ambassador, the assurance of my highest consideration.

BARON KIJURO SHIDEHARA

*Minister for Foreign Affairs*

His Excellency CHARLES MACVEAGH,  
*Ambassador Extraordinary and Plenipotentiary  
of the United States of America.*

## SMUGGLING OF INTOXICATING LIQUORS

*Convention and exchange of notes, with memorandum, signed at Washington May 31, 1928*

*Senate advice and consent to ratification January 26, 1929*

*Ratified by the President of the United States January 30, 1929*

*Ratified by Japan November 22, 1929*

*Ratifications exchanged at Washington January 16, 1930*

*Entered into force January 16, 1930*

*Proclaimed by the President of the United States January 16, 1930*

*Revived (after World War II) July 22, 1953,<sup>1</sup> pursuant to article 7 of treaty of peace signed at San Francisco September 8, 1951<sup>2</sup>*

46 Stat. 2446; Treaty Series 807

### CONVENTION

The President of the United States of America and His Majesty the Emperor of Japan, being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages, have decided to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States of America, Frank B. Kellogg, Secretary of State of the United States;

His Majesty the Emperor of Japan, Tsuneo Matsudaira, Jusammi, the First Class of the Imperial Order of the Sacred Treasure, His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States of America;

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

### ARTICLE I

The High Contracting Parties declare that it is their firm intention to uphold the principle that three marine miles extending from the coastline outwards and measured from low-water mark constitute the proper limits of territorial waters.

<sup>1</sup> *Department of State Bulletin*, May 18, 1953, p. 721.

<sup>2</sup> 3 UST 3175; TIAS 2490.

ARTICLE II<sup>3</sup>

(1) The Japanese Government agree that they will raise no objection to the boarding of private vessels under the Japanese flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions, in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions, in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be initiated.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions, prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions, for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its territories or possessions, than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions, by a vessel other than the one boarded and searched, it shall be the speed of such other vessel, and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

## ARTICLE III

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions, on board Japanese vessels voyaging to or from ports of the United States, or its territories or possessions, or passing through the territorial waters thereof, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

## ARTICLE IV

Any claim by a Japanese vessel for compensation on the ground that it has suffered loss or injury through the improper or unreasonable exercise

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<sup>3</sup> For understandings relating to art. II, see memorandum, p. 450.

of the rights conferred by Article II of this Convention or on the ground that it has not been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the High Contracting Parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Permanent Court of Arbitration at The Hague described in the Convention for the pacific settlement of international disputes, concluded at The Hague, October 18, 1907.<sup>4</sup> The arbitral tribunal shall be constituted in accordance with Article 87 (Chapter IV) and with Article 59 (Chapter III) of the said Convention. The proceedings shall be regulated by so much of Chapter IV of the said Convention and of Chapter III thereof (special regard being had for Articles 70 and 74, but excepting Articles 53 and 54) as the tribunal may consider to be applicable and to be consistent with the provisions of this agreement. All sums of money which may be awarded by the tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified. Each Government shall bear its own expenses. The expenses of the tribunal shall be defrayed by a ratable deduction from the amount of the sums awarded by it, at a rate of five percent on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moieties by the two Governments.

#### ARTICLE V<sup>5</sup>

This Convention shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year, either of the High Contracting Parties may give notice of its desire to propose modifications in the terms of the Convention.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the Convention shall lapse.

If no notice is given on either side of the desire to propose modifications, the Convention shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the Convention, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the Convention shall lapse.

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<sup>4</sup> TS 536, *ante*, vol. 1, p. 577.

<sup>5</sup> For an understanding relating to art. V, see memorandum, p. 450.

## ARTICLE VI

In the event that either of the High Contracting Parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present Convention the said Convention shall automatically lapse, and, on such lapse or whenever this Convention shall cease to be in force, each High Contracting Party shall enjoy all the rights which it would have possessed had this Convention not been concluded.

The present Convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof and by His Majesty the Emperor of Japan; and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the present Convention in duplicate and have thereunto affixed their seals.

Done at the city of Washington this 31st day of May, in the nineteen hundred and twenty-eighth year of the Christian era, corresponding to the 31st day of the 5th month of the 3rd year of Shōwa.

FRANK B. KELLOGG	[SEAL]
T. MATSUDAIRA	[SEAL]

## EXCHANGE OF NOTES

*The Japanese Ambassador to the Secretary of State*

JAPANESE EMBASSY  
*Washington, 31st May, 3 Shōwa (1928)*

SIR:

In proceeding to-day to the signature of the Convention between Japan and the United States for the purpose of avoiding difficulties which might arise in connection with the laws in force in the United States on the subject of alcoholic beverages, I am happy to attach hereto, for the purpose of future reference, a memorandum of the understanding that has been reached between us in regard to the interpretation of the Convention. I beg leave, therefore, to request that you kindly acknowledge and confirm this statement.

Accept, Sir, the renewed assurances of my highest consideration.

T. MATSUDAIRA

Enclosure: Memorandum

The Honorable FRANK B. KELLOGG,  
*Secretary of State,*  
*Washington*

## MEMORANDUM

It is understood

1. That the term "private vessels" as used in the Convention signifies all classes of vessels other than those owned or controlled by the Japanese Government and used for Governmental purposes, for the conduct of which the Japanese Government assumes full responsibility.

2. That the rights conferred on the authorities of the United States under Article II of the Convention do not relate to territorial waters of Japan or to waters of any territory over which Japan exercises a mandate under the authority of the League of Nations.

3. That there will be no advance requirement that Japanese vessels shall stop regularly at designated places to await such enquiries or examination as are authorized in Article II of the Convention.

4. That the Convention does not relate to alcoholic liquors for nonbeverage, including medicinal, purposes, which are regulated by the domestic laws of the United States.

5. That the expression "three months before the expiration of the said period of one year" as used in the second paragraph of Article V is used in the sense of not later than three months before the expiration of the said period.

6. That questions involving the application of the Convention arising while it is in force will be adjudicated in accordance with the provisions of the Convention as in force at the time the circumstances occurred, even if the Convention should lapse or be terminated before the decision is rendered.

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*The Secretary of State to the Japanese Ambassador*

DEPARTMENT OF STATE

May 31, 1928

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's note dated May 31, 1928, and the memorandum attached thereto of the understanding that has been reached between us in regard to the interpretation of the Convention between the United States and Japan for the purpose of avoiding difficulties which might arise in connection with the laws in force in the United States on the subject of alcoholic beverages.

I beg to state that I am happy to confirm that the said memorandum, a duplicate of which is attached hereto, is a correct statement of the understanding reached by us in regard to the interpretation of the Convention.

Accept, Excellency, the renewed assurances of my highest consideration.

FRANK B. KELLOGG

Enclosure: Memorandum

His Excellency Mr. TSUNEO MATSUDAIRA,  
*The Japanese Ambassador*

[For text of memorandum, see above.]

## NARCOTIC DRUGS

*Exchange of notes at Tokyo February 16 and July 6, 1928*

*Entered into force July 6, 1928*

*Revived (after World War II) July 22, 1953,<sup>1</sup> pursuant to article 7 of treaty of peace signed at San Francisco September 8, 1951<sup>2</sup>*

Department of State files

*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

*Tokyo, February 16, 1928*

No. 310

EXCELLENCY:

Under instructions from my Government, I have the honor to inform Your Excellency that, in an endeavor to bring about stricter control of the illicit traffic in narcotic drugs, the United States Treasury Department has requested that an effort be made to establish closer cooperation between the appropriate administrative officials of the United States and certain countries. I was further instructed to endeavor to arrange with Your Excellency's Government for—

(1) The direct exchange between the United States Treasury Department and the corresponding office in Japan of information and evidence with reference to persons engaged in the illicit traffic. This would include such information as photographs, criminal records, fingerprints, Bertillon measurements, description of the methods which the persons in question have been found to use, the places from which they have operated, the partners they have worked with, etc.

(2) The immediate direct forwarding of information by letter or cable as to the suspected movements of narcotic drugs, or of those involved in smuggling drugs, if such movements might concern Japan or the United States. Unless such information as this reaches its destination directly and speedily it is useless.

(3) Mutual cooperation in detective and investigating work.

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<sup>1</sup> *Department of State Bulletin*, May 18, 1953, p. 721.

<sup>2</sup> 3 UST 3175; TIAS 2490.

The officer of the United States Treasury Department who would have charge, on behalf of my Government, of the cooperation in the suppression of the illicit traffic in narcotics is Colonel L. G. Nutt, whose mail and telegraph address is Deputy Commissioner in Charge of Narcotics, Treasury Department, Washington, D.C.

Should the proposed arrangement meet with the approval of Your Excellency's Government, it would be much appreciated if I might be informed of the name and address of the Japanese official with whom Colonel Nutt should communicate.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

For the Ambassador:

NORMAN ARMOUR

His Excellency

Baron GIICHI TANAKA

*His Imperial Japanese Majesty's  
Minister for Foreign Affairs,  
etc., etc., etc.*

---

*The Minister of Foreign Affairs to the American Chargé d'Affaires ad interim*

[TRANSLATION]

DEPARTMENT OF FOREIGN AFFAIRS

No. 71/T3

*Tokio, July 6th, 1928*

MONSIEUR LE CHARGÉ D'AFFAIRES,

I have the honour to refer to His Excellency the United States Ambassador's Note No. 310 of February 16th, 1928, informing me that, in an endeavor to bring about stricter control of the illicit traffic in narcotic drugs, the United States Treasury Department has requested that an effort be made to establish closer cooperation between the appropriate administrative officials of the United States and certain countries, and transmitting the following proposals:

[For text of proposals, see numbered paragraphs of U.S. note, above.]

I beg to state in reply that, inasmuch as the modes of evidence enumerated in the paragraph (1) are not necessarily adopted in this country with reference to persons engaged in the illicit traffic in narcotic drugs, the Japanese Government may possibly find themselves unable to conform to the proposal with respect to those modes of evidence, but that they agree to practice, within the provisions of the existing Japanese laws and regulations and, as far as feasible, in accordance with the methods of procedure mentioned in the

preceding paragraphs, a closer direct cooperation between the appropriate administrative officials of the United States and Japan respectively.

The Japanese official who is to communicate with Colonel L. G. Nutt, the officer of the United States Treasury Department, who is to have charge, on behalf of the United States Government, of the cooperation in the suppression of the illicit traffic in narcotics, is the Director of the Bureau of Treaties and Conventions in the Department of Foreign Affairs, whose

Telegraph address is: Jooyaku Kyokuchoo  
Gaimudaijin Tokio

And mail address is: Director of Bureau of Treaties and Conventions,  
Department of Foreign Affairs.

I beg you, Monsieur le Chargé d'Affaires, to accept the renewed assurance of my high consideration.

BARON GIICHI TANAKA  
*Minister for Foreign Affairs*

EDWIN L. NEVILLE, Esq.,  
*Chargé d'Affaires of the United States of America.*

## NARCOTIC DRUGS

*Exchange of notes at Tokyo April 23 and September 6, 1929*

*Entered into force September 6, 1929*

*Revived (after World War II) July 22, 1953,<sup>1</sup> pursuant to article 7  
of treaty of peace signed at San Francisco September 8, 1951<sup>2</sup>*

Department of State files

*The American Chargé d'Affaires ad interim to the Minister  
of Foreign Affairs*

No. 481

TOKYO, April 23, 1929

### EXCELLENCY:

Under instructions from my Government I have the honor to inform Your Excellency that in a communication, dated June 29, 1923, addressed to the Secretary of State, the British Embassy in Washington referred to a recommendation of the League of Nations Advisory Committee on the Traffic in Opium and Other Dangerous Drugs, passed at the fourth session held at Geneva from the 8th to the 14th of January, 1923, which reads as follows:

"That the Governments be asked to extend the arrangement for the mutual exchange of information in regard to seizures to include information in regard to the proceedings and movements of persons who are known to the authorities to be engaged in carrying on an illicit traffic in drugs."

The British Embassy stated that this recommendation had been accepted by the British Government and that a circular despatch had been sent to the Governors of all colonies and protectorates, expressing the hope that each of them would cause this recommendation to be put into force, and directing them to cause any information of the nature indicated, which might be of immediate importance to neighboring administrations, to be communicated to the British consular officers in the country concerned, for transmission by them to the local authorities. On August 7, 1923, in replying to the note from the British Embassy, the Secretary of State stated:

"I take pleasure in assuring you that the Government of the United States is deeply gratified by the action of His Majesty's Government, and is prepared to cooperate to the fullest extent in transmitting information of the character

<sup>1</sup> *Department of State Bulletin*, May 18, 1953, p. 721.

<sup>2</sup> 3 UST 3175; TIAS 2490.

suggested. To this end, the Department of State is desirous, if agreeable to your Government, of instructing its Diplomatic and Consular Officers to cooperate with their British colleagues, or the competent British authorities (if in British territory) in collecting and forwarding information that will lead to the seizure of illicit narcotic drugs and the detection or apprehension of persons engaged in this traffic."

Attached to the reply to the British Embassy was a list of the United States local authorities to whom there might be communicated such information as might come to the attention of British Consular Officers in this country.

In a note, dated December 12, 1923, the British Embassy at Washington notified this Government that the British Government welcomed the proposal of the United States and that instructions were being issued to the competent authorities in the British Empire and to the British Diplomatic and Consular representatives abroad to cooperate with the United States authorities in the manner proposed. To this note was appended a list of the British officials to whom such information should be communicated in Great Britain, Ireland, India, Australia, Canada, New Zealand, the Union of South Africa, Newfoundland and the British Colonies not possessing responsible Government, in British Protectorates and in Tanganyika territory. In conformity with this arrangement, appropriate instructions were sent to the American Diplomatic and Consular Officers on December 28, 1923.

By an exchange of correspondence between the American and British Governments in 1927 and 1928, the above arrangement was made applicable to the Philippine Islands and the Straits Settlements.

In bringing this matter to the notice of Your Excellency I was further instructed to state that my Government would welcome the conclusion with the Imperial Japanese Government of an arrangement similar to that in effect with the British Government, and it is prepared, if agreeable to the Imperial Japanese Government, to instruct its Diplomatic and Consular Officers to cooperate with their Japanese colleagues, or the competent Japanese authorities (if in Japanese territory) in collecting and forwarding information that will lead to the seizure of illicit narcotic drugs and the detection or apprehension of persons engaged in this traffic.

I was also instructed to inform Your Excellency that my Government has been gratified at the recent conclusion with the Imperial Japanese Government of the informal arrangement for the direct exchange, between the enforcement agencies of the two Governments, of certain information with regard to the traffic in narcotic drugs and believes that the present proposal, if accepted, would supplement that arrangement and provide for cooperation

in matters not covered by it, thus marking a further advance in the elimination of the narcotic menace.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

EDWIN L. NEVILLE

His Excellency  
 Baron GIICHI TANAKA,  
*His Imperial Japanese Majesty's*  
*Minister for Foreign Affairs,*  
*etc., etc., etc.*

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*The Minister of Foreign Affairs to the American Chargé d'Affaires ad interim*

[TRANSLATION]

DEPARTMENT OF FOREIGN AFFAIRS

*Tokio, September 6th, 1929*

No. 86/T3

MONSIEUR LE CHARGÉ D'AFFAIRES,

I have the honor to refer to your Note No. 481 of April 23rd last, in which you were good enough to inform Baron Tanaka, my predecessor in office, of the arrangement now existing between the United States Government and the British Government for the exchange of information relating to the seizure of illicit narcotic drugs and to persons engaged in this traffic. You also stated that your Government would welcome the conclusion with the Japanese Government of an arrangement similar to that in effect with the British Government, and were prepared, if agreeable to the Japanese Government, to instruct their Diplomatic and Consular Officers to cooperate with their Japanese colleagues, or the competent Japanese authorities (if in Japanese territory), in collecting and forwarding information that will lead to the seizure of illicit narcotic drugs and the detection or apprehension of persons engaged in this traffic.

I am happy to state in reply that the Japanese Government welcome the proposal of your Government and are prepared to cooperate with them in forwarding information of the nature indicated above. The Japanese Government, for the attainment of the object in view, agree to instruct their Diplomatic and Consular Officers to cooperate with their American colleagues, or the competent American authorities (if in American territory), in collecting and forwarding information that will lead to the seizure of illicit narcotic drugs and the detection or apprehension of persons engaged in this traffic. Your Government will be so good as to issue the necessary instructions, and to inform me of the competent American authorities to whom such information should be communicated by the Japanese Diplomatic and Consular

Officers in the United States. I beg to set forth in the Annexe a list of the competent Japanese authorities to whom the information in question should be forwarded in this country.

I beg you, Monsieur le Chargé d'Affaires, to accept the renewed assurance of my high consideration.

BARON KIJURO SHIDEHARA  
*Minister for Foreign Affairs*

EDWIN L. NEVILLE, Esq.,  
*Chargé d'Affaires of the United States of America.*

ANNEXE

*List of Competent Japanese Authorities to Whom Information relating to Seizure of Illicit Narcotic Drugs and to Persons Engaged in This Traffic Should be Communicated.*

<u>Locality</u>	<u>Authorities</u>
Japan Proper	Department of Foreign Affairs and the Local Governor or Superintendent of Customs in case of special urgency.
Chosen	Government-General of Chosen.
Taiwan	Government-General of Taiwan.
Leased Territory of Kwantung	Government-General of the Leased Territory of Kwantung.
Karafuto	Government-General of Karafuto.

## RECOGNITION OF LOAD-LINE CERTIFICATES

*Exchange of notes at Tokyo February 13, March 19 and 30, August 25,  
and September 7, 1931*

*Entered into force August 25, 1931*

*Terminated September 11, 1935, upon entry into force for the United  
States and Japan of convention of July 5, 1930*<sup>1</sup>

47 Stat. 2678; Executive Agreement Series 25

*The American Chargé d'Affaires ad interim to the Minister of Foreign Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

TOKYO, February 13, 1931

No. 46

### EXCELLENCY:

I have the honor to advert to the Embassy's note No. 194, dated August 24, 1922, proposing an arrangement between the Governments of the United States and Japan for the reciprocal recognition of ship load-line certificates pending the enactment of suitable legislation by the United States, and to the note No. 147, dated October 25, 1922, of Your Excellency's predecessor, Count Uchida, expressing the readiness of the Imperial Government to recognize certificates of this nature issued to American vessels. I now have the honor to inform Your Excellency that a law, entitled "An Act to Establish load-lines for American vessels, and for other purposes", was enacted by the Congress of the United States, and became effective September 2, 1930.<sup>2</sup>

Your Excellency will recall that our respective Governments, together with other interested Governments, entered into an international load-line convention, which was signed at London on July 5, 1930. I am now instructed to inquire whether Your Excellency's Government would be willing to continue the arrangement in respect of ship load-line certificates made between our two Governments in 1922, pending the coming into force of the above-mentioned convention of July 5, 1930.

In transmitting herewith a copy of the "Regulations for the Establishment of Load-lines for Merchant Vessels of 250 Gross Tons or Over When Engaged in a Foreign Voyage by Sea",<sup>3</sup> I have the honor to request Your

<sup>1</sup> TS 858, *ante*, vol. 2, p. 1076.

<sup>2</sup> 45 Stat. 1492.

<sup>3</sup> Not printed here.

Excellency to be so kind as to supply me with a copy of the Japanese laws and regulations (with official English translations if they be available), pertaining to load-lines of merchant vessels.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

EUGENE H. DOOMAN

His Excellency

Baron KIJURO SHIDEHARA,

*His Imperial Japanese Majesty's  
Minister for Foreign Affairs,  
etc., etc., etc.*

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*The Minister of Foreign Affairs to the American Chargé d'Affaires  
ad interim*

[TRANSLATION]

DEPARTMENT OF FOREIGN AFFAIRS

TOKYO, *March 19, 1931*

No. 30/C1

MONSIEUR LE CHARGÉ D'AFFAIRES:

I have the honor to acknowledge the receipt of the Embassy's note dated February 13, 1931, informing me, with reference to the arrangement made between our two Governments in 1922 in respect of ship load-line certificates, that a law entitled "An Act to Establish Load-lines for American vessels, and for other purposes" has been enacted, and became effective September 2, 1930, and inquiring whether or not the Japanese Government would be willing to continue the above-mentioned arrangement of 1922 pending the coming into force of the International Ship Load-line Convention, which was signed at London on July 5, 1930.

When the notes were exchanged between the Japanese and American Governments in 1922, no ship load-line law had been enacted in the United States, and the question of the recognition by the United States of load-line certificates of Japanese ships was not raised. Consequently, no definite arrangement was made regarding this matter, the Japanese Government merely undertaking unilaterally to recognize certificates issued by the American Bureau of Shipping, pending the enactment in the United States of a law regulating ship load-lines.

I wish to be assured, and request that you indicate in reply, that you have no objection to my interpreting your note, above-mentioned, to mean that pending the coming into force of the International Ship Load-line Conven-

tion, the Japanese Government will continue the arrangement of 1922 while the American Government will also recognize as valid load-line certificates duly issued by the competent Japanese authorities or by officially designated shipping associations, and their corresponding marks.

Pending the receipt of your reply, the Japanese Government will continue to regard the arrangement of 1922 as effective, and I trust that the American Government will also recognize as valid the ship load-line certificates issued by the competent Japanese authorities or by officially designated shipping associations, and their corresponding marks.

In compliance with your request, I have the honor to transmit herewith a copy of the laws and ordinances, together with a copy in translation, relating to ship load-lines.

I avail myself of this opportunity to renew to you, Monsieur le Chargé d'Affaires, the assurance of my highest consideration.

BARON KIJURO SHIDEHARA [SEAL]  
*Minister for Foreign Affairs*

EDWIN L. NEVILLE, Esquire,  
*Chargé d'Affaires ad interim*  
*of the Embassy of the United States of America,*  
*Tokyo.*

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*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

No. 59

TOKYO, *March 30, 1931*

EXCELLENCY:

In reply to Your Excellency's note No. 30, dated March 19, 1931, informing me that the Japanese Government will continue to recognize certificates of load-line issued by the American Bureau of Shipping to American vessels, pending the coming into force of the International Ship Load-line Convention signed at London on July 5, 1930, I have the honor to inform Your Excellency that the United States is recognizing the load-line marks approved by the Japanese Government.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

W. CAMERON FORBES

His Excellency  
Baron KIJURO SHIDEHARA,  
*His Imperial Japanese Majesty's*  
*Minister for Foreign Affairs,*  
*etc., etc., etc.*

*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

No. 136

TOKYO, August 25, 1931

## EXCELLENCY:

With reference to my Note No. 59, of March 30, 1931, informing Your Excellency that the Government of the United States will recognize as valid load-line certificates duly issued by the competent Japanese authorities or by officially designated shipping associations, and their corresponding marks, I have the honor to inform Your Excellency that I have received a communication from my Government confirming the assurances already given in my Note No. 59, of March 30, 1931.

I am further directed to inform Your Excellency that my Government has accepted the proposal of the Japanese Government to continue the present arrangement whereby load-lines of American vessels assigned by the American Bureau of Shipping are accepted by Japanese authorities as complying with their load-line requirements. I am also instructed to inform Your Excellency that my Government has authorized in particular cases the marking of load-lines and the issuance of certificates therefor, on American vessels, by the American Committee of Lloyds' Register of Shipping and by the American representatives of the Bureau Veritas, which my Government would desire to have the Japanese authorities recognize.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

W. CAMERON FORBES

His Excellency

Baron KIJURO SHIDEHARA,

*His Imperial Japanese Majesty's  
Minister for Foreign Affairs,  
etc., etc., etc.*

---

*The Minister of Foreign Affairs to the American Ambassador*

DEPARTMENT OF FOREIGN AFFAIRS

TOKYO, September 7, 1931

## EXCELLENCY:

I have the honor to acknowledge the receipt of your notes of March 30 and August 25, 1931, regarding mutual recognition between Japan and the United States of load-line certificates.

Besides recognizing the load-line certificates issued by the American Bureau of Shipping to American ships, the Imperial Government has no objection

to recognizing the load-line certificates issued to American ships by the American committee of Lloyds' Registry of Shipping and the American representative of the Bureau of Veritas in so far only as they are issued under authority granted by Your Excellency's Government.

For purposes of reference it is desired to have at hand forms of the certificates issued by the American committee of Lloyds' Registry of Shipping and by the American representatives of the Bureau Veritas, and I have therefore the honor to request that copies be transmitted to me as soon as possible.

I avail myself of this opportunity to renew to Your Excellency the assurances of my high consideration.

BARON KIJURO SHIDEHARA [SEAL]  
*Minister of Foreign Affairs*

The Honorable  
W. CAMERON FORBES,  
*American Ambassador, etc.*

## PERPETUAL LEASEHOLDS

*Exchanges of notes at Tokyo March 25, 1937*

*Entered into force March 25, 1937*

*Revived (after World War II) July 22, 1953,<sup>1</sup> pursuant to article 7 of treaty of peace signed at San Francisco September 8, 1951<sup>2</sup>*

50 Stat. 1611; Executive Agreement Series 104

*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

*Tokyo, March 25, 1937 (12 Showa)*

No. 705

EXCELLENCY:

On March 4, 1937, I had the pleasure to inform the Imperial Japanese Ministry of Foreign Affairs that the Government of the United States was prepared to accept a mutually satisfactory settlement of the perpetual lease system which originated in former treaties between the United States and Japan, and on that basis I now have the honor, under instructions from my Government, to confirm to Your Excellency the following understanding between the Government of the United States of America and the Imperial Japanese Government:

(1) That the said system of perpetual leases shall come to an end on the first day of the fourth month of the seventeenth year of Showa, corresponding to the 1st day of April, 1942, when the leaseholds shall without compensation be converted into the rights of ownership in accordance with the provisions of Japanese laws and ordinances. Such conversion shall be effected free of registration taxes in respect of lands under perpetual leases and buildings thereon.

(2) That until the thirty-first day of the third month of the seventeenth year of Showa, corresponding to the 31st day of March, 1942, the present position as regards tax exemptions shall be maintained, and no further claims shall be made by the Japanese authorities for arrears of such disputed taxes as may still be uncollected.

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<sup>1</sup> *Department of State Bulletin*, May 18, 1953, p. 721.

<sup>2</sup> 3 UST 3175; TIAS 2490.

While requesting Your Excellency to be good enough to confirm the above understanding, I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

JOSEPH C. GREW

His Excellency

Mr. NAOTAKE SATO,  
*His Imperial Japanese Majesty's  
 Minister for Foreign Affairs,  
 etc., etc., etc.*

---

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

TOKYO, *March 25, 12 Showa (1937)*

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date in which Your Excellency has informed me as follows:

[For text of U.S. note, see above.]

I have the honor to inform Your Excellency that I hereby confirm the above understanding for a final settlement of this question.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

NAOTAKE SATO

His Excellency

Mr. JOSEPH CLARK GREW,  
*Ambassador Extraordinary and Plenipotentiary  
 of the United States of America.*

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*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

*Tokyo, March 25, 1937*

MY DEAR MINISTER:

Permit me to refer to my note of today's date relating to the system of perpetual leases and to inform you that by the words "until the thirty-first day of the third month of the seventeenth year of Showa, corresponding to the 31st day of March, 1942, the present position as regards tax exemptions shall be maintained", it is understood that until March 31, 1942, no taxes at present in force shall be collected other than those heretofore collected from

the leaseholders, nor shall any taxes which may be introduced in the future be collected from the leaseholders if such taxes are directly connected with the perpetual leaseholds.

In the event of an American leasehold being transferred it is also understood that it shall continue to be subject to the terms of the understanding in my note under reference.

The friendly spirit in which this settlement has been brought about will, I trust, ensure its successful operation.

Sincerely yours,

JOSEPH C. GREW

His Excellency

Mr. NAOTAKE SATO,

*His Imperial Japanese Majesty's  
Minister for Foreign Affairs,  
etc., etc., etc.*

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*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

TOKYO, *March 25, 12 Showa (1937)*

MY DEAR AMBASSADOR:

I have the honour to acknowledge the receipt of Your Excellency's letter of today's date in which Your Excellency was so good as to inform me that by the words "until the thirty-first day of the third month of the seventeenth year of Showa, corresponding to the 31st day of March, 1942, the present position as regards tax exemptions shall be maintained", it is understood that until March 31, 1942, no taxes at present in force shall be collected other than those heretofore collected from the leaseholders, nor shall any taxes which may be introduced in the future be collected from the leaseholders if such taxes are directly connected with the perpetual leaseholds.

I take pleasure in confirming Your Excellency's understanding on this point and also with respect to the status of an American leasehold in the event of its transfer, and I reciprocate Your Excellency's hope that the friendly spirit in which this settlement has been brought about will ensure its successful operation.

NAOTAKE SATO

His Excellency

Mr. JOSEPH CLARK GREW,

*Ambassador Extraordinary and Plenipotentiary  
of the United States of America.*

## SETTLEMENT OF AWA MARU CLAIM

*Agreement and agreed terms of understanding signed at Tokyo April 14,  
1949*

*Entered into force April 14, 1949*

63 Stat. 2397; Treaties and Other  
International Acts Series 1911

### AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE JAPANESE GOVERNMENT FOR SETTLEMENT OF THE AWA MARU CLAIM

WHEREAS the Government of the United States of America and the Japanese Government reached an agreement during the recent hostilities that the Japanese Government would provide vessels which would transport supplies for the relief of Allied nationals in various areas of the Pacific then under Japanese control and the Government of the United States of America would guarantee the immunity of vessels on such missions from attack by Allied forces on both the outward and homeward voyages; and

WHEREAS the Japanese passenger-cargo vessel *Awa Maru* was sunk on April 1, 1945 while homeward bound from such a mission; and

WHEREAS the Government of the United States of America acknowledged responsibility for the sinking of the vessel and assured the Japanese Government that it would be prepared after the termination of hostilities to consider the question of indemnity; and

WHEREAS the Government of the United States of America and the Japanese Government sought to reach an equitable and mutually satisfactory solution of this claim; and

WHEREAS General of the Army Douglas MacArthur has extended his good offices as intermediary between the Government of the United States of America and the Japanese Government in an effort to facilitate agreement:

The undersigned, being duly authorized by their respective governments for that purpose, have reached the following agreement through the good offices of the Supreme Commander for the Allied Powers.

#### ARTICLE I

The Japanese Government, mindful of the equities of the situation as they have developed since the inception of the Occupation of Japan under General of the Army Douglas MacArthur and in appreciation of the assist-

ance—direct and indirect, in goods and services—received during the post-surrender period from the Government of the United States of America, waives on behalf of itself and all Japanese nationals concerned all claims of any description against the United States Government or any United States national arising out of the sinking of the *Awa Maru*.

#### ARTICLE II

The provisions of Article I shall bar, completely and finally, all claims of the nature referred to therein, which will be henceforward extinguished, whoever may be the parties in interest.

#### ARTICLE III

The Japanese Government will, in consideration of the special nature of this case, endeavor to provide adequate treatment in way of solatium for the families of those who perished in this disaster as well as for the owner of the vessel.

#### ARTICLE IV

The Government of the United States of America expresses its deep regret for the sinking of the *Awa Maru* and its sympathy with the families of those who perished in the disaster.

#### ARTICLE V

This Agreement shall take effect as from this day's date.

Executed in duplicate, in the English and Japanese languages, at Tokyo, this fourteenth day of April, 1949 (24 Showa).

For the Government of the United States of America:

WILLIAM J. SEBALD [SEAL]

*Acting United States Political Adviser for Japan*

For the Japanese Government:

SHIGERU YOSHIDA

*Minister for Foreign Affairs*

Attest:

DOUGLAS MACARTHUR

*General of the Army*

*United States Army*

*Supreme Commander for the Allied Powers*

## AGREED TERMS OF UNDERSTANDING

The signatories to the Agreement signed this date for settlement of the *Awa Maru* claim have confirmed on behalf of their respective Governments the following:

It is understood that Occupation costs and loans and credits extended to Japan by the Government of the United States of America since the time of the former's surrender are valid debts owed by Japan to the Government of the United States, reducible only by the decision of the Government of the United States.

Executed in duplicate, in the English and Japanese languages, at Tokyo, this fourteenth day of April, 1949 (24 Showa).

For the Government of the United States of America:

WILLIAM J. SEBALD [SEAL]

*Acting United States Political Adviser for Japan*

For the Japanese Government:

SHIGERU YOSHIDA

*Minister for Foreign Affairs*

Attest:

DOUGLAS MACARTHUR

*General of the Army*

*United States Army*

*Supreme Commander for the Allied Powers*

## *Korea*<sup>1</sup>

### PEACE, AMITY, COMMERCE, AND NAVIGATION

*Treaty signed at Yin-Chuen May 22, 1882*

*Senate advice and consent to ratification, with an understanding, January 9, 1883*<sup>2</sup>

*Ratified by the President of the United States, with an understanding, February 13, 1883*<sup>2</sup>

*Ratified by Korea May 18, 1883*

*Ratifications exchanged at Seoul May 19, 1883*

*Entered into force May 19, 1883*

*Proclaimed by the President of the United States June 4, 1883*

*Terminated August 29, 1910*<sup>3</sup>

23 Stat. 720; Treaty Series 61

#### TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF CHOSEN

The United States of America and the Kingdom of Chosen, being sincerely desirous of establishing permanent relations of amity and friendship between their respective peoples, have to this end appointed—that is to say, the President of the United States, R. W. Shufeldt, Commodore, U.S. Navy, as his Commissioner Plenipotentiary; and His Majesty, the King of Chosen, Shin-Chen, President of the Royal Cabinet; Chin-Hong-Chi, Member of the Royal Cabinet, as his Commissioners Plenipotentiary, who, having recipro-

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<sup>1</sup> Certain agreements between the United States and Japan were applicable also to Korea during the period of Japanese annexation.

<sup>2</sup> The U.S. understanding reads as follows:

“It is the understanding of the Senate in agreeing to the foregoing resolution, that the clause, ‘Nor are they permitted to transport native produce from one open port to another open port’, in Article VI of said treaty, is not intended to prohibit and does not prohibit American ships from going from one open port to another open port in Corea or Chosen to receive Corean cargo for exportation, or to discharge foreign cargo.”

<sup>3</sup> Date of treaty of annexation between Japan and Korea (1910 For. Rel. 681).

cally examined their respective full powers, which have been found to be in due form, have agreed upon the several following articles:

#### ARTICLE I

There shall be perpetual peace and friendship between the President of the United States and the King of Chosen and the citizens and subjects of their respective Governments.

If other Powers deal unjustly or oppressively with either Government, the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement, thus showing their friendly feelings.

#### ARTICLE II

After the conclusion of this Treaty of amity and commerce, the High Contracting Powers may each appoint Diplomatic Representatives to reside at the Court of the other, and may each appoint Consular Representatives at the ports of the other, which are open to foreign commerce, at their own convenience.

These officials shall have relations with the corresponding local authorities of equal rank upon a basis of mutual equality. The Diplomatic and Consular Representatives of the two Governments shall receive mutually all the privileges, rights and immunities, without discrimination, which are accorded to the same classes of Representatives from the most favored nation.

Consuls shall exercise their functions only on receipt of an exequatur from the Government, to which they are accredited. Consular authorities shall be *bona fide* officials. No merchants shall be permitted to exercise the duties of the office, nor shall Consular officers be allowed to engage in trade. At ports to which no Consular Representatives have been appointed, the Consuls of other Powers may be invited to act, provided, that no merchant shall be allowed to assume Consular functions, or the provisions of this treaty may, in such case, be enforced by the local authorities.

If Consular Representatives of the United States in Chosen conduct their business in an improper manner, their exequaturs may be revoked, subject to the approval, previously obtained, of the Diplomatic Representative of the United States.

#### ARTICLE III

Whenever United States vessels, either because of stress of weather, or by want of fuel or provisions, cannot reach the nearest open port in Chosen, they may enter any port or harbor, either to take refuge therein, or to get supplies of wood, coal and other necessaries, or to make repairs, the expenses incurred thereby being defrayed by the ship's master. In such event the officers and people of the locality shall display their sympathy by rendering full assistance, and their liberality by furnishing the necessities required.

If a United States vessel carries on a clandestine trade at a port not open to foreign commerce, such vessel, with her cargo, shall be seized and confiscated.

If a United States vessel be wrecked on the coast of Chosen, the local authorities, on being informed of the occurrence, shall immediately render assistance to the crew, provide for their present necessities, and take the measures necessary for the salvage of the ship and the preservation of her cargo. They shall also bring the matter to the knowledge of the nearest consular representative of the United States, in order that steps may be taken to send the crew home and to save the ship and cargo. The necessary expenses shall be defrayed either by the ship's master or by the United States.

#### ARTICLE IV

All citizens of the United States of America in Chosen, peaceably attending to their own affairs, shall receive and enjoy for themselves and everything appertaining to them, the protection of the local authorities of the Government of Chosen, who shall defend them from all insult and injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the consul, shall immediately despatch a military force to disperse the rioters, apprehend the guilty individuals, and punish them with the utmost rigor of the law.

Subjects of Chosen, guilty of any criminal act towards citizens of the United States, shall be punished by the authorities of Chosen, according to the laws of Chosen; and citizens of the United States, either on shore or in any merchant-vessel, who may insult, trouble or wound the persons, or injure the property of the people of Chosen, shall be arrested and punished only by the consul or other public functionary of the United States, thereto authorized, according to the laws of the United States.

When controversies arise in the Kingdom of Chosen between citizens of the United States and subjects of His Majesty, which need to be examined and decided by the public officers of the two nations, it is agreed between the two governments of the United States and Chosen, that such cases shall be tried by the proper official of the nationality of the defendant, according to the laws of that nation. The properly authorized official of the plaintiff's nationality shall be freely permitted to attend the trial, and shall be treated with the courtesy due to his position. He shall be granted all proper facilities for watching the proceedings in the interests of justice. If he so desires, he shall have the right to present, to examine and to cross-examine witnesses. If he is dissatisfied with the proceedings, he shall be permitted to protest against them in detail.

It is however mutually agreed and understood between the high contracting powers, that whenever the King of Chosen shall have so far modified and reformed the statutes and judicial procedure of his kingdom that, in the judgment of the United States, they conform to the laws and course of justice

in the United States, the right of extritorial jurisdiction over United States citizens in Chosen shall be abandoned, and thereafter United States citizens, when within the limits of the Kingdom of Chosen, shall be subject to the jurisdiction of the native authorities.

#### ARTICLE V

Merchants and merchant vessels of Chosen visiting the United States for purposes of traffic, shall pay duties upon all merchandise imported and exported under the Customs-Regulations of the United States, but no higher or other rates of duties and tonnage-dues shall be exacted of them, than are levied upon citizens of the United States or upon citizens or subjects of the most favored nation.

Merchants and merchant vessels of the United States visiting Chosen for purposes of traffic, shall pay duties upon all merchandise imported and exported. The authority to levy duties is of right vested in the government of Chosen. The tariff of duties upon exports and imports, together with the Customs-Regulations for the prevention of smuggling and other irregularities, will be fixed by the authorities of Chosen and communicated to the proper officials of the United States, to be by the latter notified to their citizens and duly observed.

It is however agreed in the first instance as a general measure, that the tariff upon such imports as are articles of daily use shall not exceed an ad valorem duty of ten per centum; that the tariff upon such imports as are luxuries, as for instance foreign wines, foreign tobacco, clocks and watches, shall not exceed an ad valorem duty of thirty per centum, and that native produce exported shall pay a duty not to exceed five per centum ad valorem. And it is further agreed that the duty upon foreign imports shall be paid once for all at the port of entry, and that no other dues, duties, fees, taxes or charges of any sort shall be levied upon such imports either in the interior of Chosen or at the ports.

United States merchant-vessels entering the ports of Chosen shall pay tonnage-dues at the rate of five mace per ton, payable once in three months on each vessel, according to the Chinese calendar.

#### ARTICLE VI

Subjects of Chosen who may visit the United States shall be permitted to reside and to rent premises, purchase land, or to construct residences or warehouses in all parts of the country. They shall be freely permitted to pursue their various callings and avocations, and to traffic in all merchandise, raw and manufactured, that is not declared contraband by law. Citizens of the United States who may resort to the ports of Chosen which are open to foreign commerce, shall be permitted to reside at such open ports within the limits of the concessions and to lease buildings or land, or to construct residences or warehouses therein. They shall be freely permitted to pursue their various

callings and avocations within the limits of the port, and to traffic in all merchandise, raw and manufactured, that is not declared contraband by law.

No coercion or intimidation in the acquisition of land or buildings shall be permitted, and the land rent as fixed by the authorities of Chosen shall be paid. And it is expressly agreed that land so acquired in the open ports of Chosen still remains an integral part of the Kingdom, and that all rights of jurisdiction over persons and property within such areas remain vested in the authorities of Chosen, except in so far as such rights have been expressly relinquished by this treaty.

American citizens are not permitted either to transport foreign imports to the interior for sale, or to proceed thither to purchase native produce. Nor are they permitted to transport native produce from one open port to another open port.<sup>4</sup>

Violations of this rule will subject such merchandise to confiscation, and the merchant offending will be handed over to the consular authorities to be dealt with.

#### ARTICLE VII

The Governments of the United States and of Chosen mutually agree and undertake that subjects of Chosen shall not be permitted to import opium into any of the ports of the United States, and citizens of the United States shall not be permitted to import opium into any of the open ports of Chosen, to transport it from one open port to another open port, or to traffic in it in Chosen. This absolute prohibition which extends to vessels owned by the citizens or subjects of either power, to foreign vessels employed by them, and to vessels owned by the citizens or subjects of either Power and employed by other persons for the transportation of opium, shall be enforced by appropriate legislation on the part of the United States and of Chosen, and offenders against it shall be severely punished.

#### ARTICLE VIII

Whenever the Government of Chosen shall have reason to apprehend a scarcity of food within the limits of the Kingdom, His Majesty may by decree temporarily prohibit the export of all breadstuffs, and such decree shall be binding on all citizens of the United States in Chosen upon due notice having been given them by the authorities of Chosen through the proper officers of the United States; but it is to be understood that the exportation of rice and breadstuffs of every description is prohibited from the open port of Yin-Chuen.

Chosen having of old prohibited the exportation of red ginseng, if citizens of the United States clandestinely purchase it for export, it shall be confiscated and the offenders punished.

<sup>4</sup> For a U.S. understanding relating to this clause, see footnote 2, p. 470.

## ARTICLE IX

Purchase of cannon, small arms, swords, gunpowder, shot and all munitions of war is permitted only to officials of the Government of Chosen, and they may be imported by citizens of the United States only under a written permit from the authorities of Chosen. If these articles are clandestinely imported, they shall be confiscated and the offending party shall be punished.

## ARTICLE X

The officers and people of either nation residing in the other, shall have the right to employ natives for all kinds of lawful work.

Should, however, subjects of Chosen, guilty of violation of the laws of the Kingdom, or against whom any action has been brought, conceal themselves in the residences or warehouses of United States citizens, or on board United States merchant vessels, the consular authorities of the United States, on being notified of the fact by the local authorities, will either permit the latter to despatch constables to make the arrests, or the persons will be arrested by the consular authorities and handed over to the local constables.

Officials or citizens of the United States shall not harbor such persons.

## ARTICLE XI

Students of either nationality, who may proceed to the country of the other, in order to study the language, literature, laws or arts, shall be given all possible protection and assistance in evidence of cordial good will.

## ARTICLE XII

This being the first treaty negotiated by Chosen, and hence being general and incomplete in its provisions, shall in the first instance be put into operation in all things stipulated herein. As to stipulations not contained herein, after an interval of five years, when the officers and people of the two Powers shall have become more familiar with each others language, a further negotiation of commercial provisions and regulations in detail, in conformity with international law and without unequal discriminations on either part shall be had.

## ARTICLE XIII

This Treaty and future official correspondence between the two contracting Governments shall be made, on the part of Chosen, in the Chinese language.

The United States shall either use the Chinese language, or, if English be used, it shall be accompanied with a Chinese version in order to avoid misunderstanding.

## ARTICLE XIV

The High Contracting Powers hereby agree that, should at any time the King of Chosen grant to any nation or to the merchants or citizens of any nation, any right, privilege or favor, connected either with navigation, commerce, political or other intercourse, which is not conferred by this Treaty, such right, privilege and favor shall freely inure to the benefit of the United States, its public officers, merchants and citizens, provided always, that whenever such right, privilege or favor is accompanied by any condition, or equivalent concession granted by the other nation interested, the United States, its officers and people shall only be entitled to the benefit of such right, privilege or favor upon complying with the conditions or concessions connected therewith.

In faith whereof the respective Commissioners Plenipotentiary have signed and sealed the foregoing at Yin-Chuen in English and Chinese, being three originals of each text of even tenor and date, the ratifications of which shall be exchanged at Yin-Chuen within one year from the date of its execution, and immediately thereafter this Treaty shall be in all its provisions publicly proclaimed and made known by both Governments in their respective countries, in order that it may be obeyed by their citizens and subjects respectively.

Chosen, May the 22nd, A. D. 1882.

R. W. SHUFELDT [SEAL]  
*Commodore, U. S. N., Envoy of the U. S. to Chosen*

SHIN CHEN [ideographic signature] [SEAL]  
CHIN HONG CHI [ideographic signature]

## MILITARY AND SECURITY MEASURES

*Interim agreement signed at Seoul August 24, 1948*  
*Entered into force August 24, 1948*

62 Stat. 3817; Treaties and Other  
International Acts Series 1918

SEOUL, KOREA  
24 August 1948

### EXECUTIVE AGREEMENT BETWEEN THE PRESIDENT OF THE REPUBLIC OF KOREA AND THE COMMANDING GENERAL, UNITED STATES ARMY FORCES IN KOREA, CONCERNING INTERIM MILITARY AND SECURITY MATTERS DURING THE TRANSITIONAL PERIOD

#### PREAMBLE

Whereas, the President of the Republic of Korea and the Commanding General, United States Army Forces in Korea, exchanged notes on August 9, 1948,<sup>1</sup> and August 11, 1948,<sup>1</sup> respectively, concerning the progressive and orderly transfer of governmental functions from the Commanding General of United States Army Forces in Korea to the Government of the Republic of Korea leading to the withdrawal of United States forces from Korea and the termination of the United States Occupation;

Whereas, the President of the Republic of Korea and the Commanding General, United States Army Forces in Korea, have appointed representatives to consult for the purpose of facilitating the progressive and orderly transfer of governmental responsibility, and of facilitating arrangements for the withdrawal of forces under the command of the Commanding General, United States Army Forces in Korea;

Whereas, the consultations between the representatives of the President of the Republic of Korea and of the Commanding General, United States Army Forces in Korea have revealed the common interest of the Government of the Republic of Korea and the Commanding General, United States Army Forces in Korea in maintaining the security of Korea, and in continuing the organization, training and equipping of Security Forces of the Republic of Korea now in being, until the completion of the withdrawal of United States forces;

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<sup>1</sup> Not printed.

Whereas, it is desirable to establish an agreed basis for accomplishing the common military and security requirements which were revealed by the consultations between the representatives of the President of the Republic of Korea and of the Commanding General, United States Army Forces in Korea; and

Whereas, Article 61 of the Constitution of the Republic of Korea provides that the President of the Republic of Korea shall be the Commander-in-Chief of the National Military Forces and that the organization and formation of the military forces shall be determined in accordance with law;

Therefore, the President of the Republic of Korea in his dual capacity of Chief Executive of the Republic of Korea and Commander-in-Chief of the National Military Forces and the Commanding General, United States Army Forces in Korea, agree upon the following military and security measures to be effective until the completion of the withdrawal of United States forces from Korea:

#### ARTICLE I

The Commanding General, United States Army Forces in Korea, agrees that, pursuant to directives from his government and within his capabilities, he will continue to organize, train and equip the Security Forces of the Republic of Korea now in being, provided that his obligation shall cease upon the completion of withdrawal from Korea of forces under his command.

#### ARTICLE II

The Commanding General, United States Army Forces in Korea, agrees to transfer to the Government of the Republic of Korea progressively, and as rapidly as he deems compatible with common security, responsibility for the direction of the Security Forces of the Republic of Korea, consisting of all Police, Coast Guard and Constabulary units now in being, and the President of the Republic of Korea agrees to accept progressively, for the Government of the Republic of Korea, responsibility for the direction of these forces. It is further agreed that the Commanding General, United States Army Forces in Korea, shall retain until completion of withdrawal of United States Army Forces as contemplated in par 4 (c) of Resolution No. II passed by the United Nations General Assembly 14 November 1948 (which reads as follows: "(c) arrange with the occupying powers for the complete withdrawal from Korea of their armed forces as early as practicable and if possible within 90 days".) the authority to exercise such over-all operational control of Security Forces of the Republic of Korea (including the Constabulary and Coast Guard and such National Police detachments as may be stationed in critical areas) as he deems necessary in the interests of common security, or to facilitate the organization, training and equipping of the Security Forces of the Republic of Korea. The provisions of this article shall not interfere with the sovereign rights of the Government of the Republic of Korea in the

administration of the Korean Security Forces, the screening of their personnel to eliminate enemies of the Government of the Republic of Korea, the selection of recruits to fill the ranks of existing or future units and the formation of such additional Korean Security Forces as may be provided by law in accordance with the provisions of Article 61 of the Constitution of the Republic of Korea.

### ARTICLE III

Pursuant to the provisions of the note transmitted by the President of the Republic of Korea to the Commanding General, United States Army Forces in Korea, on August 9, 1948, the President of the Republic of Korea agrees that the Commanding General, United States Army Forces in Korea, shall retain control over areas and facilities of vital importance (such as ports, camps, railways, lines of communication, airfields, etc.) which he deems necessary in order to accomplish the transfer of authority to the Government of the Republic of Korea and the withdrawal of United States occupation forces from Korea in accordance with the United Nations General Assembly Resolution on Korea. The Commanding General, United States Army Forces in Korea agrees to list for the Government of the Republic of Korea as soon as practicable those areas and facilities as described above currently in use by his forces, and to keep the Government informed of all changes therein. It is further agreed that the Commanding General, United States Army Forces in Korea, shall retain exclusive jurisdiction over the personnel of his command, both military and civilian, including their dependents, whose conduct as individuals shall be in keeping with pertinent laws of the Republic of Korea. It is further agreed that any individuals under the jurisdiction of the Commanding General, United States Army Forces in Korea, as described above, who may be apprehended by law enforcement agencies of the Government of the Republic of Korea shall be immediately turned over to the custody and control of the Commanding General, United States Army Forces in Korea, and that any individuals not under the jurisdiction of the Commanding General, United States Army Forces in Korea, who may be apprehended in acts detrimental to the security of personnel or property under his jurisdiction, shall be immediately turned over to the custody and control of the Government of the Republic of Korea.

### ARTICLE IV

It is agreed between the President of the Republic of Korea and the Commanding General, United States Army Forces in Korea, that the details for accomplishing the progressive and orderly transfer of responsibility for all Korean Security Forces to the Government of the Republic of Korea in accordance with the principles herein set forth in this interim agreement shall be determined between appropriate officials of the Government of the Republic of Korea and of the United States Army Forces in Korea and the

transfer of responsibility for the Korean Security Forces to the Government of the Republic of Korea shall begin at the earliest practicable time.

ARTICLE V

This agreement shall be registered with the Government of the United States of America and with the Government of the Republic of Korea, in duplicate in the English and Korean languages, at Seoul, Korea, this 24 day of August, 1948. The English text and the Korean text shall have equal force, but in the case of divergence the English text shall prevail.

SYNGMAN RHEE

[SEAL]

*President of the Republic of Korea*

JOHN R. HODGE *Lt. Gen. USA*

[SEAL]

*Commanding General, United States Army Forces in Korea*

## FINANCIAL AND PROPERTY SETTLEMENT

*Agreement and supplement signed at Seoul September 11, 1948*

*Ratified by Korea September 18, 1948*

*Korean ratification notified to the United States September 20, 1948*

*Entered into force September 20, 1948*

*Article VII superseded by agreement of June 13, 1949<sup>1</sup>*

*Superseded, in part, by article II of agreement of July 9, 1966<sup>2</sup>*

*Article IX modified by agreement of June 14 and July 5, 1971<sup>3</sup>*

62 Stat. 3422; Treaties and Other  
International Acts Series 1851

### INITIAL FINANCIAL AND PROPERTY SETTLEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF KOREA

#### PREAMBLE

The Government of the United States of America and the Government of the Republic of Korea, in view of the note of August 9, 1948<sup>4</sup> from the President of the Republic of Korea to the Commanding General, United States Army Forces in Korea, the note of August 11, 1948,<sup>4</sup> from the Commanding General, United States Army Forces in Korea to the President of the Government of the Republic of Korea, and in view of the desirability of concluding an initial financial and property settlement between the Government of the United States of America and the Government of the Republic of Korea, the undersigned, being duly authorized by their respective Governments for that purpose, agree as follows:

#### ARTICLE I

The Government of the United States of America hereby transfers to the Government of the Republic of Korea all right, title, and interest held by the United States of America to all property classified as national property in the land and buildings ledgers, and map books of the district tax offices and the land and buildings registers of the courts, together with all improvements on and additions to such property, all cash and bank deposits of the

<sup>1</sup> 9 UST 509; TIAS 4026.

<sup>2</sup> 17 UST 1677; TIAS 6127.

<sup>3</sup> 22 UST; TIAS 7169.

<sup>4</sup> Not printed.

United States Army Military Government in Korea and of the South Korean Interim Government, all equipment, supplies, and other property held by the departments, offices and agencies of the United States Army Military Government in Korea and of the South Korean Interim Government, including all relief and rehabilitation supplies heretofore furnished to the Korean economy by the Government of the United States of America. Military property of the Government of the United States of America furnished to the Korean Constabulary, Police, or Coast Guard will be transferred to the Government of the Republic of Korea from time to time as authority for such transfer is given by the Government of the United States of America to its representative in Korea. Such transfers of military property shall be accomplished through the Office of the Foreign Liquidation Commissioner of the United States Department of State and in accordance with separate agreements to be entered into between said Foreign Liquidation Commissioner and the Government of the Republic of Korea. The Government of the Republic of Korea agrees that property retained for use by or under the control of the United States Army Forces in Korea during the period of troop withdrawal shall be made available for the use of the Government of the United States of America and maintained without charge to the Government of the United States of America during the period of troop withdrawal. The Government of the Republic of Korea agrees that properties specified in Exhibit A shall be made available for the temporary use of the Government of the United States under free leaseholds, and further agrees that it will bear all costs in Korean currency for the repair and maintenance of such properties. The Government of the Republic of Korea hereby assumes and relieves the Government of the United States of America of all liability for the South Korean Interim Government overdraft account at the Bank of Chosun, commitments under loans guaranteed by the United States Army Military Government in Korea, its agencies and instrumentalities, and by the South Korean Interim Government, and all other obligations incurred by the United States Army Military Government in Korea and by the South Korean Interim Government, including present and future claims of every kind and description.

This section shall be effective until an agreement comes into effect between the Government of the United States of America and the Government of the Republic of Korea on aid to the Government of the Republic of Korea. To the extent that relief and rehabilitation supplies still on hand or hereafter received are transferred to the Government of the Republic of Korea by the Government of the United States of America, such transfer shall be made in a progressive and orderly manner, and the Government of the Republic of Korea shall assume responsibility for the receipt, allocation, distribution and accounting for American-financed supplies. Net won proceeds and accounts receivable derived from the sales of relief and rehabilitation supplies by the

United States Military Government in Korea or by the South Korean Interim Government, shall be turned over to the Government of the Republic of Korea. The Government of the Republic of Korea agrees to deposit these proceeds in a special account in its name in the Bank of Chosun. The Government of the Republic of Korea further agrees to deposit in this special account the proceeds of all sales of relief and rehabilitation supplies which have been or may be transferred by the Government of the United States of America to the Government of the Republic of Korea. Disbursement from this special account will be made only for such purposes as are agreed upon between the senior representative of the Government of the United States of America and the Government of the Republic of Korea.

Net proceeds in Korean currency and accounts receivable derived from sales of certain property declared surplus to the Office of the Foreign Liquidation Commissioner of the United States Department of State and heretofore furnished to the Korean economy are hereby transferred to the Government of the Republic of Korea.

#### ARTICLE II

The Government of the United States of America agrees to effect settlement for all imports from Japan for the Korean economy delivered between September 9, 1945, and the effective date of this agreement, less the value of Korean exports shipped to Japan during such period.

#### ARTICLE III

The Government of the United States of America hereby transfers from its custody to the custody of the Government of the Republic of Korea any property in Korea which may have been owned or controlled, directly or indirectly, in whole or in part, on or since August 9, 1945, by Germany; or by any German nationals, corporations, societies, associations, or any other German organization. The Government of the Republic of Korea agrees to take all necessary measures to facilitate such transfers of German assets in Korea as may be determined by the United States of America in consultation with the Republic of France and the United Kingdom of Great Britain and Northern Ireland.

#### ARTICLE IV

The Government of the United States of America hereby transfers to the Government of the Republic of Korea the Korean Foreign Exchange Bank shares presently owned and held by the United States Army Military Government in Korea, together with all the assets and liabilities of said Bank. The Government of the United States of America hereby transfers to the Government of the Republic of Korea the net residual balances of foreign exchange now standing to the credit of the South Korean Interim Government in said Bank, subject to allocation and use only after consultation with and concur-

rence of the senior representative in Korea of the Government of the United States of America. Pending further agreement between the Government of the United States of America and the Government of the Republic of Korea, existing foreign exchange controls shall be retained by the Government of the Republic of Korea.

#### ARTICLE V

The Government of the Republic of Korea recognizes and ratifies such disposition of former Japanese public and private property vested under Ordinance Number 33 of the United States Army Military Government in Korea as has already been effected by the United States Army Military Government in Korea. Except for the reservations in respect to the acquisition and use of property by the Government of the United States of America contained in Articles I and IX of this agreement, the remaining vested but unsold property, the net unexpended proceeds from rentals and sales of vested property, together with all accounts receivable and sales contracts, shall be transferred to the Government of the Republic of Korea in the following way:

(a) All cash, bank deposits or other liquid assets are hereby transferred as of the effective date of this agreement;

(b) All other vested property that is to be transferred, together with all available inventories, maps, deeds, or other evidences of ownership, will be turned over progressively to the Government of the Republic of Korea, supported by balance sheets, operating statements, and other financial records relating to vested property, as rapidly as an orderly transfer can be effected. The Government of the Republic of Korea agrees to establish a separate governmental agency to receive and administer for the benefit of the Korean people the property, heretofore vested under Ordinance No. 33, which is or will be transferred to the Government of the Republic of Korea under the provisions of this Article.

The Government of the Republic of Korea will respect, preserve and protect the rights and interests, direct or indirect, of nationals of countries at war with Japan, in former Japanese property in Korea acquired by the Government of the Republic of Korea in accordance with this Article provided such rights and interests were legally acquired by *bona fide* transfer prior to the effective date of Ordinance No. 33.

The Government of the Republic of Korea hereby relieves the United States of America of all liability, including all current and future claims arising out of the vesting, administration and disposal of the property referred to in this Article.

#### ARTICLE VI

Property in Korea of United Nations nationals, which was seized, confiscated or sequestered by the Imperial Japanese Government under its wartime regulations, together with property in Korea of other persons which

was treated by the Imperial Japanese Government as enemy property, and which is transferred to the Government of the Republic of Korea under the provisions of Article V, will be protected and preserved by the Government of the Republic of Korea pending its return to its rightful owners, provided such owners request the return of the property within a reasonable period. The Government of the Republic of Korea undertakes to return all such identifiable property, if not otherwise provided for by mutual agreement between the owner and the Government of the Republic of Korea. Continuing the policy initiated by the United States Army Military Government in Korea, the Government of the Republic of Korea undertakes to compensate the owners for damage or loss to such property during the period that it was not under the control of such owners, to the same degree as compensation is paid by the Government of the Republic of Korea for loss or damage to Korean property seized, confiscated or sequestered for war purposes by the Imperial Japanese Government, its agencies, instrumentalities, or its nationals. The Government of the Republic of Korea hereby relieves the Government of the United States of America from liability for any claim arising out of the administration of property referred to in this Article prior to the effective date of this agreement.

#### ARTICLE VII<sup>5</sup>

The Government of the United States of America and the Government of the Republic of Korea agree to collaborate in arranging a satisfactory settlement of any unpaid debt owing to the Soviet authorities in Korea for power furnished for the Korean economy from September 9, 1945, to the effective date of this Agreement. The Government of the United States of America further agrees to liquidate this debt, whenever a fair value of the unpaid debt has been agreed upon by the representatives of the Soviet and United States authorities.

#### ARTICLE VIII

The Government of the United States of America, through the United States Army Military Government in Korea, has reimbursed Korea at a fair dollar value for all goods, services and facilities provided for and to the United States Army Forces in Korea from the Korean economy for the period from September 9, 1945, through June 30, 1948, inclusive; and for all claims of every kind and description against the Government of the United States of America, its officials, employees, or agencies and instrumentalities, raised or which may be raised by the Government of the Republic of Korea, its nationals, or other individuals and organizations, as a result of the occupation of Korea by the United States Army Forces in Korea during such period.

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<sup>5</sup> Superseded by agreement of June 13, 1949 (9 UST 509; TIAS 4026).

The Government of the Republic of Korea agrees that this payment constitutes full, final and complete settlement for all goods and services used by or provided to the United States Army Forces in Korea during the aforementioned period, and for all claims of every kind and description against the Government of the United States of America, its officials, employees, or agencies and instrumentalities, raised or which may be raised by the Government of the Republic of Korea, its instrumentalities, nationals, or other individuals or organizations as a result of the occupation of Korea by the United States Army Forces for the period from September 9, 1945, through June 30, 1948. The Government of the Republic of Korea further discharges and agrees to save harmless, the Government of the United States of America, its officials, employees, or agencies and instrumentalities, its nationals or other individuals and organizations, from all claims of every kind and description arising as a result of the occupation of Korea by the United States Army Forces in Korea during the period prior to July 1, 1948. The Government of the Republic of Korea hereby recognizes and ratifies the agreement under which the abovementioned payment to Korea was effected.

The Government of the Republic of Korea also assumes and relieves the Government of the United States of America of all liability for funds used from the overdraft account at the Bank of Chosun entitled "United States Army Military Government in Korea Funding Account." The Government of the Republic of Korea agrees that the Commanding General, United States Army Forces in Korea shall continue to draw won from the overdraft account at the Bank of Chosun presently entitled "United States Army Military Government in Korea Funding Account No. 2" and the Government of the United States of America hereby agrees to pay to the Government of the Republic of Korea in dollars or other United States assets, the fair dollar value of all goods and services procured in the Korean economy with won drawn from such account.

#### ARTICLE IX <sup>6</sup>

a. In consideration for certain property heretofore furnished to the Korean economy by the Government of the United States of America through the Office of the Foreign Liquidation Commissioner of the United States Department of State and the United States Army Military Government in Korea, including the net proceeds in Korean currency arising from the sale of such property, the Government of the Republic of Korea agrees to pay to the Government of the United States of America in the manner provided in the terms of this Article, the fair value of said property, not to exceed the equivalent of \$25,000,000 as shown on the records of said Foreign Liquidation Commissioner, covering the transfer of such property to the United States Army Military Government in Korea. Interest shall accrue

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<sup>6</sup> For a supplement relating to art. IX, see p. 489. Art. IX modified by agreement of June 14 and July 5, 1971 (22 UST; TIAS 7169).

at the rate of 2- $\frac{3}{8}$  per centum per annum from July 1, 1948, on the unpaid balance of the total fair value of said property, and shall be due and payable in Korean currency on July 1, of each year, the first payment to be made on July 1, 1949.

*b.* At such times and in such amounts as shall be specified by the Government of the United States of America, the Government of the Republic of Korea shall pay in Korean currency all or part of the balance then due under the indebtedness set forth in this Article, including interest due and unpaid, if any, less any credits made for property as provided in paragraph *d* of this Article, and the Government of the United States of America shall credit the balance due under such indebtedness with the United States dollar equivalent of such currency. Any currency so received by the Government of the United States of America shall be used in accordance with the provisions set forth in paragraph *c* of this Article.

*c.* The Government of the United States of America and the Government of the Republic of Korea agree that the Korean currency to be received by the Government of the United States of America as provided in paragraph *b* of this Article, as well as the Korean currency to be received by the Government of the United States of America as interest provided in paragraph *a* of this Article, shall be expended in Korea and may be used for the payment of any or all expenditures in Korea of the Government of the United States of America, including expenditures for:

(1) Such educational programs as may be mutually agreed upon by the two Governments, and

(2) the acquisition of property located in Korea, either real or personal, tangible or intangible, including improvements to any property in which the Government of the United States of America has an interest. Such property shall include initially the property listed in the Supplement to this Agreement.

*d.* At the request of the Government of the United States of America, the Government of the Republic of Korea shall deliver title to such property as may, by mutual agreement, be acquired by the Government of the United States of America in accordance with the terms of this Article. Upon the delivery of title to such property by the Government of the Republic of Korea to the Government of the United States of America, the Government of the United States of America shall credit the account of the Government of the Republic of Korea under this Article with the agreed-upon fair-dollar value of such property.

*e.* Except as may be provided by special agreement between the two Governments, the Government of the United States of America shall not request the Government of the Republic of Korea to make payment in Korean currency or to deliver title to property located in Korea, as provided in paragraphs *b* and *d* of this Article, the combined total amount of which exceeds in any single fiscal year beginning July 1, the equivalent value of

\$5,000,000 plus interest due and payable as provided in paragraph *a* of this Article.

*f.* The won equivalent of the dollar obligations assumed by the Government of the Republic of Korea under the terms of this Agreement shall be calculated by mutual agreement between the Government of the Republic of Korea and the Government of the United States of America, such calculations to be made immediately prior to each payment. The won equivalent in any case shall be no less favorable to the Government of the United States of America than the conversion rate legally available to any third party at the time of each transaction.

#### ARTICLE X

The Government of the Republic of Korea hereby agrees that it will not permit the re-export or diversion of equipment, supplies and other property furnished to it by the Government of the United States of America under the terms of this Agreement unless such re-export or diversion is approved by a duly authorized representative of the Government of the United States of America.

#### ARTICLE XI

The Government of the Republic of Korea agrees to continue in full force and effect all existing laws, ordinances, public acts, and regulations of the United States Army Military Government in Korea and/or of the South Korean Interim Government until repealed or amended by the Government of the Republic of Korea.

#### ARTICLE XII

Pending negotiation of mutually satisfactory treaties of amity and commerce, it is agreed by the contracting parties that the rights and privileges now enjoyed by United Nations nationals and firms engaged in lawful pursuits in Korea shall be respected and affirmed.

#### ARTICLE XIII

Administrative control over the accounts, properties, and operating facilities transferred to the Government of the Republic of Korea under the terms of this Agreement shall be turned over in a progressive and orderly manner to the authorized officials of the Government of the Republic of Korea within 30 days from the effective date of this Agreement, or as rapidly as the Government of the Republic of Korea is prepared to assume such operations and responsibilities, except that administrative control over vested properties and over relief and rehabilitation supplies shall be turned over not later than 90 days from the effective date of this Agreement, or as rapidly as the Government of the Republic of Korea is prepared to assume such operations and responsibilities.

## ARTICLE XIV

Until such time as the United States Army Forces in Korea are withdrawn from Korea, the Government of the United States of America and the Government of the Republic of Korea agree that they shall be bound by, and shall respect all agreements previously made between the United States Army Forces in Korea and the several Departments of the United States Army Military Government in Korea concerning the use of certain transportation, communication, and other facilities and services by the United States Army Forces in Korea.

The present Agreement shall become effective with the formal notification to the Government of the United States of America that the Korean National Assembly has consented to this Agreement.

Done in duplicate, in the English and Korean languages at Seoul, Korea, this 11th day of September 1948. The English and the Korean texts shall have equal force, but in the case of divergence, the English text shall prevail.

For the Government of the United States of America:

JOHN J. MUCCIO

For the Government of the Republic of Korea:

LEE, BUMSUK

T. S. CHANG

[SEAL]

## SUPPLEMENT TO THE INITIAL FINANCIAL AND PROPERTY SETTLEMENT

This Agreement between the Government of the United States of America, hereinafter called "United States," and the Government of the Republic of Korea, hereinafter called "Korea" is supplemental to the "Initial Financial and Property Settlement," Article IX, this date, and covers the transfer of real property in return for surplus property furnished Korea.

Witnesseth:

Whereas, the "Initial Financial and Property Settlement" between Korea and the United States provides in Article IX that at the request of the United States, Korea shall deliver title to such property located in Korea in which the United States has an interest, and

Whereas, Korea has agreed in Section *d* of the Article of the Agreement above referred to, to make available property desired by the United States at prices to be agreed upon by the Governments, and

Whereas, the United States has already selected certain properties which it desires to receive under the terms of the Agreement referred to above,

Now, therefore, it is agreed:

1. That Korea transfer, on or about the sixtieth day from the effective date of this Agreement, to the United States, at prices to be specified in dollars and to be determined by three recognized appraisers, one of whom shall be nominated by Korea, one by the United States, and the Chairman by the two appraisers first chosen, properties including but not limited to the following:

- (A) Dependent House & Lot No. 10  
1-39 Chong Dong  
1,362 Pyung
- (B) Russian No. 1  
1-39 Chong Dong  
720 Pyung
- (C) Vacant lot west of present U.S. Consulate  
1-9 Chong Dong  
1,414 Pyung
- (D) Vacant lots south of present U.S. Consulate; part of the road now running beside the U.S. Consulate leading to the property of the Seoul Club 8-1, 8-3, 8-4, 8-5, 8-6, 8-7, 8-8, 8-9, 8-10, and 8-17 Chong Dong  
535.40 Pyung
- (E) Triangular lot directly east of DH No. 10 and Russian No. 1, together with one warehouse, three houses and other buildings thereon  
1-39 Chong Dong  
Sawdai Moon Koo  
1,675 Pyung
- (F) All of former Military Government Area #2, consisting of approximately 43 houses, miscellaneous other buildings, and the land on which situated. This is intended to include all property owned by the Siksan Bank in this area. All of 49-1 Song Hyun Dong, and all of 96, 97-2, 98, 99, 102, 103-1, 104-1 and 104-2 of Sakan Dong together with all buildings thereon. 9,915 Pyung, more or less.
- (G) Banto Hotel and adjacent parking lot to East  
180-2 Ulchi-Ro  
Chongno Koo  
1,944 Pyung

In witness whereof the undersigned, duly authorized by their respective governments, have signed the present agreement in the English and Korean languages at Seoul, Korea, on the 11th day of September 1948.

The English and Korean texts shall have equal force, but in case of divergence, the English text shall prevail.

For the Government of the United States of America:

JOHN J. MUCCIO

For the Government of the Republic of Korea:

LEE, BUMSUK

T. S. CHANG

[SEAL]

## EXHIBIT A

Properties to be made available by the Government of the Republic of Korea for the temporary use of the Government of the United States under free leaseholds, will include but will not be limited to the following:

- (A) Specified 51 houses and lots in the three military areas #1, #2 and #7.
- (B) DH #9, DH #109, DH #143, DH #218, DH #221, Billet #5, Billet #10 and Billet #11 in scattered areas.
- (C) Mitsui Building and lot opposite Banto Hotel.
- (D) OCI Information Center and lot (former Metropolitan Police building).
- (E) Special Troops area.
- (F) 216th Quartermaster concrete warehouse in area near South Gate.
- (G) 56 houses and lots in 7th Division area (Camp Sobingo).
- (H) 57 housing units in Capitol grounds area.
- (I) Billet #32 (Kookje Hotel) and Billet #24 (Sudo Hotel).
- (J) Billet #23 (Nai Ja Apartments) comprising three buildings.
- (K) Billet #38 (Plaza Hotel).
- (L) Yong Dong Po dependent housing area #1, consisting of 8 usable houses and 15 apartments.

## ECONOMIC COOPERATION

*Agreement signed at Seoul December 10, 1948*

*Ratified by Korea December 13, 1948*

*Korean ratification notified to the United States December 14, 1948*

*Entered into force December 14, 1948*

*Superseded February 28, 1961, by agreement of February 8, 1961*<sup>1</sup>

62 Stat. 3780; Treaties and Other  
International Acts Series 1908

### AGREEMENT ON AID BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA

#### PREAMBLE

The Government of the Republic of Korea having requested the Government of the United States of America for financial, material and technical assistance to avert economic crisis, promote national recovery, and insure domestic tranquility in the Republic of Korea, and

The Congress of the United States of America, in the Act approved June 28, 1948, (Public Law 793, 80th Congress),<sup>2</sup> having authorized the President of the United States of America to furnish assistance to the people of the Republic of Korea, and

The Government of the United States of America and the Government of the Republic of Korea, believing that the furnishing of such assistance, on terms consonant with the independence and security of the Government of the Republic of Korea, will help to achieve the basic objectives of the Charter of the United Nations<sup>3</sup> and the United Nations General Assembly Resolutions on November 14, 1947,<sup>4</sup> and will further strengthen the ties of friendship between the American and Korean peoples:

The undersigned, being duly authorized by their respective Governments for that purpose, have agreed as follows:

#### ARTICLE I

The Government of the United States of America will furnish the Government of the Republic of Korea such assistance as the President of the United

<sup>1</sup> 12 UST 268; TIAS 4710.

<sup>2</sup> 62 Stat. 1054.

<sup>3</sup> TS 993, *ante*, vol. 3, p. 1153.

<sup>4</sup> *Department of State Bulletin*, Nov. 30, 1947, p. 1031.

States of America may authorize to be provided in accordance with the Act of Congress approved June 28, 1948, (Public Law 793, 80th Congress), and any Acts amendatory or supplementary thereto.

## ARTICLE II

The Government of the Republic of Korea, in addition to making the most advantageous use of all available Korean resources, will make similarly effective use of the aid furnished to the Government of the Republic of Korea by the Government of the United States of America. In order further to strengthen and stabilize the economy of Korea as soon as possible, the Government of the Republic of Korea hereby undertakes to effectuate, among others, the following measures:

(a) The balancing of the budget through the exercise of economy in governmental expenditures and the increase of governmental revenues by all practicable means.

(b) The maintenance of such controls over the issuance of currency and the use of private and governmental credit as are essential to the attainment of economic stability.

(c) The regulation of all Foreign Exchange transactions and the establishment of foreign trade controls, including an export and import licensing system, in order to insure that all foreign exchange resources make a maximum contribution to the welfare of the Korean people and recovery of the Korean economy.

(d) The establishment of a rate of exchange for the Korean currency as soon as economic conditions in Korea warrant such action.

(e) The exertion of all possible efforts to attain maximum production, collection and equitable distribution of locally-produced supplies, including the continuance of a program of collection and distribution of indigenously-produced cereal grains designed to

(1) Assure a minimum adequate staple ration at controlled prices for all non-self-suppliers, and where necessary to distribute to indigent and needy persons their fair share of available food supplies; and

(2) Obtain foreign exchange.

(f) The facilitation of private foreign investments in Korea together with the admittance of private foreign traders to transact business in Korea subject to such restrictions as are prescribed in the Constitution and the Laws of the Republic of Korea.

(g) The development of Korean export industries as rapidly as practicable.

(h) The management or disposition of government-owned productive facilities and properties in such a manner as will insure in the general welfare the furtherance of maximum production.

## ARTICLE III

1. The Government of the United States of America will appoint an official (hereinafter referred to as the United States Aid Representative) to discharge the responsibilities in Korea of the Government of the United States of America under the terms of this Agreement. Within the terms of this Agreement, the United States Aid Representative and his staff will assist the Government of the Republic of Korea to make the most effective use of Korea's own resources and of aid furnished to the Government of the Republic of Korea by the Government of the United States of America, thereby to advance reconstruction and promote economic recovery in Korea as soon as possible.

2. The Government of the Republic of Korea agrees to extend diplomatic privileges and immunities to the United States Aid Representative and members of his mission.

3. The Government of the Republic of Korea will furnish all practicable assistance to the United States Aid Representative in order to enable him to discharge his responsibilities. The Government of the Republic of Korea will permit the free movement of employees of the Government of the United States of America engaged in carrying out the provisions of this Agreement to, in or from Korea; facilitate the employment of Korean nationals and residents; authorize the acquisition of facilities and services at reasonable prices; and in other ways assist the United States Aid Representative in the performance of his necessary duties. The Government of the Republic of Korea, in consultation with the United States Aid Representative, will effectuate such mutually acceptable arrangements as are necessary for the utilization of the petroleum storage and distribution facilities, and other facilities which are required to carry out the objectives of this Agreement.

4. The Government of the Republic of Korea will permit the United States Aid Representative and his staff to travel and to observe freely the utilization of assistance furnished to Korea by the Government of the United States of America, and will recognize his right to make such recommendations in respect thereto as he deems necessary for the effective discharge of his responsibilities under this Agreement. The Government of the Republic of Korea will maintain such accounts and records pertaining to the Aid Program, and will furnish the United States Aid Representative such reports and information as he may request.

5. In the event the United States Aid Representative ascertains the existence of abuses or violations of this Agreement, he will so inform the Government of the Republic of Korea. The Government of the Republic of Korea will promptly take such action as is necessary to correct such abuses or violations as are found to exist and inform the United States Aid Representative of action taken. If, in the opinion of the United States Aid Representative, appropriate corrective action is not taken by the Government of

the Republic of Korea, he may take such steps as may be appropriate and proper and may recommend to the Government of the United States of America the termination of further assistance.

6. The Government of the Republic of Korea will establish an operating agency to develop and administer a program relating to the requirements, procurement, allocation, distribution, pricing, and accounting for supplies obtained under this Agreement. In the development and execution of such a program the operating agency will consult with the United States Aid Representative.

#### ARTICLE IV

1. The Government of the Republic of Korea will develop an overall economic recovery plan designed to stabilize the Korean economy. An integral part of this economic recovery plan will be an import-export program to be agreed upon by the United States Aid Representative and the Government of the Republic of Korea. In consonance with this agreed upon import-export program, the Government of the Republic of Korea will transmit to the United States Aid Representative fully justified import requirements, together with estimates of export availabilities, this information to be transmitted at such times and in such form as may be desired by the United States Aid Representative.

2. The Government of the Republic of Korea will insure that the periodic allocation of foreign exchange by categories of use will be made in consultation with and with the concurrence of the United States Aid Representative, and that expenditures of foreign exchange will be made in accordance with such allocations.

3. Where it is deemed necessary, the Government of the Republic of Korea will employ foreign consultants and technicians to assure the effective utilization of domestic resources and of equipment and materials brought into Korea under the import-export program. The Government of the Republic of Korea will in each case inform the United States Aid Representative of its intention to employ such individuals.

#### ARTICLE V

1. The Government of the Republic of Korea will take all appropriate steps regarding the distribution within Korea of goods provided by the Government of the United States of America pursuant to this Agreement, and of similar goods imported through the use of other funds or produced locally, to insure a fair and equitable distribution of these supplies at reasonable prices consistent with local economic conditions within the Republic of Korea, and to insure that all such goods are used for the purpose envisaged by this Agreement.

2. The Government of the United States of America shall from time to time notify the Government of the Republic of Korea of the indicated dollar

cost of commodities, services, and technical information (including any cost of processing, storing, transporting, repairing or other services incident thereto) made available to Korea on a grant basis pursuant to this Agreement. The Government of the Republic of Korea, upon notification of such indicated dollar costs, shall thereupon deposit in a special account in its name at the Bank of Chosun a commensurate amount in won, computed at a won-dollar ratio which shall be agreed to at such time between the Government of the Republic of Korea and the United States Aid Representative. The Government of the Republic of Korea will use any balance in the special account, to pay the United States Aid Representative such funds as he may require from time to time to meet the won expenses incurred in the discharge of his responsibilities within Korea, under this Agreement. The remaining sums in the special account may be used only for such other purposes as may be agreed upon from time to time between the Government of the Republic of Korea and the United States Aid Representative.

3. The Government of the Republic of Korea will not permit the re-export of goods provided by the Government of the United States of America pursuant to this Agreement or the export or re-export of commodities of the same character produced locally or otherwise procured, without the concurrence of the United States Aid Representative.

4. The Government of the Republic of Korea will insure that all commodities made available under this Agreement or the containers of such commodities shall, to the extent practicable, be marked, stamped, branded, or labeled in a conspicuous place as legibly, indelibly, and permanently as the nature of such commodities or containers will permit, in such a manner as to indicate to the people of Korea that such commodities have been furnished or made available by the United States of America.

#### ARTICLE VI

1. The Government of the Republic of Korea will undertake to use its best endeavors to cooperate with other countries in facilitating and stimulating an increasing interchange of goods and services with other countries and in reducing public and private barriers to trade with other countries.

2. Pending the entry into force of a Treaty of Amity and Commerce between the Government of the United States of America and the Government of the Republic of Korea, the Government of the United States of America shall accord, immediately and unconditionally, to the merchandise trade of the Republic of Korea treatment no less favorable than that accorded to the merchandise trade of any third country. Similarly, treatment no less favorable than that accorded to the merchandise trade of any third country shall be accorded, immediately and unconditionally, within the Republic of Korea, to the merchandise trade of the United States of America.

3. Departures from the application of the most-favored-nation treatment provided for in paragraph 2 of this Article shall be permitted to the extent

that they are in accord with the exceptions recognized under the General Agreement on Tariffs and Trade, dated October 30, 1947,<sup>5</sup> concluded at the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment, as now or hereafter amended. The provisions of this paragraph shall not be construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exception.

4. The provisions of paragraphs 2 and 3 of this Article shall apply, with respect to the United States of America, to all territory under its sovereignty or authority.

5. The Government of the Republic of Korea shall accord reciprocal most-favored-nation treatment to the merchandise trade of any area in the free territory of Trieste, Japan or Western Germany in the occupation or control of which the Government of the United States participates, for such time and to such extent as such area accords most-favored-nation treatment to the merchandise trade of the Republic of Korea.

6. The provisions of paragraphs 2 and 3 of this Article shall not derogate from such other obligations concerning the matters contained in this Agreement as may at any time be in effect between the Government of the United States of America and the Government of the Republic of Korea.

7. The Government of the Republic of Korea will take the measures which it deems appropriate to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which have the effect of interfering with the purposes and policies of this Agreement.

8. The provisions of this Article and of Article VII shall apply during such period as the Government of the United States of America extends aid to the Government of the Republic of Korea under the terms of this Agreement, unless superseded by a Treaty of Amity and Commerce.

#### ARTICLE VII

The Government of the Republic of Korea shall, with respect to commercial, industrial, shipping and other business activities, accord to the Nationals of the United States of America treatment no less favorable than that now or hereafter accorded by the Republic of Korea to Nationals of any third country. As used in this paragraph, the word "Nationals" shall be understood to include natural and juridical persons.

#### ARTICLE VIII

The Government of the Republic of Korea will facilitate the transfer to the United States of America, for stockpiling or other purposes, of materials originating in the Republic of Korea which are required by the United States

<sup>5</sup> TIAS 1700, *ante*, vol. 4, p. 641.

of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Governments of the United States of America and the Republic of Korea after due regard for the reasonable requirements of the Republic of Korea for domestic use and commercial export of such materials. The Government of the Republic of Korea will take such specific measures within the intent of this Agreement as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within the Republic of Korea, and the removal of any hindrances to the transfer of such materials to the United States of America. The Government of the Republic of Korea will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

#### ARTICLE IX

1. The Government of the Republic of Korea and the Government of the United States of America will cooperate in assuring the peoples of the United States of America and of Korea full information concerning the goods and technical assistance furnished to the Government of the Republic of Korea by the Government of the United States of America.

2. The Government of the Republic of Korea will permit representatives of the press and radio of the United States of America to travel and to observe freely and to report fully regarding the receipt and utilization of American aid.

3. The Government of the Republic of Korea will permit representatives of the Government of the United States of America, including such committees of the Congress as may be authorized by their respective houses to observe, advise, and report on the distribution among the people of commodities made available under this Agreement.

4. The Government of the Republic of Korea will cooperate with the United States Aid Representative in providing full and continuous publicity in Korea on the purpose, source, character, scope, amounts and progress of the economic and technical aid provided to the Government of the Republic of Korea by the Government of the United States of America under the provisions of this Aid Agreement.

#### ARTICLE X

1. Any or all assistance authorized to be provided pursuant to this Agreement will be terminated—

(a) If requested by the Government of the Republic of Korea.

(b) If the United Nations finds that action taken or assistance furnished by the United Nations makes the continuance of assistance by the Govern-

ment of the United States of America pursuant to this Agreement unnecessary or undesirable.

(c) If the President of the United States of America determines that the Government of the Republic of Korea is not adhering to the terms of this Agreement; or whenever he finds, by reason of changed conditions that aid provided under this Agreement is no longer necessary or desirable; or whenever he finds that, because of changed conditions, aid under this Agreement is no longer consistent with the national interests of the United States of America.

#### ARTICLE XI

This Agreement shall become effective with the formal notification to the Government of the United States of America that the Korean National Assembly has consented to this Agreement. It shall remain in force until three (3) months after the day on which either Government shall have given to the other notice of intention to terminate. This Agreement may be amended at any time by agreement between the two Governments.

#### ARTICLE XII

This Agreement shall be registered with the United Nations.

Done in duplicate, in the English and Korean languages at Seoul, Korea, this 10th day of December 1948. The English and Korean texts shall have equal force, but in the case of divergence, the English text shall prevail.

For the Government of the United States of America:

JOHN J. MUCCIO

For the Government of the Republic of Korea:

LEE, BUMSUK [SEAL]

D. Y. KIM [SEAL]

## PARCEL POST

*Agreement signed at Seoul February 17 and at Washington April 13, 1949*<sup>1</sup>

*Approved and ratified by the President of the United States May 4, 1949  
Entered into force December 1, 1949*

64 Stat. B46; Treaties and Other  
International Acts Series 2002

### PARCEL POST AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA

The Post Office Department of the United States of America and the Department of Communications of the Republic of Korea have agreed upon the following articles for the purpose of improving the relations of parcel post between the two countries:

#### ARTICLE I

##### *Exchange of Parcels*

Between the United States of America including Alaska, Puerto Rico, the Virgin Islands, Guam, Samoa, and Hawaii on one hand and the Republic of Korea on the other hand, there may be exchanged parcels up to the limits of weight and dimensions stated in the detailed regulations for the execution of this agreement.

#### ARTICLE II

##### *Transit of Parcels*

1. Each Postal Administration guarantees the right of transit through its service, to or from any country with which it has parcel post communication, of parcels originating in or addressed for delivery in the service of the other Administration.

2. Parcels sent in open mail and in transit to or from one of the services of the two Postal Administrations through the other are subject to the conditions of exchange of parcels between them as well as those between intermediate Administration and that of the third country concerned.

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<sup>1</sup> For detailed regulations for execution of the agreement, see 64 Stat. B57 or p. 13 of TIAS 2002

3. Parcels sent in closed mails and in transit to or from one of the services of the two Postal Administrations through the other are subject to the conditions specially agreed upon between the Chiefs of the two Postal Administrations.

### ARTICLE III

#### *Postage*

1. Each Postal Administration is entitled to fix its postage rates for parcels to be collected from the sender.

2. The postage mentioned in the preceding section must be prepaid by the sender.

### ARTICLE IV

#### *Preparation of Parcels*

Every parcel shall be packed in a manner adequate for the length of the journey and the protection of the contents as set forth in the Detailed Regulations.<sup>2</sup>

### ARTICLE V

#### *Prohibitions*

1. The following articles are prohibited transmission by parcel post:

(a) A letter or a communication having the nature of a letter. Nevertheless, it is permitted to enclose in a parcel an open invoice, confined to the particulars which constitute an invoice.

(b) An enclosure which bears an address different from that placed on the cover of the parcel.

(c) Any live animal.

(d) Any article the admission of which is not authorized by the customs or other laws or regulations in force in either country.

(e) Any explosive or inflammable article, and in general, any articles the conveyance of which is dangerous.

(f) Document, pictures, and other articles injurious to public morals.

2. When a parcel contravening any of these prohibitions is handed over by one of the two Postal Administrations to the other, the latter shall proceed in accordance with its laws and inland regulations. However explosive or inflammable articles, as well as documents, pictures and other articles injurious to public morals are not to be returned to origin; they are to be destroyed on the spot by the Administration which has found them in the mails.

3. The two Postal Administrations shall furnish each other with a list of prohibited articles.

<sup>2</sup> See footnote 1, p. 500.

## ARTICLE VI

*Certificate of Mailing*

The sender of a parcel may request, at the time of mailing, a certificate of mailing upon payment of a fee which may be fixed by the Postal Administration of the country of origin.

## ARTICLE VII

*Inquiry*

An inquiry made after the mailing of a parcel is admitted only within the period of one year, counting from the day following that of mailing.

## ARTICLE VIII

*Customs Duties*

Parcels are subject to all customs laws and regulations in force in the country of destination. The duties collectable on that account are collected from the addressee on delivery of the parcel.

## ARTICLE IX

*Fee for Customs Formalities**Fee for Delivery**Storage Charges*

1. The Postal Administration of the country of destination may collect from the addressee for the fulfillment of customs formalities, a fee not exceeding 50 centimes per parcel.

2. The Postal Administration of the country of destination may collect from the addressee for delivery of parcels at the addressee's residence, a fee not exceeding 50 centimes per parcel. The same fee may be charged for each presentation after the first at the addressee's residence.

3. The Postal Administration of the country of destination may collect from the addressee a suitable storage charge for parcels which are not withdrawn within the period which it has fixed. This charge may not, however, exceed 5 francs per parcel.

4. The fees and charges prescribed by the above three sections shall not be cancelled even in case the parcel is redirected or returned out of the country.

## ARTICLE X

*Redirection*

1. A parcel may be redirected, at the request of the addressee, in consequence of the addressee's change of address in the country of destination.

2. For parcels redirected in its territory, the Postal Administration of the country of destination may collect from the addressee additional charges fixed by its internal regulations. These charges shall not be cancelled even in case the parcel is redirected or returned out of the country.

3. A parcel may be redirected out of the country only at the addressee's request, and provided that the parcel complies with the conditions required for its further conveyance.

4. When a parcel is redirected out of the country, the charges for conveyance due to the Postal Administrations concerned as well as the various charges cancellation of which is not allowed by the retransmitting Administration, shall be collected additionally from the addressee.

5. The sender is entitled to forbid any redirection, by means of a suitable entry on the parcel and on the customs declaration.

## ARTICLE XI

### *Recall-Change of Address*

1. So long as a parcel has not been delivered to the addressee, the sender may recall it or cause its address to be altered.

For this service, the Postal Administration of the country of origin may collect the charge fixed by its internal regulations.

2. The provisions of Sections 2 to 4 of the preceding article are applicable to the parcel returned or redirected in consequence of the recall or the change of address.

## ARTICLE XII

### *Non-delivery*

1. The sender of a parcel may make a request at the time of mailing as to the disposal of the parcel in the event it is not deliverable as addressed, the particulars of which are set forth in the Detailed Regulations.

2. If the sender does not make any request in accordance with the preceding section or the sender's request has not resulted in delivery, undeliverable parcels will be returned to the sender without previous notification at the expiration of thirty days counting from the day following that of receipt at the office of destination, while parcels refused by the addressee will be returned at once.

3. The provisions of Article X, Section 2 and 4 are applicable to the parcel redirected in the country of destination or returned to origin in consequence of non-delivery.

The same provisions are also applicable to the parcel returned to origin for the reason that it contains any prohibited articles.

4. Undeliverable parcels which the sender has marked "Abandon" are not returned but are disposed of in accordance with the legislation of the

country of destination after the expiration of the period mentioned in Section 2 above.

### ARTICLE XIII

#### *Sale-Destruction*

1. Articles liable to deterioration or corruption, and these only, may be sold immediately, even on the outward or return journey, without previous notice or judicial formality, for the benefit of the right party.

2. If for any reason a sale is impossible, the spoilt or putrid articles are destroyed.

### ARTICLE XIV

#### *Parcels Wrongly Accepted-Missent Parcels*

1. If parcels of which the weight or dimensions exceed the limits allowed have been wrongly accepted and dispatched, they are returned to origin by the Postal Administration to which the parcels were sent.

2. Parcels, when missent, are reforwarded to their correct destination by the most direct route at the disposal of the Postal Administration to which the parcels were missent; nevertheless, the parcels which cannot be reforwarded to their correct destination are returned to origin.

3. The parcels mentioned in the two sections above must not be charged by the retransmitting country with customs or other non-postal charges.

### ARTICLE XV

#### *Cancellation of Customs Charges*

The two Postal Administrations agree to urge the services concerned in their countries to cancel customs and other non-postal charges on parcels which are returned to origin, abandoned by the sender, destroyed because the contents are completely damaged, or redirected to a third country.

### ARTICLE XVI

#### *Indemnity*

1. The two postal Administrations will not be responsible for the loss of parcels exchanged between the two countries nor for the abstraction of or damage to their contents; but either Administration is at liberty to indemnify for the loss, abstraction, or damage which may occur in its service, without recourse to the other Administration.

2. The two Postal Administrations are not responsible for the loss of parcels mentioned in Article 2, Section 2 and 3, nor for the abstraction of or damage to their contents unless an arrangement to the contrary is made between the Chiefs of the two Postal Administrations.

## ARTICLE XVII

*Credits*

1. For each parcel exchanged between the two countries, the Postal Administration of the country of origin shall pay to that of the country of destination the sums indicated in the Detailed Regulations.

2. In case of redirection or of return of parcels from one of the two countries to the other, the retransmitting Administration shall claim from the other the sums equal to its credits mentioned in the preceding section and the following charges, as the case may be:

- a. Sea rates due to the retransmitting Administration.
- b. Charges which are not cancelled by the retransmitting Administration.
- c. Charges due to a third country.

3. As regards parcels originating in one of the two countries and sent through the other to a third country, the Postal Administration of the country of origin shall pay to the intermediate Administration the sums required by the latter.

4. As regards parcels originating in a third country and sent to one of the two countries through the other in open mail, the intermediate Administration shall pay to the Administration of destination the sums indicated in the Detailed Regulations.

## ARTICLE XVIII

*Postal Charges Other Than Those Prescribed Not To Be Collected*

The parcels to which the Agreement applies shall not be subject to any postal charges other than those contemplated by the different articles thereof.

## ARTICLE XIX

*Air Parcels. Parcels for Delivery Free of Charge*

The Chiefs of the two Postal Administrations may come to special arrangements for the exchange of air parcels and of parcels for delivery free of charge.

## ARTICLE XX

*Standard Monetary Unit*

The franc regarded as the monetary unit in the provisions of this Agreement is the gold franc of 100 centimes of a weight of 10/31 of a gram and of a fineness of 0.900.

## ARTICLE XXI

*Temporary Suspension of Service*

In extraordinary circumstances such as will justify the measure, either Postal Administration may temporarily suspend the Parcel Post Service, either

entirely or partially, on condition of giving immediate notice to the other Administration.

#### ARTICLE XXII

##### *Detailed Regulations. Application of Internal Legislation*

1. The details necessary for the execution of this Agreement will be fixed in the form of Detailed Regulations between the two Postal Administrations.
2. As regards the items not provided for in this Agreement the internal legislation shall remain applicable in each country.
3. The two Postal Administrations notify each other of their laws, ordinances, and tariffs concerning the exchange of parcel post, as well as all modifications thereof which may be subsequently made.

#### ARTICLE XXIII

##### *Entry into Force and Duration of Agreement*

1. This Agreement shall take effect and operation thereunder shall begin on a date to be mutually settled between the Administrations of the two countries. It shall remain in force until one of the contracting Administrations has given notice to the other six months in advance of its intention to terminate it.
2. Done in duplicate and signed at Seoul on the 17th day of February 1949 and at Washington on the 13th day of April 1949.

J. M. DONALDSON [SEAL]  
*Postmaster General, United States of America*

YUN SUK KOO  
*Minister of Communications, Republic of Korea*

[For detailed regulations for execution of the agreement, see 64 Stat. B57 or p. 13 of TIAS 2002.]

## TRANSFER OF COASTAL VESSELS

*Agreement signed at Seoul May 18, 1949*

*Entered into force May 18, 1949*

*Obsolete*

Department of State files

### BALTIC COASTAL VESSEL AGREEMENT BETWEEN THE GOVERNMENTS OF THE REPUBLIC OF KOREA AND THE UNITED STATES OF AMERICA

This Agreement entered into between the Republic of Korea (hereinafter called the Government) and the United States of America (hereinafter called the United States) WITNESSETH THAT:

WHEREAS the Government wishes to obtain the use of certain coastal vessels for the purpose of the economic rehabilitation of Korea, and to assist in maintaining the economic and political stability of Korea, and

WHEREAS the United States is willing to make available for this purpose to the Government seven (7) N-3 type Baltic coastal vessels, namely, CHARLES F. WINSOR, ELISHA WHITNEY, JOHN D. WHIDDEN, KIMBALL R. SMITH, NORTHERN EXPLORER, RICHARD W. DIXIE, and WILLIAM LESTER,

In consideration of the premises and the mutual agreements and covenants hereinafter stated the undersigned, being duly authorized by their respective Governments for that purpose, have agreed as follows:

The United States agrees to furnish to the Government the above described vessels for the purposes above described, and subject to the following terms and conditions:

1. The vessels will remain the property of the United States and the Government will return, or cause to be returned, any or all of such vessels to the designated representative of the United States immediately upon request by the Chief of the Economic Cooperation Administration, Mission to Korea, or other authorized representative of the United States.

2. Upon delivery of the vessels to the Government, or person designated by it, the Government shall assume full responsibility for expenses of maintenance and operation of the vessels.

3. An inventory will be taken of all supplies, equipment and spare parts when the vessels are made available to the Government, and a similar inventory will be taken at the time they are returned to the United States.

4. Subject to the provisions of paragraph 7, the vessels will be returned by the Government to the United States in as good condition as that in which received, making allowance for reasonable wear and tear. All supplies, equipment and spare parts furnished by the United States with the vessels will be returned with the vessels or compensation made therefor by the Government.

5. The Government will assume, indemnify and hold harmless the United States against any and all liabilities of whatsoever nature or kind, without limitation, arising out of the control or operation of the vessels.

6. This Agreement may be terminated by the Government or the United States on sixty (60) days' notice in writing, or immediately, under the following conditions:

(a) upon a determination by the President of the United States that such termination is necessary in the interest of national security, or

(b) if the Administrator, pursuant to Section 118 of the Foreign Assistance Act of 1948,<sup>1</sup> terminates the provision of assistance to Korea.

7. In the event a vessel is totally lost, the United States may, under certain circumstances, waive the liability of the Government with respect to such loss.

8. Except to the extent otherwise authorized in writing by the Chief of the Economic Cooperation Administration, Mission to Korea, or other authorized representative of the United States, the vessels will be operated only in coastal waters of the Republic of Korea.

9. The Government will make arrangements for such supervision of the operations of the vessels and for the carrying out of such technical training programs for Korean officers and crews for the vessels as may be requested and approved by the Chief of the Economic Cooperation Administration, Mission to Korea, or other authorized representative of the United States. Representatives of the United States may, at any time, inspect the condition of the vessels.

Done in duplicate, in the English and Korean languages at Seoul, Korea, this 18th day of May 1949. The English and Korean texts shall have equal force, but in the case of divergence, the English text shall prevail.

For the Government of the United States of America:

By:

ARTHUR C. BUNCE

For the Government of the Republic of Korea:

By:

HUH CHUNG

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<sup>1</sup> 62 Stat. 154.

## CLAIMS: ELECTRIC POWER

*Agreement signed at Seoul June 13, 1949*

*Entered into force December 28, 1949*

[For text, see 9 UST 509; TIAS 4026.]

## AIR TRANSPORT SERVICES

*Exchange of notes at Seoul June 24 and 29, 1949*

*Entered into force June 29, 1949*

*Terminated by agreement of April 24, 1957*<sup>1</sup>

63 Stat. 2713; Treaties and Other  
International Acts Series 1979

*The American Ambassador to the President of Korea*

AMERICAN EMBASSY  
*Seoul, Korea, June 24, 1949*

### EXCELLENCY:

I have the honor to inform Your Excellency of the desire of the Government of the United States of America to obtain on a provisional basis, pending the conclusion of a formal air transport agreement between the Government of the Republic of Korea and the Government of the United States of America, the grant of civil aviation rights similar to those previously accorded by the United States Army Forces in Korea to United States commercial carriers. The Government of the Republic of Korea is requested by the Government of the United States of America to grant to United States commercial air carriers the following rights on Korean territory to remain effective until a formal air transport agreement has been concluded between the two countries:

- (1) To transit and make technical stops in Korean territory and to pick up and discharge international traffic at Seoul;
- (2) Of reasonable and non-discriminatory landing fees and other related charges;
- (3) To bring into Korea, fuel, lubricating oils, and spare parts intended solely for use by United States commercial aircraft engaged in international flights on the basis of the same treatment accorded national air lines of the most-favored-nation;
- (4) Of exemption from customs and inspection fees and similar charges

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<sup>1</sup> 8 UST 549; TIAS 3807.

on fuel, oils, spare parts, regular equipment and aircraft stores retained on board aircraft operating in accordance with subparagraph (1) above;

(5) Of cooperation from the Government of the Republic of Korea, its nationals, agencies or instrumentalities in making emergency landings, effecting repairs and taking off at any airport or air strip in territory under the control of the Government of the Republic of Korea;

(6) To have access to the scene of any aviation disaster involving United States commercial aircraft and to have all reasonable aid in recovering wrecked aircraft and their contents;

(7) To bring in such ground transportation equipment and materials as may be necessary to support authorized air service on the basis of the same treatment accorded national air lines and the air lines of the most-favored-nation;

(8) To rent or build shelter, for civil aviation purposes, to house and to provide necessary and authorized facilities at the airport used to serve Seoul;

(9) To bring to and to use any necessary communications, weather forecasting and similar technical equipment on the basis of the same treatment accorded national air lines and air lines of the most-favored-nation;

(10) Of residence in territory under the control of the Government of the Republic of Korea of any non-Korean technical or administrative personnel whose services are required to maintain the uninterrupted air service of United States commercial air lines;

(11) To have recognized by the Government of the Republic of Korea, certificates of air worthiness of aircraft, certificates of competency of commercial air lines, and licenses of airmen and ground personnel issued by the Government of the United States of America, its agencies or instrumentalities.

Upon receipt of a note from Your Excellency indicating that your Government grants the rights provided herein, the Government of the United States of America will consider that the grant of such rights becomes effective upon the date of Your Excellency's note.

Accept, Excellency, the renewed assurances of my highest consideration.

JOHN J. MUCCIO  
*Ambassador*

His Excellency  
Dr. SYNGMAN RHEE,  
*President of the Republic  
of Korea,  
Seoul.*

*The President of Korea to the American Ambassador*REPUBLIC OF KOREA  
SEOUL

OFFICE OF THE PRESIDENT

JUNE 29, 1949

## EXCELLENCY:

I have the honor to acknowledge receipt of Your Excellency's note of June 24, 1949, expressing the desire of the Government of the United States of America to obtain on a provisional basis and pending the conclusion of a formal air transport agreement between the Government of the Republic of Korea and the Government of the United States of America, the grant of civil aviation rights similar to those previously accorded by the United States Army Forces in Korea to United States commercial carriers. Believing the maintenance of commercial air service to be in the best interests of the two countries and until such time as it may be possible to negotiate a formal air transport agreement covering civil aviation, the Government of the Republic of Korea grants to United States commercial carriers in Korean territory the following rights to remain effective until such time as a formal agreement has been concluded between the two governments:

[For text, see numbered paragraphs of U.S. note, above.]

Accept, Excellency, the renewed assurances of my highest consideration.  
Sincerely yours,

SYNGMAN RHEE

His Excellency

JOHN J. MUCCIO,  
*Ambassador of the United States  
of America,  
American Embassy,  
Seoul.*

# Lagos

## COMMERCE

*Exchange of letter and compact on board U.S.S. Constitution off Lagos,  
July 31, 1854*

*Entered into force July 31, 1854*

*Terminated August 6, 1861*<sup>1</sup>

6 Miller 845

### *Letter of Commodore Mayo to King of Lagos*

Commodore Mayo Commander in Chief of the United States Naval Forces on the West Coast of Africa, having arrived off this port, desires to salute the King of Lagos.

The United States have for a long time maintained a Squadron on the Coast of Africa, to protect the persons and property of American Citizens, engaged in lawful commerce; and to arrest and bring to justice all persons who may endeavour to prosecute the Slave trade under the cover of the American Flag. The Commodore has heard with much satisfaction that the King of Lagos has done all in his power to suppress the African Slave trade, and that he affords every facility to vessels that come to his territory for the purpose of lawful traffic. He would be much gratified by receiving from the King and Chiefs of Lagos some formal and written assurance that Citizens of the United States, may always trade freely with the people of Lagos in all ports, places and rivers, within their territory; and some pledge that the King and Chiefs will show no favor, and give no privilege to the Ships and traders of other countries, which they do not show to those of the United States, and that all Citizens of the United States shall, under all circumstances, be placed upon the same footing with the Citizens of the most favored Nation.

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<sup>1</sup> Date of cession of port and island of Lagos to Great Britain.

Commodore Mayo requests the King to receive the assurance of his high respect and consideration.

U.S. FLAG SHIP CONSTITUTION.

*Off Lagos, 31<sup>st</sup> July 1854.*

To His Majesty the KING OF LAGOS.

*Compact by King and Chiefs of Lagos*

Docemo, King of Lagos, with his Chiefs and Councillors having carefully considered and discussed the propositions contained in the foregoing letter, do on the part of themselves and of their country, hereby assent to all the aforesaid propositions, and solemnly promise and guarantee to all Citizens of the United States, every right and privilege which may at any time be granted to the most favored nation with whom the King and Chiefs of Lagos have already, or, may hereafter, form a treaty, or conclude an agreement.

Witnesses.	KING X	DOCEMO
JNO. RUDD.	OLOOMOBONG	X
<i>Commander US Navy.</i>	TALABEE	X
C.R.P. RODGERS	OLOOCOHE	X
<i>Flag Lieut Af. Sq<sup>n</sup></i>	ACHABONG	X
	OBERCHOR	X
	SERBER	X

FLAG SHIP CONSTITUTION

*Off Lagos 31st July 1854.*

# Latvia

## EXTRADITION

*Treaty signed at Riga October 16, 1923*

*Senate advice and consent to ratification January 7, 1924*

*Ratified by the President of the United States January 10, 1924*

*Ratified by Latvia February 8, 1924*

*Ratifications exchanged at Riga March 1, 1924*

*Entered into force March 1, 1924*

*Proclaimed by the President of the United States March 3, 1924*

*Supplemented by agreement of October 10, 1934*<sup>1</sup>

43 Stat. 1738; Treaty Series 677

The United States of America and Latvia desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the two countries and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America: F. W. B. Coleman, Envoy Extraordinary and Minister Plenipotentiary of the United States at Riga; and

The President of the Republic of Latvia: Germain Albat, Minister Plenipotentiary, Secretary General for Foreign Affairs;

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

### ARTICLE I

It is agreed that the Government of the United States and the Government of Latvia shall, upon requisition duly made as herein provided, deliver up to justice any person, who may be charged with, or may have been convicted of, any of the crimes specified in Article II of the present Treaty committed within the jurisdiction of one of the High Contracting Parties, and who shall

<sup>1</sup> TS 884, *post*, p. 554.

seek an asylum or shall be found within the territories of the other; provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.

## ARTICLE II

Persons shall be delivered up according to the provisions of the present Treaty, who shall have been charged with or convicted of any of the following crimes:

1. Murder, comprehending the crimes designated by the terms parricide, assassination, manslaughter when voluntary, poisoning or infanticide.
2. The attempt to commit murder.
3. Rape, abortion, carnal knowledge of children under the age of twelve years.
4. Abduction or detention of women or girls for immoral purposes.
5. Bigamy.
6. Arson.
7. Wilful and unlawful destruction or obstruction of railroads, which endangers human life.
8. Crimes committed at sea:
  - a) Piracy, as commonly known and defined by the law of nations, or by statute;
  - b) Wrongfully sinking or destroying a vessel at sea or attempting to do so;
  - c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the Captain or Commander of such vessel, or by fraud or violence taking possession of such vessel;
  - d) Assault on board ship upon the high seas with intent to do bodily harm.
9. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein.
10. The act of breaking into and entering the offices of the Government and public authorities, or the offices of banks, banking houses, savings banks, trust companies, insurance and other companies, or other buildings not dwellings with intent to commit a felony therein.
11. Robbery, defined to be the act of feloniously and forcibly taking from the person of another goods or money by violence or by putting him in fear.
12. Forgery or the utterance of forged papers.
13. The forgery or falsification of the official acts of the Government or public authority, including Courts of Justice, or the uttering or fraudulent use of any of the same.

14. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and marks of State or public administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.

15. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars or Latvian equivalent.

16. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds two hundred dollars or Latvian equivalent.

17. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them, their families or any other person or persons, or for any other unlawful end.

18. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more, or Latvian equivalent.

19. Obtaining money, valuable securities or other property by false pretenses or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars or Latvian equivalent.

20. Perjury or subornation of perjury.

21. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars or Latvian equivalent.

22. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

23. Wilful desertion of minor or dependent children.

24. Extradition shall also take place for participation in any of the crimes before mentioned as an accessory before or after the fact; provided such participation be punishable by imprisonment by the laws of both the High Contracting Parties.<sup>2</sup>

### ARTICLE III

The provisions of the present Treaty shall not import a claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses; and no person surrendered by or to either of

<sup>2</sup> For an addition to list of crimes, see treaty of Oct. 10, 1934 (TS 884), *post*, p. 554.

the High Contracting Parties in virtue of this Treaty shall be tried or punished for a political crime or offense. When the offense charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the Sovereign or Head of a foreign State or against the life of any member of his family, shall not be deemed sufficient to sustain that such crime or offense was of a political character; or was an act connected with crimes or offenses of a political character.

#### ARTICLE IV

No person shall be tried for any crime or offense other than that for which he was surrendered.

#### ARTICLE V

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the fugitive may be found, the criminal is exempt from prosecution or punishment for the offense for which the surrender is asked.

#### ARTICLE VI

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution, out on bail or in custody, for a crime or offense committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and until he shall have been set at liberty in due course of law.

#### ARTICLE VII

If a fugitive criminal claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that State whose demand is first received.

#### ARTICLE VIII

Under the stipulations of this Treaty, neither of the High Contracting Parties shall be bound to deliver up its own citizens.

#### ARTICLE IX

The expense of arrest, detention, examination and transportation of the accused shall be paid by the Government which has preferred the demand for extradition.

## ARTICLE X

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime, shall so far as practicable, according to the laws of either of the High Contracting Parties, be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles referred to, shall be duly respected.

## ARTICLE XI

The stipulations of the present Treaty shall be applicable to all territory wherever situated, belonging to either of the High Contracting Parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the High Contracting Parties. In the event of the absence of such agents from the country or its seat of Government, or where extradition is sought from territory included in the preceding paragraphs, other than Latvia or the United States, requisitions may be made by superior consular officers. It shall be competent for such diplomatic or superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two Governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify it to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

In case of urgency, the application for arrest and detention may be addressed directly to the competent magistrate in conformity to the statutes in force.

The person provisionally arrested shall be released, unless within two months from the date of arrest in Latvia, or from the date of commitment in the United States, the formal requisition for surrender with the documentary proofs hereinafter prescribed be made as aforesaid by the diplomatic agent of the demanding Government or, in his absence, by a consular officer thereof.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be pro-

duced, with such other evidence or proof as may be deemed competent in the case.

#### ARTICLE XII

In every case of a request made by either of the High Contracting Parties for the arrest, detention or extradition of fugitive criminals, the appropriate legal officers of the country where the proceedings of extradition are had, shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their power; and no claim whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition; provided, however, that any officer or officers of the surrendering Government so giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the Government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

#### ARTICLE XIII

The present Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods and shall take effect on the date of the exchange of ratifications which shall take place at Riga as soon as possible.

#### ARTICLE XIV

The present Treaty shall remain in force for a period of ten years, and in case neither of the High Contracting Parties shall have given notice one year before the expiration of that period of its intention to terminate the Treaty, it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the High Contracting Parties.

In witness whereof the above-named Plenipotentiaries have signed the present Treaty and have hereunto affixed their seals.

Done in duplicate at Riga this sixteenth day of October, nineteen hundred and twenty-three.

F. W. B. COLEMAN [SEAL]  
G. ALBAT [SEAL]

## DEBT FUNDING

*Agreement signed at Washington September 24, 1925*

*Approved by Latvia March 26, 1926*

*Approved by Act of Congress of April 30, 1926<sup>1</sup>*

*Operative from December 15, 1922*

*Modified by agreement of June 11, 1932<sup>2</sup>*

Treasury Department print

### AGREEMENT,

Made the twenty-fourth day of September, 1925, at the City of Washington, District of Columbia, between the GOVERNMENT OF THE REPUBLIC OF LATVIA, hereinafter called LATVIA, party of the first part, and the GOVERNMENT OF THE UNITED STATES OF AMERICA, hereinafter called the UNITED STATES, party of the second part.

WHEREAS, Latvia is indebted to the United States as of December 15, 1922, upon obligations in the aggregate principal amount of \$5,132,287.14, together with interest accrued and unpaid thereon; and

WHEREAS, Latvia desires to fund said indebtedness to the United States, both principal and interest, through the issue of bonds to the United States, and the United States is prepared to accept bonds from Latvia upon the terms and conditions hereinafter set forth:

Now, therefore, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. *Amount of Indebtedness.* The amount of the indebtedness to be funded, after allowing for cash payments made or to be made by Latvia, is \$5,775,000, which has been computed as follows:

Principal amount of obligations to be funded.....	\$5, 132, 287. 14
Interest accrued and unpaid thereon to December 15, 1922, at the rate of 4¼ per cent per annum.....	647, 275. 62
Total principal and interest accrued and unpaid as of December 15, 1922.....	5, 779, 562. 76
To be paid in cash by Latvia upon execution of Agreement....	4, 562. 76
Total indebtedness to be funded into bonds.....	\$5, 775, 000. 00

<sup>1</sup> 44 Stat. 378.

<sup>2</sup> *Post*, p. 551.

2. *Repayment of Principal.* In order to provide for the repayment of the indebtedness thus to be funded, Latvia will issue to the United States at par, as of December 15, 1922, bonds of Latvia in the aggregate principal amount of \$5,775,000, dated December 15, 1922, and maturing serially on each December 15 in the succeeding years for 62 years, in the amounts and on the several dates fixed in the following schedule:

December 15—		December 15—	
1923 .....	\$28, 000	1955 .....	\$80, 000
1924 .....	29, 000	1956 .....	83, 000
1925 .....	30, 000	1957 .....	86, 000
1926 .....	31, 000	1958 .....	89, 000
1927 .....	32, 000	1959 .....	92, 000
1928 .....	33, 000	1960 .....	95, 000
1929 .....	34, 000	1961 .....	99, 000
1930 .....	35, 000	1962 .....	102, 000
1931 .....	36, 000	1963 .....	107, 000
1932 .....	37, 000	1964 .....	111, 000
1933 .....	38, 000	1965 .....	114, 000
1934 .....	39, 000	1966 .....	118, 000
1935 .....	40, 000	1967 .....	123, 000
1936 .....	42, 000	1968 .....	128, 000
1937 .....	43, 000	1969 .....	132, 000
1938 .....	45, 000	1970 .....	138, 000
1939 .....	46, 000	1971 .....	143, 000
1940 .....	48, 000	1972 .....	148, 000
1941 .....	50, 000	1973 .....	153, 000
1942 .....	51, 000	1974 .....	158, 000
1943 .....	53, 000	1975 .....	164, 000
1944 .....	55, 000	1976 .....	170, 000
1945 .....	57, 000	1977 .....	176, 000
1946 .....	59, 000	1978 .....	182, 000
1947 .....	61, 000	1979 .....	188, 000
1948 .....	63, 000	1980 .....	195, 000
1949 .....	65, 000	1981 .....	202, 000
1950 .....	68, 000	1982 .....	209, 000
1951 .....	70, 000	1983 .....	218, 000
1952 .....	73, 000	1984 .....	228, 000
1953 .....	75, 000		
1954 .....	78, 000		
			\$5, 775, 000

PROVIDED, HOWEVER, That Latvia, at its option, upon not less than ninety days' advance notice to the United States, may postpone any payment falling due as hereinabove provided, except those falling due on or before December 15, 1930, hereinafter referred to in paragraph 5 of this Agreement, to any subsequent June 15 or December 15 not more than two years distant from its due date, but only on condition that in case Latvia shall at any time exercise this option as to any payment of principal, the payment falling due in the next succeeding year can not be postponed to any date more than one year distant from the date when it becomes due unless and until the payment previously postponed shall actually have been made, and the payment falling due in the second succeeding year can not be postponed at all unless and until the payment of principal due two years previous thereto shall actually have been made.

3. *Form of Bonds.* All bonds issued or to be issued hereunder to the United States shall be payable to the Government of the United States of America, or order, shall be issued in such denominations as may be requested by the Secretary of the Treasury of the United States, substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit A," and shall be signed for Latvia by its Envoy Extraordinary and Minister Plenipotentiary at Washington, or by its other duly authorized representative. The \$5,775,000 principal amount of bonds first to be issued hereunder shall be issued in 62 pieces, in denominations and with maturities corresponding to the annual payments of principal hereinabove set forth.

4. *Payment of Interest.* All bonds issued or to be issued hereunder shall bear interest, payable semiannually on June 15 and December 15 in each year, at the rate of 3 per cent per annum from December 15, 1922, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum until the principal thereof shall have been paid.

5. *Method of Payment.* All bonds issued or to be issued hereunder shall be payable, as to both principal and interest, in United States gold coin of the present standard of value, or, at the option of Latvia, upon not less than thirty days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder:

PROVIDED, HOWEVER, that with reference to the payments on account of principal and/or interest falling due hereunder on or before December 15, 1930, Latvia, at its option, may pay the following amounts on the dates specified:

June 15, 1926	\$ 30,000	December 15, 1928	\$40,000
December 15, 1926	30,000	June 15, 1929	45,000
June 15, 1927	35,000	December 15, 1929	45,000
December 15, 1927	35,000	June 15, 1930	50,000
June 15, 1928	40,000	December 15, 1930	50,000
		Total	\$400,000

and the balance, including interest on all overdue payments at the rate of 3 per cent per annum from their respective due dates, in bonds of Latvia dated December 15, 1930, bearing interest at the rate of 3 per cent per annum from December 15, 1930, to December 15, 1932, and thereafter at the rate of 3½ per cent per annum until the principal thereof shall have been paid, such bonds to mature serially on December 15 of each year up to and including December 15, 1984, substantially in the manner provided in paragraph 2 of this Agreement, and to be substantially similar in other respects to the bonds first to be issued hereunder.

All payments, whether in cash or in obligations of the United States, to be made by Latvia on account of the principal of or interest on any bonds issued or to be issued hereunder and held by the United States, shall be made at the Treasury of the United States in Washington, or, at the option of the

Secretary of the Treasury of the United States, at the Federal Reserve Bank of New York, and if in cash shall be made in funds immediately available on the date of payment, or if in obligations of the United States shall be in form acceptable to the Secretary of the Treasury of the United States under the general regulations of the Treasury Department governing transactions in United States obligations.

6. *Exemption from Taxation.* The principal and interest of all bonds issued or to be issued hereunder shall be paid without deduction for, and shall be exempt from, any and all taxes or other public dues, present or future, imposed by or under authority of Latvia or any political or local taxing authority within the Republic of Latvia, whenever, so long as, and to the extent that beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Latvia, or (c) a corporation not organized under the laws of Latvia.

7. *Payments before Maturity.* Latvia, at its option, on June 15 or December 15 of any year, upon not less than ninety days' advance notice to the United States, may make advance payments in amounts of \$1,000 or multiples thereof, on account of the principal of any bonds issued or to be issued hereunder and held by the United States. Any such advance payments shall first be applied to the principal of any bonds which shall have been issued hereunder on account of principal and/or interest accruing between December 15, 1922, and December 15, 1930, and then to the principal of any other bonds issued hereunder and held by the United States, as may be indicated by Latvia at the time of the payment.

8. *Exchange for Marketable Obligations.* Latvia will issue to the United States at any time, or from time to time, at the request of the Secretary of the Treasury of the United States, in exchange for any or all of the bonds issued or to be issued hereunder and held by the United States, definitive engraved bonds in form suitable for sale to the public, in such amounts and denominations as the Secretary of the Treasury of the United States may request, in bearer form, with provision for registration as to principal, and/or in fully registered form, and otherwise on the same terms and conditions, as to dates of issue and maturity, rate or rates of interest, exemption from taxation, payment in obligations of the United States issued after April 6, 1917, and the like, as the bonds surrendered on such exchange. Latvia will deliver definitive engraved bonds to the United States in accordance herewith within six months of receiving notice of any such request from the Secretary of the Treasury of the United States, and pending the delivery of the definitive engraved bonds will deliver, at the request of the Secretary of the Treasury of the United States, temporary bonds or interim receipts in form satisfactory to the Secretary of the Treasury of the United States within thirty days of the receipt of such request, all without expense to the United States. The United States, before offering any such bonds or interim receipts for sale in Latvia, will first offer them to Latvia for purchase at par and accrued interest, and

Latvia shall likewise have the option, in lieu of issuing any such bonds or interim receipts, to make advance redemption, at par and accrued interest, of a corresponding principal amount of bonds issued or to be issued hereunder and held by the United States. Latvia agrees that the definitive engraved bonds called for by this paragraph shall contain all such provisions; and that it will cause to be promulgated all such rules, regulations, and orders as shall be deemed necessary or desirable by the Secretary of the Treasury of the United States in order to facilitate the sale of the bonds in the United States, in Latvia or elsewhere, and that if requested by the Secretary of the Treasury of the United States, it will use its good offices to secure the listing of the bonds on such stock exchanges as he may request.

9. *Cancellation and Surrender of Obligations.* Upon the execution of this Agreement, the payment to the United States of cash in the sum of \$4,562.76 as provided in paragraph 1 of this Agreement and the delivery to the United States of the \$5,775,000 principal amount of bonds of Latvia first to be issued hereunder, together with satisfactory evidence of authority for the execution of this Agreement and the bonds on behalf of Latvia by its Envoy Extraordinary and Minister Plenipotentiary at Washington, or by its other duly authorized representative, the United States will cancel and surrender to Latvia, at the Treasury of the United States in Washington, the obligations of Latvia in the principal amount of \$5,132,287.14 described in the preamble to this Agreement.

10. *Notices.* Any notice, request, or consent under the hand of the Secretary of the Treasury of the United States, shall be deemed and taken as the notice, request, or consent of the United States, and shall be sufficient if delivered at the Legation of Latvia at Washington or at the office of the Minister of Finance in Riga; and any notice, request, or election from or by Latvia shall be sufficient if delivered to the American Legation at Riga or to the Secretary of the Treasury at the Treasury of the United States in Washington. The United States in its discretion may waive any notice required hereunder, but any such waiver shall be in writing and shall not extend to or affect any subsequent notice or impair any right of the United States to require notice hereunder.

11. *Compliance with Legal Requirements.* Latvia represents and agrees that the execution and delivery of this Agreement have in all respects been duly authorized and that all acts, conditions, and legal formalities which should have been completed prior to the making of this Agreement and the issuance of bonds hereunder have been completed as required by the laws of Latvia and in conformity therewith.

12. *Counterparts.* This Agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

IN WITNESS WHEREOF Latvia has caused this Agreement to be executed on its behalf by its Envoy Extraordinary and Minister Plenipotentiary at

Washington, thereunto duly authorized, subject, however, to the approval of the Saeima, and the United States has likewise caused this Agreement to be executed on its behalf by the Secretary of the Treasury, as Chairman of the World War Foreign Debt Commission, with the approval of the President, subject, however, to the approval of Congress, pursuant to the Act of Congress approved February 9, 1922,<sup>3</sup> as amended by the Act of Congress approved February 28, 1923,<sup>4</sup> and as further amended by the Act of Congress approved January 21, 1925,<sup>5</sup> all on the day and year first above written.

The Government of the Republic of Latvia

By

LOUIS SEYA

*Envoy Extraordinary and  
Minister Plenipotentiary*

The Government of the United States of America  
For the World War Foreign Debt Commission:

By

A. W. MELLON,

*Secretary of the Treasury and  
Chairman of the Commission*

Approved:

CALVIN COOLIDGE,  
*President.*

EXHIBIT A

(Form of Bond.)

THE GOVERNMENT OF THE REPUBLIC OF LATVIA.

\$

No.

The Government of the Republic of Latvia, hereinafter called Latvia, for value received, promises to pay to the Government of the United States of America, hereinafter called the United States, or order, on December 15, \_\_\_\_\_, the sum of

Dollars (\$ \_\_\_\_\_), and to pay interest upon said principal sum semiannually on June 15 and December 15 in each year, at the rate of 3% per annum from December 15, 1922, to December 15, 1932, and at the rate of 3½% per annum thereafter until the principal hereof shall have been paid. This bond is payable as to both principal and interest in gold coin of the United States of America of the present standard of value, or at the option of Latvia, upon not less than thirty days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder.

This bond is payable as to both principal and interest without deduction for, and is exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of Latvia or any political or local taxing authority within the Republic of Latvia whenever, so long as, and to the extent that, beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled

<sup>3</sup> 42 Stat. 363.

<sup>4</sup> 42 Stat. 1325.

<sup>5</sup> 43 Stat. 763.

nor ordinarily resident in Latvia, or (c) a corporation not organized under the laws of Latvia. This bond is payable as to both principal and interest at the Treasury of the United States in Washington, D.C., or at the option of the Secretary of the Treasury of the United States at the Federal Reserve Bank of New York.

This bond is issued under an Agreement, dated September 24, 1925, between Latvia and the United States, to which this bond is subject and to which reference is hereby made.

IN WITNESS WHEREOF, Latvia has caused this bond to be executed in its behalf at the City of Washington, District of Columbia, by its  
at Washington,  
thereunto duly authorized, as of December 15, 1922.

THE GOVERNMENT OF THE REPUBLIC OF LATVIA,

By

(Back)

The following amounts have been paid upon the principal amount of this bond.

Date.	Amount paid.
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# MOST-FAVORED-NATION TREATMENT IN CUSTOMS MATTERS

*Provisional agreement signed at Riga February 1, 1926*

*Latvian ratification notified to the United States April 30, 1926*

*Entered into force April 30, 1926*

*Modified by notes of July 10 and 11, 1951<sup>1</sup>*

Treaty Series 740

## PROVISIONAL COMMERCIAL AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND LATVIA

The Undersigned,

Mr. F. W. B. Coleman, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Latvia, and

Mr. K. Ulmanis, Prime Minister of Latvia, desiring to confirm and make a record of the understanding which they have reached through recent conversations on behalf of their respective Governments with reference to the treatment which the United States shall accord to the commerce of Latvia and which Latvia shall accord to the commerce of the United States, have signed this Provisional Agreement:

### § 1

It is understood that in respect of import and export duties and all other duties and all other charges affecting commerce, as well as in respect to transit, warehousing and other facilities and the treatment of commercial travellers' samples, the United States will accord to Latvia, and Latvia will accord to the United States, its territories and possessions, unconditional most favored nation treatment, and that in the matter of licensing or prohibitions of imports or exports each country so far as it at any time maintains such a system will accord to the commerce of the other treatment as favorable with respect to commodities, valuations and quantities as may be accorded to the commerce of any other country.

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<sup>1</sup> Not printed. The Latvian Chargé d'Affaires, in his note of July 11, 1951, acquiesced in the application of controls by the United States Government to trade between the United States and Latvia while that country is under Soviet control.

## § 2

It is understood that no higher or other duties shall be imposed on the importation into or disposition in the United States, its territories or possessions, of any articles the produce or manufacture of Latvia than are or shall be payable on like articles the produce or manufacture of any foreign country.

## § 3

It is understood that no higher or other duties shall be imposed on the importation into or disposition in Latvia of any articles the produce or manufacture of the United States, its territories or possessions, than are or shall be payable on like articles the produce or manufacture of any foreign country.

## § 4

It is understood that similarly no higher or other duties shall be imposed in the United States, its territories or possessions, or in Latvia, on the exportation of any article to the other or to any territory or possession of the other than are payable on the exportation of like articles to any foreign country.

## § 5

It is understood that every concession with respect to any duty, charge or regulation affecting commerce now accorded or that may hereafter be accorded by the United States or by Latvia by law, proclamation, decree, or commercial treaty or agreement, to the products of any third country will become immediately applicable without request and without compensation to the commerce of Latvia and of the United States and its territories and possessions, respectively.

## § 6

This understanding does not relate to:

A. The treatment which the United States accords or may hereafter accord to the commerce of Cuba or any of the territories or possessions of the United States, or the Panama Canal Zone, or to the treatment which is or may hereafter be accorded to the commerce of the United States with any of its territories or possessions, or to the commerce of its territories or possessions with one another.

B. The treatment which Latvia has accorded or may accord to the commerce of Estonia, Finland, Lithuania or Russia so long as any advantages arising from such treatment are not accorded by Latvia to the commerce of states other than Estonia, Finland, Lithuania and Russia.

C. Prohibitions or restrictions of a sanitary character or designed to protect human, animal or plant life, or regulations for the enforcement of police or revenue laws.

## § 7

It is further understood that the present arrangement shall become operative on the day when the ratification of the present agreement by the Latvian Saeima will be notified to the Government of the United States, and unless sooner terminated by mutual agreement, shall continue in force until thirty days after notice of its termination shall have been given by either Government; but should either Government be prevented by future action of its legislature from carrying out the terms of this arrangement the obligations thereof shall thereupon lapse.

Signed at Riga, this first day of February nineteen hundred and twenty-six.

F. W. B. COLEMAN [SEAL]

K. ULMANIS [SEAL]

## FRIENDSHIP, COMMERCE, AND CONSULAR RIGHTS

*Treaty and protocol signed at Riga April 20, 1928*

*Senate advice and consent to ratification May 25, 1928*

*Ratified by the President of the United States June 9, 1928*

*Ratified by Latvia June 29, 1928*

*Ratifications exchanged at Riga July 25, 1928*

*Entered into force July 25, 1928*

*Proclaimed by the President of the United States July 25, 1928*

*Modified by notes of July 10 and 11, 1951<sup>1</sup>*

45 Stat. 2641; Treaty Series 765

### TREATY

The United States of America and the Republic of Latvia, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the peoples thereof, have resolved to conclude a Treaty of Friendship, Commerce and Consular Rights and for that purpose have appointed as their plenipotentiaries:

The President of the United States of America:

Frederick W. B. Coleman, Envoy Extraordinary and Minister Plenipotentiary,

and

The President of the Republic of Latvia:

Antons Balodis, Minister of Foreign Affairs,

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

### ARTICLE I

The nationals of each of the High Contracting Parties shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty

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<sup>1</sup> See footnote 1, *ante*, p. 528.

of conscience and freedom of worship; to engage in scientific, religious, philanthropic and commercial work of every kind without interference; to carry on every form of commercial activity which is not forbidden by the local law; to engage in every trade, vocation, manufacturing industry and profession, not reserved exclusively to nationals of the country; to own, erect or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial and mortuary purposes; to employ agents of their choice, and generally to do anything incidental to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the State of residence or as nationals of the nation hereafter to be most favored by it, submitting themselves to all local laws and regulations duly established.

The nationals of either High Contracting Party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by its nationals.

The nationals of each High Contracting Party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, and in all degrees of jurisdiction established by law.

The nationals of each High Contracting Party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

Nothing contained in this Treaty shall be construed to affect existing statutes of either of the High Contracting Parties in relation to the immigration, admission or sojourn of aliens or the right of either of the High Contracting Parties to enact such statutes.

## ARTICLE II

With respect to that form of protection granted by National, State or Provincial laws establishing civil liability for injuries or for death, and giving to relatives or heirs or dependents of an injured party a right of action or a pecuniary benefit, such relatives or heirs or dependents of the injured party, himself a national of either of the High Contracting Parties and within any of the territories of the other, shall regardless of their alienage or residence outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals, and under like conditions.

## ARTICLE III

The dwellings, warehouses, manufactories, shops, and other places of business, and all premises thereto appertaining of the nationals of each of the

High Contracting Parties in the territories of the other, used for any purposes set forth in Article I, shall be respected. It shall not be allowable to make a domiciliary visit to, or search of, any such buildings and premises, or there to examine and inspect books, papers or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals.

#### ARTICLE IV

Where, on the death of any person holding real or other immovable property or interests therein within the territories of one High Contracting Party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other High Contracting Party, whether resident or non-resident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same which term may be reasonably prolonged if circumstances render it necessary and withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Nationals of either High Contracting Party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation, or otherwise, and their heirs, legatees and donees, of whatsoever nationality, whether resident or non-resident, shall succeed to such personal property, and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the High Contracting Party within whose territories such property may be or belong shall be liable to pay in like cases.

#### ARTICLE V

The nationals of each of the High Contracting Parties in the exercise of the rights of freedom of worship, within the territories of the other, as hereinabove provided, may, without annoyance or molestation of any kind by reason of their religious belief or otherwise, conduct services either within their own houses or within any appropriate buildings which they may be at liberty to erect and maintain in convenient situations, provided their teachings or practices are not contrary to public order or public morals; and they may also be permitted to bury their dead according to their religious customs in suitable and convenient places established and maintained for the purpose, subject to the reasonable mortuary and sanitary laws and regulations of the place of burial.

## ARTICLE VI

In the event of war between either High Contracting Party and a third State, such Party may draft for compulsory military service nationals of the other having a permanent residence within its territories and who have formally, according to its laws, declared an intention to adopt its nationality by naturalization, unless such individuals depart from the territories of said belligerent Party within sixty days after a declaration of war.

## ARTICLE VII

Between the territories of the High Contracting Parties there shall be freedom of commerce and navigation. The nationals of each of the High Contracting Parties equally with those of the most favored nation, shall have liberty freely to come with their vessels and cargoes to all places, ports and waters of every kind within the territorial limits of the other which are or may be open to foreign commerce and navigation.

Each of the High Contracting Parties binds itself unconditionally to impose no higher or other duties or conditions and no prohibition on the importation of any article, the growth, produce, or manufacture, of the territories of the other than are or shall be imposed on the importation of any like article, the growth, produce, or manufacture of any other foreign country.

Each of the High Contracting Parties also binds itself unconditionally to impose no higher or other charges or other restrictions or prohibitions on goods exported to the territories of the other High Contracting Party than are imposed on goods exported to any other foreign country.

Nothing in this Treaty shall be construed to restrict the right of either High Contracting Party to impose, on such terms as it may see fit, prohibitions or restrictions relating to national defense, public security and public order; prohibitions or restrictions of a sanitary character designed to protect human, animal or plant life; regulations for the enforcement of police or revenue laws.

Any advantage of whatsoever kind which either High Contracting Party may extend to any article, the growth, produce, or manufacture of any other foreign country shall simultaneously and unconditionally, without request and without compensation, be extended to the like article, the growth, produce, or manufacture of the other High Contracting Party.

All articles which are or may be legally imported from foreign countries into ports of the United States or are or may be legally exported therefrom in vessels of the United States may likewise be imported into those ports or exported therefrom in Latvian vessels, without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in vessels of the United States; and, reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Latvia or are or may be legally exported therefrom in Latvian vessels may likewise

be imported into these ports or exported therefrom in vessels of the United States without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in Latvian vessels.

In the same manner there shall be perfect reciprocal equality in relation to the flags of the two countries with regard to bounties, drawbacks, and other privileges of this nature of whatever denomination which may be allowed in the territories of each of the High Contracting Parties, on goods imported or exported in national vessels so that such bounties, drawbacks and other privileges shall also and in like manner be allowed on goods imported or exported in vessels of the other country.

With respect to the amount and collection of duties on imports and exports of every kind, each of the two High Contracting Parties binds itself to give to the nationals, vessels and goods of the other the advantage of every favor, privilege or immunity which it shall have accorded to the nationals, vessels and goods of a third State, and regardless of whether such favored State shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment. Every such favor, privilege or immunity which shall hereafter be granted the nationals, vessels or goods of a third State shall simultaneously and unconditionally, without request and without compensation, be extended to the other High Contracting Party, for the benefit of itself, its nationals and vessels.

#### ARTICLE VIII

The stipulations of Article VII of this Treaty shall not extend

a) To the treatment which either High Contracting Party shall accord to purely border traffic within a zone not exceeding ten miles/15 kilometers/wide on either side of its customs frontier;

b) To the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the Commercial Convention concluded by the United States and Cuba on December 11th, 1902,<sup>2</sup> or any other commercial convention which hereafter may be concluded by the United States with Cuba, or to the commerce of the United States with any of its dependencies and the Panama Canal Zone under existing or future laws;

c) To the customs preferences or other facilities of whatever nature which are or may be granted by Latvia in favor of Estonia, Finland, Lithuania or Russia and/or to the special privileges resulting to States in customs or economic union with Latvia so long as such preferences, facilities or special privileges are not accorded to any other State.

#### ARTICLE IX

The nationals and merchandise of each High Contracting Party within the territories of the other shall receive the same treatment as nationals and merchandise of the country with regard to internal taxes, transit duties,

<sup>2</sup> TS 427, *ante*, vol. 6, p. 1106, CUBA.

charges in respect to warehousing and other facilities and the amount of drawbacks and bounties.

#### ARTICLE X

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties or charges of whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories of either country upon the vessels of the other, which shall not equally, under the same conditions, be imposed on national vessels. Such equality of treatment shall apply reciprocally to the vessels of the two countries respectively from whatever place they may arrive and whatever may be their place of destination.

#### ARTICLE XI

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties, and carrying the papers required by its national laws in proof of nationality shall, both within the territorial waters of the other High Contracting Party and on the high seas, be deemed to be the vessels of the Party whose flag is flown.

#### ARTICLE XII

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties shall be permitted to discharge portions of cargoes at any port open to foreign commerce in the territories of the other High Contracting Party, and to proceed with the remaining portions of such cargoes to any other ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner at different ports in the same voyage outward, provided, however, that the coasting trade and the towing service of the United States and the Republic of Latvia are exempt from the provisions of this Article and from the other provisions of this Treaty, and are to be regulated according to the laws of the United States and the Republic of Latvia, respectively, in relation thereto. It is agreed, however, that the nationals of either High Contracting Party shall within the territories of the other enjoy with respect to the coasting trade and the towing service the most favored nation treatment.

The provisions of this Treaty relating to the mutual concession of national treatment in matters of navigation do not apply to special privileges reserved by either High Contracting Party for the fishing industry and for the national ship-building industry.

## ARTICLE XIII

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, National, State or Provincial, of either High Contracting Party and maintain a central office within the territories thereof, shall have their juridical status recognized by the other High Contracting Party provided that they pursue no aims within its territories contrary to its laws. They shall enjoy free access to the courts of law and equity, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of such corporations and associations of either High Contracting Party so recognized by the other to establish themselves within its territories, establish branch offices and fulfil their functions therein shall depend upon, and be governed solely by, the consent of such Party as expressed in its National, State or Provincial laws and regulations.

## ARTICLE XIV

The nationals of either High Contracting Party shall enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the organization of and participation in limited liability and other corporations and associations, for pecuniary profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such nationals shall be subjected to no conditions less favorable than those which have been or may hereafter be imposed upon the nationals of the most favored nation. The rights of any of such corporations or associations as may be organized or controlled or participated in by the nationals of either High Contracting Party within the territories of the other to exercise any of their functions therein, shall be governed by the laws and regulations, National, State or Provincial, which are in force or may hereafter be established within the territories of the Party wherein they propose to engage in business. The foregoing stipulations do not apply to the organization of and participation in political associations.

The nationals of either High Contracting Party shall, moreover, enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain of the other.

## ARTICLE XV

Commercial travelers representing manufacturers, merchants and traders domiciled in the territories of either High Contracting Party shall on their entry into and sojourn in the territories of the other Party and on their departure therefrom be accorded the most favored nation treatment in respect of customs and other privileges and of all charges and taxes of whatever denomination applicable to them or to their samples.

If either High Contracting Party require the presentation of an authentic document establishing the identity and authority of a commercial traveler, a signed statement by the concern or concerns represented, certified by a consular officer of the country of destination, shall be accepted as satisfactory.

ARTICLE XVI<sup>3</sup>

There shall be complete freedom of transit through the territories including territorial waters of each High Contracting Party on the routes most convenient for international transit, by rail, navigable waterway, and canal, other than the Panama Canal and waterways and canals which constitute international boundaries, to persons and goods coming from, going to or passing through the territories of the other High Contracting Party, except such persons as may be forbidden admission into its territories or goods of which the importation may be prohibited by law or regulations. The measures of a general or particular character which either of the High Contracting Parties is obliged to take in case of an emergency affecting the safety of the State or the vital interests of the country may in exceptional cases and for as short a period as possible involve a deviation from the provisions of this paragraph; it being understood that the principle of freedom of transit must be observed to the utmost possible extent.

Persons and goods in transit shall not be subjected to any transit duty, or to any unnecessary delays or restrictions, or to any discrimination as regards charges, facilities or any other matters.

Goods in transit must be entered at the proper custom house, but they shall be exempt from all customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic.

## ARTICLE XVII

Each of the High Contracting Parties agrees to receive from the other consular officers in those of its ports, places and cities, where it may be convenient and which are open to consular representatives of any foreign country.

Consular officers of each of the High Contracting Parties shall, after entering upon their duties, enjoy reciprocally in the territories of the other all

<sup>3</sup> For an understanding relating to art. XVI, see protocol, p. 545.

the rights, privileges, exemptions and immunities which are enjoyed by officers of the same grade of the most favored nation. As official agents, such officers shall be entitled to the high consideration of all officials, national or local, with whom they have official intercourse in the State which receives them.

The Government of each of the High Contracting Parties shall furnish free of charge the necessary exequatur of such consular officers of the other as present a regular commission signed by the chief executive of the appointing State and under its great seal; and it shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his Government, or by any other competent officer of that Government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function. On the exhibition of an exequatur, or other document issued in lieu thereof to such subordinate, such consular officer shall be permitted to enter upon his duties and to enjoy the rights, privileges and immunities granted by this Treaty.

#### ARTICLE XVIII

Consular officers, nationals of the State by which they are appointed, shall be exempt from arrest except when charged with the commission of offenses locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever.

In criminal cases the attendance at the trial by a consular officer as a witness may be demanded by the prosecution or defense. The demand shall be made with all possible regard for the consular dignity and the duties of the office; and there shall be compliance on the part of the consular officer.

Consular officers shall be subject to the jurisdiction of the courts in the State which receives them in civil cases, subject to the proviso, however, that when the officer is a national of the State which appoints him and is engaged in no private occupation for gain, his testimony shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at the trial whenever it is possible to do so without serious interference with his official duties.

#### ARTICLE XIX <sup>4</sup>

Consular officers, including employees in a consulate, nationals of the State by which they are appointed other than those engaged in private occupations for gain within the State where they exercise their functions shall be exempt from all taxes, National, State, Provincial and Municipal, levied upon their

<sup>4</sup> For an understanding relating to art. XIX, see protocol, p. 545.

persons or upon their property, except taxes levied on account of the possession or ownership of immovable property situated in, or income derived from property of any kind situated or belonging within the territories of the State within which they exercise their functions. All consular officers and employees, nationals of the State appointing them shall be exempt from the payment of taxes on the salary, fees or wages received by them in compensation for their consular services.

Lands and buildings situated in the territories of either High Contracting Party, of which the other High Contracting Party is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, National, State, Provincial and Municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

#### ARTICLE XX

Consular officers may place over the outer door of their respective offices the arms of their State with an appropriate inscription designating the official office. Such officers may also hoist the flag of their country on their offices including those situated in the capitals of the two countries. They may likewise hoist such flag over any boat or vessel employed in the exercise of the consular function.

The consular offices and archives shall at all times be inviolable. They shall under no circumstances be subjected to invasion by any authorities of any character within the country where such offices are located. Nor shall the authorities under any pretext make any examination or seizure of papers or other property deposited within a consular office. Consular offices shall not be used as places of asylum. No consular officer shall be required to produce official archives in court or testify as to their contents.

Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, secretaries or chancellors, whose official character may have previously been made known to the Government of the State where the consular function was exercised, may temporarily exercise the consular function of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, prerogatives and immunities granted to the incumbent.

#### ARTICLE XXI

Consular officers, nationals of the State by which they are appointed, may, within their respective consular districts, address the authorities, National, State, Provincial or Municipal, for the purpose of protecting their countrymen in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify inter-

position through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital may apply directly to the government of the country.

#### ARTICLE XXII

Consular officers may, in pursuance of the laws of their own country, take at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territories of, their own country. Such officers may draw up, attest, certify and authenticate unilateral acts, deeds, and testamentary dispositions of their countrymen, and also contracts to which a countryman is the party. They may draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the State by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions and contracts relating to property situated, or business to be transacted within, the territories of the State by which they are appointed, embracing unilateral acts, deeds, testamentary dispositions or agreements executed solely by nationals of the State within which such officers exercise their functions.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated under his official seal by the consular officer shall be received as evidence in the territories of the High Contracting Parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized in the country by which the consular officer was appointed; provided, always, that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

#### ARTICLE XXIII

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, and shall alone exercise jurisdiction in cases, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrongdoing shall have entered a port within his consular district. Such an officer shall also have jurisdiction over issues concerning the adjustment of wages and the execution of contracts relating thereto provided the local laws so permit.

When an act committed on board of a private vessel under the flag of the State by which the consular officer has been appointed and within the territorial waters of the State to which he has been appointed constitutes a crime according to the laws of that State, subjecting the person guilty thereof

to punishment as a criminal, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the local law.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the State to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the State to which he is appointed to render assistance as an interpreter or agent.

#### ARTICLE XXIV

In case of the death of a national of either High Contracting Party in the territory of the other without having in the territory of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the State of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the parties interested.

In case of the death of a national of either of the High Contracting Parties without will or testament, in the territory of the other High Contracting Party, the consular officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as a national of the country where he was appointed.

#### ARTICLE XXV

A consular officer of either High Contracting Party may in behalf of his non-resident countryman receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called Workmen's Compensation Laws or other like statutes providing he remit any funds so received through the appropriate agencies of his Government to the proper distributees, and provided further that he furnish to the authority or agency making distribution through him reasonable evidence of such remission.

## ARTICLE XXVI

A consular officer of either High Contracting Party shall have the right to inspect within the ports of the other High Contracting Party within his consular district, the private vessels of any flag destined or about to clear for ports of the country appointing him in order to observe the sanitary conditions and measures taken on board such vessels, and to be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein.

## ARTICLE XXVII

Each of the High Contracting Parties agrees to permit the entry free of all duty of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property accompanying the officer to his post; provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the High Contracting Parties, may be brought into its territories. Personal property imported by consular officers, their families or suites during the incumbency of the officers in office shall be accorded the customs privileges and exemptions accorded to consular officers of the most favored nation.

It is understood, however, that the privileges of this Article shall not be extended to consular officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to governmental supplies.

## ARTICLE XXVIII

All proceedings relative to the salvage of vessels of either High Contracting Party wrecked upon the coasts of the other shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred. Pending the arrival of such officer, who shall be immediately informed of the occurrence, the local authorities shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

#### ARTICLE XXIX

Subject to any limitation or exception hereinabove set forth, or hereafter to be agreed upon, the territories of the High Contracting Parties to which the provisions of this Treaty extend shall be understood to comprise all areas of land, water, and air over which the Parties respectively claim and exercise dominion as sovereign thereof, except the Panama Canal Zone.

#### ARTICLE XXX

Except as provided in the third paragraph of this Article the present Treaty shall remain in full force for the term of ten years from the date of the exchange of ratifications, on which date it shall begin to take effect in all of its provisions.

If within one year before the expiration of the aforesaid period of ten years neither High Contracting Party notifies to the other an intention of modifying, by change or omission, any of the provisions of any of the articles in this Treaty or of terminating it upon the expiration of the aforesaid period, the Treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the High Contracting Parties shall have notified to the other an intention of modifying or terminating the Treaty.

The sixth and seventh paragraphs of Article VII and Articles X and XII shall remain in force for twelve months from the date of exchange of ratifications, and if not then terminated on ninety days' previous notice shall remain in force until either of the High Contracting Parties shall enact legislation inconsistent therewith when the same shall automatically lapse at the end of sixty days from such enactment, and on such lapse each High Contracting Party shall enjoy all the rights which it would have possessed had such paragraphs or articles not been embraced in the Treaty.

#### ARTICLE XXXI

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Riga as soon as possible.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the same and have affixed their seals hereto.

Done in duplicate, at Riga, this 20th day of April, 1928.

F. W. B. COLEMAN [SEAL]

A. BALODIS [SEAL]

PROTOCOL  
ACCOMPANYING TREATY OF FRIENDSHIP, COMMERCE AND CONSULAR  
RIGHTS

At the moment of signing the Treaty of Friendship, Commerce and Consular Rights between the United States of America and the Republic of Latvia, the undersigned plenipotentiaries, duly authorized by their respective Governments, have agreed as follows:

1. The provisions of Article XVI do not prevent the High Contracting Parties from levying on traffic in transit dues intended solely to defray expenses of supervision and administration entailed by such transit, the rate of which shall correspond as nearly as possible with the expenses which such dues are intended to cover and shall not be higher than the rates charged on other traffic of the same class on the same routes.

2. Wherever the term "consular officer" is used in this Treaty it shall be understood to mean Consuls General, Consuls, Vice Consuls and Consular Agents to whom an exequatur or other document of recognition has been issued pursuant to the provisions of paragraph 3 of Article XVII.

3. In addition to consular officers, attachés, chancellors and secretaries, the number of employees to whom the privileges authorized by Article XIX shall be accorded shall not exceed five at any one post.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed the present Protocol and affixed thereto their respective seals.

Done in duplicate, at Riga, this 20th day of April, 1928.

F. W. B. COLEMAN [SEAL]

A. BALODIS [SEAL]

## ARBITRATION

*Treaty signed at Riga January 14, 1930*

*Senate advice and consent to ratification March 22, 1930*

*Ratified by the President of the United States March 29, 1930*

*Ratified by Latvia April 26, 1930*

*Ratifications exchanged at Washington July 10, 1930*

*Entered into force July 10, 1930*

*Proclaimed by the President of the United States July 14, 1930*

46 Stat. 2763; Treaty Series 818

### TREATY OF ARBITRATION BETWEEN THE UNITED STATES OF AMERICA AND LATVIA

The President of the United States of America and the President of the Republic of Latvia,

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated for ever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective plenipotentiaries

The President of the United States of America

His Excellency Mr. F.W.B. Coleman, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Republic of Latvia

The President of the Republic of Latvia

His Excellency Mr. Antons Balodis, Minister for Foreign Affairs  
who having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

#### ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one

against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907,<sup>1</sup> or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Latvia in accordance with its constitutional laws.

## ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Latvia in accordance with the Covenant of the League of Nations.<sup>2</sup>

## ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Latvia in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith thereof the respective Plenipotentiaries have signed this treaty in duplicate in the English language, and hereunto affixed their seals.

Done at Riga, the 14th day of January in the year of Our Lord one thousand nine hundred and thirty.

F. W. B. COLEMAN [SEAL]

A. BALODIS [SEAL]

<sup>1</sup> TS 536, *ante*, vol. 1, p. 577.

<sup>2</sup> *Ante*, vol. 2, p. 48.

## CONCILIATION

*Treaty signed at Riga January 14, 1930*

*Senate advice and consent to ratification March 22, 1930*

*Ratified by the President of the United States March 29, 1930*

*Ratified by Latvia April 26, 1930*

*Ratifications exchanged at Washington July 10, 1930*

*Entered into force July 10, 1930*

*Proclaimed by the President of the United States July 14, 1930*

46 Stat. 2766; Treaty Series 819

### TREATY OF CONCILIATION BETWEEN THE UNITED STATES OF AMERICA AND LATVIA

The President of the United States of America and the President of the Republic of Latvia, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States of America

His Excellency Mr. F. W. B. Coleman, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Republic of Latvia

The President of the Republic of Latvia

His Excellency Mr. Antons Balodis, Minister for Foreign Affairs

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

#### ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Latvia, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article;

and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

## ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

## ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

## ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Latvia in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications.

It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith thereof the respective Plenipotentiaries have signed this treaty in duplicate in the English language, and hereunto affix their seals.

Done at Riga, the 14th day of January in the year of Our Lord one thousand nine hundred and thirty.

F. W. B. COLEMAN [SEAL]

A. BALODIS [SEAL]

## DEBT FUNDING

*Agreement signed at Washington June 11, 1932, modifying agreement  
of September 24, 1925  
Operative from July 1, 1931*

Treasury Department print

### AGREEMENT,

Made the 11th day of June, 1932, at the City of Washington, District of Columbia, between the GOVERNMENT OF THE REPUBLIC OF LATVIA, hereinafter called LATVIA, party of the first part, and the GOVERNMENT OF THE UNITED STATES OF AMERICA, hereinafter called the UNITED STATES, party of the second part.

WHEREAS, under the terms of the debt funding agreement between Latvia and the United States, dated September 24, 1925,<sup>1</sup> there is payable by Latvia to the United States during the fiscal year beginning July 1, 1931 and ending June 30, 1932, in respect of the bonded indebtedness of Latvia to the United States, the aggregate amount of \$250,654.16, including principal and interest; and

WHEREAS, a Joint Resolution of the Congress of the United States, approved December 23, 1931,<sup>2</sup> authorizes the Secretary of the Treasury, with the approval of the President, to make on behalf of the United States an agreement with Latvia on the terms hereinafter set forth, to postpone the payment of the amount payable by Latvia to the United States during such year in respect of its bonded indebtedness to the United States; and

WHEREAS, Latvia hereby gives assurance to the satisfaction of the President of the United States, of the willingness and readiness of Latvia to make with the Government of each country indebted to Latvia in respect of war, relief, or reparation debts, an agreement in respect of the payment of the amount

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<sup>1</sup> *Ante*, p. 521.

<sup>2</sup> 47 Stat. 3.

or amounts payable to Latvia with respect to such debt or debts during such fiscal year, substantially similar to this Agreement authorized by the Joint Resolution above mentioned;

Now, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. Payment of the amount of \$250,654.16 payable by Latvia to the United States during the fiscal year beginning July 1, 1931 and ending June 30, 1932, in respect to the bonded indebtedness of Latvia to the United States, according to the terms of the agreement of September 24, 1925, above mentioned, is hereby postponed so that such amount, together with interest thereon at the rate of 4 per centum per annum from July 1, 1933, shall be paid by Latvia to the United States in ten equal annuities of \$30,548.52 each, payable in equal semiannual installments on December 15 and June 15 of each fiscal year beginning with the fiscal year beginning July 1, 1933 and ending June 30, 1934, and concluding with the fiscal year beginning July 1, 1942 and ending June 30, 1943. The bond numbered 9, dated December 15, 1922, in the principal amount of \$36,000, and bond numbered 1A, dated December 15, 1930, in the principal amount of \$8,664.20, both matured December 15, 1931, delivered by Latvia to the United States under the agreement of September 24, 1925, shall be retained by the United States until the annuities due under this Agreement shall have been paid.

2. Except so far as otherwise expressly provided in this Agreement, payments of annuities under this Agreement shall be subject to the same terms and conditions as payments under the agreement of September 24, 1925, above mentioned. The proviso in paragraph 2 of such agreement, authorizing the postponement of payments on account of principal, and the option of Latvia provided for in paragraph 5, to pay in obligations of the United States, shall not apply to annuities payable under this Agreement.

3. The agreement of September 24, 1925, between Latvia and the United States, above mentioned, shall remain in all respects in full force and effect except so far as expressly modified by this Agreement.

4. Latvia and the United States, each for itself, represents and agrees that the execution and delivery of this Agreement have in all respects been duly authorized and that all acts, conditions, and legal formalities which should have been completed prior to the making of this Agreement have been completed as required by the laws of Latvia and the United States, respectively, and in conformity therewith.

5. This Agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

IN WITNESS WHEREOF, Latvia has caused this Agreement to be executed on its behalf by its Consul General in New York, thereunto duly authorized,

subject, however, to ratification, if necessary, and the United States has likewise caused this Agreement to be executed on its behalf by the Secretary of the Treasury, with the approval of the President, pursuant to a Joint Resolution of Congress approved December 23, 1931,<sup>3</sup> all on the day and year first above written.

THE REPUBLIC OF LATVIA

By

ARTHUR B. LULE,  
*Consul General of Latvia in New York*

THE UNITED STATES OF AMERICA

By

OGDEN L. MILLS,  
*Secretary of the Treasury*

Approved:

HERBERT HOOVER,  
*President*

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<sup>3</sup> 47 Stat. 3.

## EXTRADITION

*Treaty signed at Washington October 10, 1934, supplementing treaty of October 16, 1923*

*Senate advice and consent to ratification February 6, 1935*

*Ratified by the President of the United States February 14, 1935*

*Ratified by Latvia February 15, 1935*

*Ratifications exchanged at Riga March 29, 1935*

*Entered into force March 29, 1935*

*Proclaimed by the President of the United States April 10, 1935*

49 Stat. 3131; Treaty Series 884

The United States of America and the Republic of Latvia, being desirous of enlarging the list of crimes on account of which extradition may be granted under the Treaty concluded between the two countries on October 16, 1923,<sup>1</sup> with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, have resolved to conclude a supplementary treaty for this purpose and have appointed as their plenipotentiaries, to wit:

The President of the United States of America; Mr. Cordell Hull, Secretary of State of the United States of America; and

The President of the Republic of Latvia; Mr. Arturs Lule, Consul General of Latvia in New York,

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

### ARTICLE I

The following crimes are added to the list of crimes numbered 1 to 24 in Article II of the said Treaty of October 16, 1923, on account of which extradition may be granted, that is to say:

25. Crimes against the bankruptcy laws.

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<sup>1</sup> TS 677, *ante*, p. 515.

## ARTICLE II

The present Treaty shall be considered as an integral part of the said Extradition Treaty of October 16, 1923, and Article II of the last mentioned Treaty shall be read as if the list of crimes therein contained had originally comprised the additional crime specified and numbered 25 in the first article of the present Treaty.

## ARTICLE III

The present Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods, and shall take effect on the date of the exchange of ratifications, which shall take place at Riga as soon as possible.

IN WITNESS WHEREOF, the above named plenipotentiaries have signed the present Treaty and have hereunto affixed their seals.

DONE in duplicate at Washington, this tenth day of October, one thousand nine hundred and thirty-four.

CORDELL HULL [SEAL]

ARTURS LULE [SEAL]

# WAIVER OF VISA FEES FOR NONIMMIGRANTS

*Exchange of notes at Riga February 18 and March 27, 1935  
Entered into force April 1, 1935*

Department of State files

*The American Minister to the Minister of Foreign Affairs*

LEGATION OF THE  
UNITED STATES OF AMERICA  
*Riga, February 18, 1935*

No. 119

EXCELLENCY:

I have the honor to inform Your Excellency that I am authorized to propose the following agreement between the Government of the United States and the Government of Latvia:

“The Government of the United States will, from the 1st day of April, 1935, collect no fee for visaing passports or executing applications therefor in the case of citizens of Latvia desiring to visit the United States (including the insular possessions) who are not ‘immigrants’ as defined in the Immigration Act of the United States of 1924<sup>1</sup> as amended; namely, ‘(1) a government official, his family, attendants, servants, and employees, (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the United States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and (6) an alien entitled to enter the United States solely to carry on trade between the United States and the foreign state of which he is a national under and in pursuance of the provisions of a treaty of commerce and navigation, and his wife, and his unmarried children under 21 years of age, if accompanying or following to join him;’ and from the same day the Government of Latvia will collect no fees for visaing passports or executing applications therefor

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<sup>1</sup> 43 Stat. 153.

from non-immigrant citizens of the United States of like classes desiring to visit Latvia.”

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

J. V. A. MACMURRAY

His Excellency

Mr. KARLIS ULMANIS,  
*President of the Council,*  
*Minister for Foreign Affairs,*  
*Riga.*

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*The Minister of Foreign Affairs to the American Minister*

Nr.K.14.10/35 09501

RIGA, March 27, 1935

EXCELLENCY,

I have the honour to inform Your Excellency, that the Government of Latvia, desiring to facilitate the communication between Latvia and the United States of America, accepts the proposal of Your Excellency of February 18, 1935 (note Nr. 119) regarding the waiver of fees for passport visas for certain classes of travellers and concludes therefore with the Government of the United States the following agreement :

[For text, see U.S. note, above.]

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

K. ULMANIS  
*President of the Council*  
*Minister for Foreign Affairs*

His Excellency

M. J. V. A. MACMURRAY,  
*Envoy Extraordinary and Minister Plenipotentiary*  
*of the United States of America,*  
*Riga.*

# *League of Nations*

## REGISTRATION OF TREATIES

*Exchange of notes at Geneva January 22 and 23, 1934*

*Entered into force January 23, 1934*

*Obsolete as of August 1, 1946*<sup>1</sup>

49 Stat. 3659; Executive Agreement Series 70

*The Acting Legal Adviser of the Secretariat of the League of Nations  
to the American Consul at Geneva*

LEAGUE OF NATIONS  
*Geneva, January 22, 1934*

DEAR MR. GILBERT,

With reference to my recent conversations with you, I am authorised by the Secretary-General to confirm that provision for the registration with the Secretariat, by States not belonging to the League, of international agreements concluded by them is made in paragraph 13 of the memorandum regarding the registration and publication of treaties which was approved by the Council of the League of Nations on May 19th, 1920 (see Volume I, No. 1, of the Treaty Series, pp. 8-13). I annex the text of this paragraph in French and English.

You will observe from the terms of the paragraph that the Council recognised that such registration by a non-Member State would be absolutely voluntary.

It may be of interest for me to mention that, commencing in October 1920, Germany proceeded to register treaties with the Secretariat as contemplated in the paragraph, on the understanding that this did not imply that she considered herself as bound by the provisions of Article 18 of the Covenant (see Treaty Series, Volume II, p. 60). I might also mention that,

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<sup>1</sup>Date of transfer of treaty registration functions from the League of Nations to the United Nations, for performance under art. 102 of the United Nations Charter (TS 993, *ante*, vol. 3, p. 1176).

since she ceased to be a member of the League, Brazil has continued to register treaties with the Secretariat.

In such cases a simple acknowledgment of the request for registration, and not a formal certificate of registration, is addressed by the Secretariat to the Government presenting a treaty for registration, in view of the fact that the registration is not legally obligatory.

Should, therefore, the United States decide to adopt the practice of registering international agreements concluded by it with the Secretariat, the position would be as follows:

a) Such registration would not involve acquiescence by the United States in the stipulation of Article 18 of the Covenant that no instrument shall be binding until registration.

b) Such registration would result in publication of treaties and executive agreements between the United States and Members of the League and likewise between the United States and other States not Members of the League in the "League of Nations Treaty Series" in the same category and with the same promptitude as treaties registered by the Member States.

c) Such registration would result in the elimination of the delay in the publication of instruments which may hitherto have been caused by the suspension of publication of treaties sent to the Secretariat by the United States until appropriate notification had been made to the interested Member States.

If the United States requested registration of a treaty, such registration would be effected at once and the treaty be published in the same manner as though it had been presented by a Member State. Since registered treaties are published in the order of registration, the exact date at which a treaty appears in the Treaty Series necessarily depends on the progress made in producing the Series.

d) Such registration would not involve an obligation on the part of the United States to pay any charges or expenses.

I should perhaps add that under the memorandum approved by the Council, the instruments which the Secretariat registers comprise "not only every formal Treaty of whatsoever character and every International Convention, but also any other International Engagement or Act by which nations or their Governments intend to establish legal obligations between themselves and another State, Nation, or Government".

I am, dear Mr. Gilbert,  
Yours very sincerely,

H. MCKINNON WOOD  
*Acting Legal Adviser of the Secretariat*

MR. PRENTISS B. GILBERT,  
*United States Consulate,  
Rue du Mont Blanc,  
Geneva.*

## ANNEX

PARAGRAPH 13 OF MEMORANDUM APPROVED BY COUNCIL  
ON MAY 19TH, 1920*English text.*

"13. In connection with this last point, it has been suggested that the system of Registration of Treaties by the Secretariat of the League of Nations should from the beginning be so extended as to admit of the registration of Treaties, etc., made by and between States or Communities that have not yet been admitted as Members of the League of Nations. This would serve to complete the Registration of Treaties and the public collection of Treaties which will be formed by the Treaty Part of the League of Nations Journal. The Secretary-General therefore proposes, although the Registration will be for this part absolutely voluntary, to accept applications for the Registration of Treaties, etc., even if none of the Parties is at the time a Member of the League of Nations."

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*The American Consul at Geneva to the Acting Legal Adviser  
of the Secretariat of the League of Nations*

AMERICAN CONSULAR SERVICE  
*Geneva, Switzerland, January 23, 1934*

MY DEAR MR. MCKINNON WOOD:

I desire to acknowledge with appreciation your letter of January 22, 1934 in which, in line with our conversations, you set forth the position of the League of Nations with regard to the registration by the Secretariat and the publication in the "League of Nations Treaty Series" of international instruments concluded by the United States which shall be furnished by the Government of the United States for this purpose. My understanding of the League's position in this respect is as follows.

(a) Such registration will not involve acquiescence by the United States in the stipulation of Article 18 of the Covenant of the League of Nations that no instrument shall be binding until registration.

(b) Such registration will result in publication of treaties and executive agreements between the United States and members of the League and likewise those between the United States and other states not members of the League in the "League of Nations Treaty Series", in the same category and with the same promptitude as treaties registered by the member states.

(c) Such registration will result in the elimination of the delay in publication of instruments which may hitherto have been caused by the suspension of publication of treaties sent to the Secretariat by the United States until appropriate notification had been made to the interested member states.

(d) Such registration will not involve an obligation on the part of the United States to pay any charges or expenses.

With regard to points (b) and (c) above, my understanding of the arrangement envisaged is that, upon the United States requesting the registration of a treaty, such registration will be effected at once and the treaty published in the same manner as though it had been presented by a member state; it is, however, entirely clear that, inasmuch as registered treaties are published in the order of registration, the exact date at which a treaty appears in the "Treaty Series" necessarily depends on the progress made in producing the Series.

I further understand that in cases of this character a simple acknowledgment of the request for registration, and not a formal certificate of registration, is addressed by the Secretariat to the government presenting a treaty for registration, in view of the fact that the registration is not legally obligatory.

I take pleasure in informing you that my Government will be glad in accordance with the memorandum approved by the Council of the League on May 19, 1920 and in accordance with the understandings expressed in your letter which I have recapitulated above, to furnish the Secretariat through the American Minister at Bern for the purpose of registration and publication a certified copy of each international agreement to which the United States shall hereafter become a party.

I am, my dear Mr. McKinnon Wood,

Yours very sincerely,

PRENTISS GILBERT

H. MCKINNON WOOD, Esquire,  
*Legal Section,*  
*League of Nations,*  
*Geneva.*

# Lebanon<sup>1</sup>

## RIGHTS OF AMERICAN NATIONALS

*Exchange of notes at Beirut September 7 and 8, 1944*

*Entered into force September 8, 1944*

58 Stat. 1493; Executive Agreement Series 435

*The American Diplomatic Agent to the Minister of Foreign Affairs*

LEGATION OF THE  
UNITED STATES OF AMERICA  
*September 7, 1944*

EXCELLENCY:

I have the honor to inform Your Excellency that my Government has observed with friendly and sympathetic interest the accelerated transfer of governmental powers to the Lebanese and Syrian Governments since November 1943 and now takes the view that the Lebanese and Syrian Governments may now be considered representative, effectively independent and in a position satisfactorily to fulfil their international obligations and responsibilities.

The United States is, therefore, prepared to extend full and unconditional recognition of the independence of Lebanon, upon receipt from Your Excellency's Government of written assurances that the existing rights of the United States and its nationals, particularly as set forth in the treaty of 1924 between the United States and France,<sup>2</sup> are fully recognized and will be effectively continued and protected by the Lebanese Government, until such time as appropriate bilateral accord may be concluded by direct and mutual agreement between the United States and Lebanon.

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<sup>1</sup> Certain agreements between the United States and France were, or are, applicable also to Lebanon. See *ante*, vol. 7, p. 763, FRANCE.

<sup>2</sup> TS 695, *ante*, vol. 7, p. 925, FRANCE.

I am to add that, following the receipt of such assurances, my Government proposes to appoint an Envoy Extraordinary and Minister Plenipotentiary as its representative near the Lebanese Government and would be pleased to receive in the United States a diplomatic representative of Lebanon of the same grade.

Accept, Excellency, the renewed assurance of my highest consideration.

G. WADSWORTH

His Excellency

SELIM BEY TAKLA,

*Minister for Foreign Affairs of the*

*Republic of Lebanon,*

*Beirut.*

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*The Minister of Foreign Affairs to the American Diplomatic Agent*

N° 2162

BEYROUTH, *le 8 Septembre 1944*

SIR,

I have the honour to inform you that I have received with satisfaction your note dated 7th September, 1944, in which you conveyed the view of the United States Government that the Lebanese Government may now be considered representative, effectively independent and in a position satisfactorily to fulfil his international obligations and responsibilities; and that therefore the United States is prepared to extend full and unconditional recognition of the independence of Lebanon upon receipt of written assurances that the existing rights of the United States and its nationals, particularly as set forth in the Treaty of 1924 between the United States and France, are fully recognised and will be effectively continued and protected by the Lebanese Government until such time as appropriate bilateral accord may be concluded by direct and mutual agreement between the United States and Lebanon.

The Lebanese Government have taken note of the friendly attitude of the United States Government, and they highly appreciate this noble geste. It is my pleasant task to convey to you the assurances of the Lebanese Government that the existing rights of the United States and its nationals particularly as set forth in the Treaty of 1924 between the United States and France, are fully recognised and will be effectively continued and protected, until such time as appropriate bilateral accord may be concluded by direct and mutual agreement between Lebanon and the United States.

I have the honour to add that the Lebanese Government welcome the proposed appointment by the Government of the United States, of an Envoy

Extraordinary and Minister Plenipotentiary as representative accredited to the President of the Lebanese Republic, and propose to appoint a representative of the same rank to be accredited near the President of the United States.

I avail myself of this opportunity to renew to you, Sir, the assurances of my highest consideration.

SÉLIM TAKLA  
*Minister for Foreign Affairs*

His Excellence,  
Mr. GEORGE WADSWORTH  
*United States Diplomatic Agent,  
Beirut.*

## AIR TRANSPORT SERVICES

*Agreement, with annex and exchange of notes, signed at Beirut  
August 11, 1946*

*Approval by Lebanon notified to the United States April 23, 1947*

*Entered into force provisionally August 11, 1946; definitively April 23,  
1947*

61 Stat. 2987; Treaties and Other  
International Acts Series 1632

### AIR TRANSPORT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND LEBANON

Having in mind the resolution signed under date of December 7, 1944, at the International Civil Aviation Conference in Chicago, Illinois, for the adoption of a standard form of agreement for provisional air routes and services, and the desirability of mutually stimulating and promoting the sound economic development of air transportation between the United States and Lebanon, the two Governments parties to this arrangement agree that the establishment and development of air transport services between their respective territories shall be governed by the following provisions:

#### ARTICLE 1

The Contracting Parties grant the rights specified in the Annex hereto necessary for establishing the international civil air routes and services therein described, whether such services be inaugurated immediately or at a later date at the option of the Contracting Party to whom the rights are granted.

#### ARTICLE 2

(a) Each of the air services so described shall be placed in operation as soon as the Contracting Party to whom the rights have been granted by Article 1 to designate an airline or airlines for the route concerned has authorized an airline for such route, and the Contracting Party granting the rights shall, subject to Article 6 hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; provided that the airlines so designated may be required to qualify before the competent aeronautical authorities of the Contracting Party granting the rights under the laws and regulations normally applied by these authorities before being

permitted to engage in the operations contemplated by this Agreement; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such inauguration shall be subject to the approval of the competent military authorities.

(b) It is understood that either Contracting Party granted commercial rights under this Agreement should exercise them at the earliest practicable date except in the case of temporary inability to do so.

### ARTICLE 3

In order to prevent discriminatory practices and to assure equality of treatment, both Contracting Parties agree that:

(a) Each of the Contracting Parties may impose or permit to be imposed just and reasonable charges for the use of public airports and other facilities under its control. Each of the Contracting Parties agrees, however, that these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

(b) Fuel, lubricating oils and spare parts introduced into the territory of one Contracting Party by the other Contracting Party or its nationals, and intended solely for use by aircraft of such other Contracting Party shall be accorded national and most-favored-nation treatment with respect to the imposition of customs duties, inspection fees or other national duties or charges by the Contracting Party whose territory is entered.

(c) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one Contracting Party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other Contracting Party, be exempt from customs, inspection fees or similar duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

### ARTICLE 4

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one Contracting Party shall be recognized as valid by the other Contracting Party for the purpose of operating the routes and services described in the Annex. Each Contracting Party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another state.

### ARTICLE 5

(a) The laws and regulations of one Contracting Party relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while

within its territory, shall be applied to the aircraft of the other Contracting Party, and shall be complied with by such aircraft upon entering or departing from or while within the territory of the first Party.

(b) The laws and regulations of one Contracting Party as to the admission to or departure from its territory of passengers, crew, or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo of the other Contracting Party upon entrance into or departure from, or while within the territory of the first party.

#### ARTICLE 6

Each Contracting Party reserves the right to withhold or revoke a certificate or permit to an airline of the other Party in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of either Party to this Agreement, or in case of failure of an airline to comply with the laws of the State over which it operates as described in Article 5 hereof, or to perform its obligations under this Agreement.

#### ARTICLE 7

This Agreement and all contracts connected therewith shall be registered with the Provisional International Civil Aviation Organization.

#### ARTICLE 8

Either Contracting Party may terminate the rights for services granted by it under this Agreement by giving one year's notice to the other Contracting Party.

#### ARTICLE 9

In the event either of the Contracting Parties considers it desirable to modify the routes or conditions set forth in the attached Annex, it may request consultation between the competent authorities of both Contracting Parties, such consultation to begin within a period of sixty days from the date of the request. When these authorities mutually agree on new or revised conditions affecting the Annex, their recommendations on the matter will come into effect after they have been confirmed by an exchange of diplomatic notes.

#### ARTICLE 10

Any dispute between the Contracting Parties relating to the interpretation or application of this Agreement or its Annex, which cannot be settled through consultation, shall be referred for an advisory report to the Interim Council of the Provisional International Civil Aviation Organization (in accordance with the provisions of Article 3, Section 6 (8) of the Interim Agreement on Civil Aviation signed at Chicago on December 7, 1944<sup>1</sup>) or its successors.

<sup>1</sup> EAS 469, *ante*, vol. 3, p. 929.

## ARTICLE 11

The provisions of this Agreement shall become operative from the day it is signed. The Lebanese Government shall notify the Government of the United States of approval of the Agreement by the Lebanese Parliament, and the Government of the United States shall consider the Agreement as becoming definitive upon the date of such notification by the Lebanese Government.

Done at Beirut in duplicate in the English and Arabic languages, each of which shall be of equal authenticity, this 11th day of August, 1946.

For the Government of the United States of America:

GEORGE WADSWORTH  
*American Minister*

For the Government of Lebanon:

PHILIPP TACLA  
*Minister for Foreign Affairs*

[SEAL]

ANNEX TO AIR TRANSPORT AGREEMENT BETWEEN THE UNITED STATES  
OF AMERICA AND LEBANON

SECTION 1

Airlines of the United States of America authorized under the present Agreement are accorded rights of transit and non-traffic stop in Lebanese territory as well as the right to pick up and discharge international traffic in passengers, cargo and mail at Beirut on the following route:

The United States of America, through Europe and Turkey to Lebanon and beyond to India; via intermediate points, in both directions.

SECTION 2

Airlines of Lebanon authorized under the present Agreement are accorded rights of transit and non-traffic stop in United States territory as well as the right to pick up and discharge international traffic in passengers, cargo and mail in the United States on a route or routes as may be determined at a later date from Lebanon, via intermediate points to the United States in both directions.

SECTION 3

In the establishment and operation of air services covered by this Agreement and its Annex, the following principle shall apply:

(1) The two Governments desire to foster and encourage the widest possible distribution of the benefits of air travel for the general good of mankind at the cheapest rates consistent with sound economic principles; and to stimulate international air travel as a means of promoting friendly understanding and good will among peoples and insuring as well the many indirect benefits of this new form of transportation to the common welfare of both countries.

(2) It is the understanding of both Governments that services provided by a designated air carrier under the Agreement and its Annex shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such air carrier is a national and the country of ultimate destination of the traffic. The right to embark or disembark on such services international traffic destined for and coming from third countries at a point or points on the routes specified in the Annex to the Agreement shall be applied in accordance with the general principles of orderly development to which both Governments subscribe and shall be subject to the general principle that capacity should be related:

- (a) to traffic requirements between the country of origin and the countries of destination,
- (b) to the requirements of through airline operation, and
- (c) to the traffic requirements of the area through which the airline passes after taking account of local and regional services.

#### SECTION 4

The Contracting Parties should undertake regular and frequent consultation between their respective aeronautical authorities so that there should be close collaboration in the observance of the principles and the implementation of the provisions outlined in the Agreement and its Annex, and in case of dispute the matter shall be settled in accordance with the provisions of Article 10 of the Agreement.

P. T.            G. W.

#### EXCHANGE OF NOTES

##### *The Minister of Foreign Affairs to the American Minister*

EXCELLENCY:

With reference to the bilateral Air Transport Agreement between Lebanon and United States of America signed today, I have the honor to inform your Excellency that it is the understanding of my government that the so-called Fifth Freedom traffic which may be carried by United States air services between Beirut and Baghdad is dependent upon the conclusion of an appropriate air transport agreement between the United States of America and

Iraq. When this latter agreement is concluded, the government of Lebanon agrees not to interpose any objection to permitting a designated United States air carrier to pick up and discharge international traffic in passengers, cargo and mail in both directions between Beirut and Baghdad.

Please accept, Excellency, the renewed assurances of my highest consideration.

BEIRUT, *August 11, 1946.*

P. TAGLA

To

His Excellency GEORGE WADSWORTH,  
*American Minister,  
Beirut.*

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*The American Minister to the Minister of Foreign Affairs*

LEGATION OF THE  
UNITED STATES OF AMERICA

No. 296

EXCELLENCY:

I have the honor to advise your Excellency that I have received your note of today, the text of which is the following:

[For text, see first paragraph of Lebanese note, above.]

I have the honor to inform your Excellency that my government accepts the arrangement herein included and regards the present reply as confirmation of this understanding between the two governments.

Please accept, Excellency, the renewed assurances of my highest consideration.

BEIRUT, *August 11, 1946*

G. WADSWORTH

To

His Excellency PHILIP TAGLA,  
*Minister for Foreign Affairs  
Beirut, Lebanon*

## MONEY ORDERS

*Convention signed at Washington January 21, 1946, and at Beirut March 15, 1947;<sup>1</sup> amendments signed at Washington October 8, 1946, and at Beirut March 15, 1947*  
*Entered into force July 1, 1947*

61 Stat. 4251; Treaties and Other  
International Acts Series 1984

### THE CONVENTION FOR EXCHANGE OF POSTAL MONEY ORDERS BETWEEN THE POSTAL ADMINISTRATION OF THE UNITED STATES OF AMERICA ON THE ONE HAND AND THE POSTAL ADMINISTRATION OF THE REPUBLIC OF LEBANON ON THE OTHER HAND

The Government of the United States of America and the Government of the Republic of Lebanon desiring to facilitate the transmission of funds between the United States of America and the Republic of Lebanon by means of money orders, have decided to conclude an agreement to this effect.

The undersigned, duly authorized by their respective Governments, are in agreement on the following articles:

#### ARTICLE I

In this convention the expression "The United States of America" includes the Continental United States, Alaska, the Islands of Guam, Hawaii, Puerto Rico, Virgin Islands and Tutuila (Samoa). The expression "Republic of Lebanon" includes the territories under the jurisdiction of Lebanon.

The expression "The Central Administration" or "The Central Administrations" indicate, in regard to the United States of America, the Post Office Department, Division of Money Orders, Washington, D.C., and in regard to the Republic of Lebanon, the General Administration of Posts and Telegraphs at Beyrouth, Lebanon.

#### ARTICLE II

A regular exchange of postal money orders is established between the United States of America on the one hand and the Republic of Lebanon on the other hand.

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<sup>1</sup> For forms attached to convention, see 61 Stat. 4264 or p. 16 of TIAS 1984.

## ARTICLE III

The service of postal money orders between said countries will be carried out exclusively through the intermediary of Exchange Offices. The Exchange Office for the United States of America is New York; that for the Republic of Lebanon is Beyrouth.

ARTICLE IV <sup>2</sup>

The amount of each remittance will be expressed for the money orders issued in the United States of America, in Lebanon pounds and piastres; for those issued in Lebanon, in American dollars and cents.

The conversion into the money of the country of destination will be done by the office (exchange office or issuing office, as the case may be) under the jurisdiction of the Central Administration of the country of origin. The latter will fix the rate of exchange used by its own offices.

In conversion, fractions of cents or of Lebanon piastres will be disregarded.

## ARTICLE V

Each Central Administration has the right to establish, in agreement with the other, the maximum amount of issue for each order. This amount must not exceed two hundred (200) dollars for orders issued in the Republic of Lebanon or \$100 for orders issued in the United States of America.

## ARTICLE VI

Each Central Administration has the right to change according to circumstances, the fees paid by remitters of postal money orders issued by the offices under its jurisdiction, on condition that it will inform the other Central Administration of its changes. The fees collected shall belong to the Administration of origin. The latter will allow to the paying Administration a commission of one half of one per cent ( $1\frac{1}{2}\%$ ) on the total amount of orders paid. No allowance will be made for money orders issued without charge.

The amounts of orders drawn in favor of prisoners of war, or sent by them, are exempt from all charges.

## ARTICLE VII

The remitter of a postal money order shall be required to furnish, if possible, the surname and the first name or names, or at least the initials of the first name of the remitter and payee, or the name and address of the dispatching or receiving business firm or company. But if the aforesaid names or initials cannot be given, the money order may nevertheless be issued at the risk of the remitter.

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<sup>2</sup> For an amendment superseding art. IV, see p. 578.

## ARTICLE VIII

If a money order is lost a duplicate will be issued on written request of the remitter or payee, containing all the necessary information, and addressed to the Central Administration of the country on which drawn. Unless there is reason to believe that the order was lost in transit through the mails, the Administration issuing the duplicate has the right to collect the same fee as that provided by its domestic regulations.

## ARTICLE IX

A request for correction of name, or change of address of the payee, or for stoppage of payment of an order, or for refund of the money to the remitter, must be addressed by the remitter to the Central Administration of the country of issue of the money order.

## ARTICLE X

In no event shall repayment of a money order be effected without a statement from the Central Administration of the country of destination to the effect that the money order has not been paid and that repayment is authorized.

## ARTICLE XI

The period of validity of a money order is fixed at twelve months, not including the month of issue. After the expiration of said period the amount of orders not paid is returned to the Central Administration of origin, which will dispose of them according to its own regulations.

## ARTICLE XII

The orders issued in one country on the other are subject to the regulations of the country of origin as concerns their issue and to the laws of the country of destination as concerns their payment.

## ARTICLE XIII

The exchange office at Beyrouth will certify to the exchange office at New York the particulars of the money orders drawn for payment in the United States of America, and the New York Office will certify to the exchange office at Beyrouth the orders drawn for payment in the Republic of Lebanon.

The money order advice lists used for that purpose shall be similar to Forms A and B, attached hereto.<sup>3</sup>

In order to prevent the inconvenience resulting from the loss of one of these lists, each office will send with each list a duplicate of the preceding list.

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<sup>3</sup> See footnote 1, p. 571.

## ARTICLE XIV

The orders will be entered in consecutive order in the lists by each exchange office, beginning with No. 1 on July 1st of each year.

The numbers assigned to orders in the lists are considered "international numbers."

The lists will likewise be numbered serially each year beginning with No. 1 on July 1st.

## ARTICLE XV

Each missing list of money orders must be immediately claimed by the exchange office of destination. The exchange office of origin will transmit without delay to the other exchange office a duly certified copy of each list.

## ARTICLE XVI

Each advice list shall be carefully verified by the exchange office of destination and corrected in cases of simple errors. The details of correction will be communicated to the exchange office of origin.

If a list contains other irregularities, the exchange office of destination shall ask for information from the exchange office of origin, which shall furnish this information in the shortest possible time. In such cases the issue of inland orders drawn on the items subject to such inquiries will be suspended until correction.

## ARTICLE XVII

On receipt of a list at the exchange office of destination, after verification, said office shall reissue new orders in favor of the payees for amounts specified in the lists, or their equivalents in the money of the country of destination, and shall transmit them to the payees or to the paying offices in accordance with the regulations in force in the country of destination.

## ARTICLE XVIII

The Republic of Lebanon may exchange, through the intermediary of the Postal Administration of the United States, postal money orders with the countries which have money order service with the United States of America. This service will be subject to special arrangements as follows:

(a) The exchange office at Beyrouth will certify the amount of each "through" order to the exchange office at New York, which will in turn certify it to the country of payment.

(b) The maximum amount of each order must not exceed the maximum fixed in the agreement between the United States of America and the country of destination.

(c) The particulars of such orders shall be entered in red ink at the end of each advice list certified to New York, or on special lists, and the total amounts of such orders will be included in the total of the ordinary lists.

(d) The name and address of the payee of a “through” order, as well as the name of the city and country of destination must be as complete as possible.

(e) The Lebanon Postal Administration will allow to the Postal Administration of the United States on the “through” money orders, a commission equal to that allowed on orders payable in the United States of America. (See Article VI). The American Central Administration will credit the country of payment with a commission equal to that provided in agreements between that country and the United States of America, and will deduct from the amount of the order a fee fixed by the American Central Administration.

(f) In case of repayment to the remitter of the amount of a “through” money order, the intermediary country shall retain the fee collected.

The Postal Administration of the United States shall communicate to the General Administration of Posts and Telegraphs at Beyrouth, the names of the countries with which it exchanges postal money orders, the maximum amount of the orders in each case, and the fees to be deducted from the amount of each remittance.

#### ARTICLE XIX

At the end of each quarter each Central Administration will prepare and transmit to the other a statement of money orders issued in the other country and which are not paid at the expiration of twelve months following the month of issue, and therefore became void during the preceding quarter (see appendix C); should there be no such orders, a statement marked “no void orders” shall be transmitted.

#### ARTICLE XX

The General Administration of Posts and Telegraphs at Beyrouth, will mail to the Third Assistant Postmaster General, Division of Money Orders, Washington, D.C., as soon as possible after the end of each quarter an account, in duplicate, containing the following items:

a. To the credit of the United States:

1. The total amount of advice lists sent by the Beyrouth exchange office during the current quarter, less the amount of invalid orders and the orders which the Lebanon Republic has been authorized to repay during the same period.

2. The commission of  $\frac{1}{2}\%$  on the amount of money orders paid in the United States.

b. To the credit of the Lebanon Republic:

1. The total of advice lists sent by the New York Exchange Office in the course of the quarter, less the amount of invalid orders, and the orders which the United States has been authorized, during the same quarter, to repay.

2. The commission of  $\frac{1}{2}\%$  on the amount of money orders paid in the Lebanon Republic.

c. The balance of the accounts:<sup>4</sup>

For the establishment of the said balance, the lesser claim will be converted into the money of the larger claim, by using for the base of conversion the average official rate of exchange in the debtor country during the period to which the account relates. The difference finally established will be included in the first account of the following quarter.

This account prepared on a form similar to the one in Appendix E shall be accompanied by statements:

a. Of advice lists transmitted during the quarter in both directions (Appendix D).

b. Of invalid and repaid money orders (Appendix C.)

A copy of the account, duly accepted, will be returned to the General Administration of Posts and Telegraphs at Beyrouth.

#### ARTICLE XXI

If during the quarter the total amount of the money orders issued by either Administration exceeds 12,000 gold francs (or the equivalent thereof), the orders issued by the other Central Administration, the creditor country shall have the right to ask the debtor Central Administration for payment of a provisional balance amounting to three-quarters of the sum due. This payment shall be effected within eight days following the receipt of the request from the creditor country, and verification of the amount due.

In case of nonpayment in the stipulated time, interest at the rate of 6% per annum shall be paid from the date the payment is due until the date of payment.

#### ARTICLE XXII

The balance of the general account must be paid by the debtor country not later than 15 days after the date on which the general account is accepted as correct.

The payment mentioned in this article and article XXI, will be effected by remittance on New York or Beyrouth, as the case may be, in the money of the creditor country, without any loss to the latter.<sup>5</sup>

<sup>4</sup> For an amendment superseding art. XX, para. c, see p. 578.

<sup>5</sup> For an amendment superseding the second paragraph of art. XXII, see p. 579.

Any amount not paid by one of the Central Administrations to the other, after the expiration of six months following the period for which the bill was rendered, will bear interest at the rate of 6% per annum.

#### ARTICLE XXIII

Each of the Central Administrations is authorized to adopt any supplementary measures, not contrary to the provisions of this Convention, which it may deem advisable to guard more securely against fraud or to improve the working of the service provided due notice thereof be given to the other.

#### ARTICLE XXIV

The General Administration of Posts and Telegraphs of the Lebanon Republic shall have the right to fix the maximum amount of money which can be sent in any one day by one remitter to the same payee in the United States of America.

#### ARTICLE XXV

Each Central Administration reserves the right to increase the fees or to suspend temporarily money order service in case it finds that this service is used by firms or by any one else for remitting large amounts, or for speculation purposes.

The temporary suspension of money order service may be decided unilaterally by each Administration in case of extraordinary circumstances, of which each Administration is the sole judge.

In all cases notice of such suspension must be given immediately by telegraph to the correspondent Central Administration.

#### ARTICLE XXVI

The present Convention shall take effect on a date fixed by common agreement between the Postal Administration of the United States and Lebanon and promulgated according to the laws of the respective countries.

It shall remain in force from year to year, unless one of the contracting parties gives notice to the other one year in advance of its intention to terminate it.

The provisions of the present Convention will continue during the last year to be executed faithfully and entirely without prejudice to liquidation and payment of accounts after the expiration of this time.

In witness thereof the undersigned have signed this Convention and have affixed their seals.

Done in duplicate and signed at Washington on January 21, 1946 and Beyrouth on . . . .

ROBERT E. HANNEGAN [SEAL]  
*Postmaster General of the United States*

<sup>6</sup> [SEAL]  
*Postmaster General of the Republic of Lebanon.*

[For forms attached to convention, see 61 Stat. 4264 or p. 16 of TIAS 1984.]

#### AMENDMENTS TO MONEY ORDER CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LEBANON

Pursuant to authority vested in them, the Postmaster General of the United States of America and the Director of Posts and Telecommunications of the Republic of Lebanon have agreed upon the following amendments to the Convention for the exchange of international money orders between the two countries.

These amendments will become effective when signed and will supersede ARTICLE IV, ARTICLE XX, (Par. c) and ARTICLE XXII, (Par. 2).

#### ARTICLE IV

The amount of money orders exchanged in both directions will be expressed in American currency. The exchange office at Beyrouth will convert the amount of the money orders issued in Lebanon into United States dollars and the amount of the money orders issued in the United States of America, into Lebanon currency.

The rate of conversion shall approximate as closely as possible the buying and selling rate of the United States dollar fixed by the Official Bank at Beyrouth.

The Postal Administration of Lebanon will duly notify the Postal Administration of the United States of the conversion rates used for orders going in both directions.

#### ARTICLE XX

Par. (c). For the establishment of this balance the credit of the Lebanese Republic, expressed in Lebanese pounds, will be converted into United States dollars by using for the basis of conversion the average official rate of exchange in the United States of America, during the period to which the account relates. The differences established will be carried over to the next quarterly account to follow.

<sup>6</sup> Signature illegible.

## ARTICLE XXII

Par. (2). The payments provided in this Article and in Article XXI, will be effected by means of drafts drawn on New York in United States dollars.

In witness whereof the Undersigned have signed these Amendments to the Convention and have affixed their seals.

Done in duplicate and signed at Washington on October 8, 1946 and Beyrouth on 15 Mars 1947.

ROBERT E. HANNEGAN [SEAL]  
*Postmaster General*

<sup>6</sup> [SEAL]  
*Director of Posts and Telecommunications*

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<sup>6</sup> Signature illegible.

# *Liberia*

## COMMERCE AND NAVIGATION

*Treaty signed at London October 21, 1862*

*Ratified by Liberia December 24, 1862*

*Senate advice and consent to ratification January 9, 1863*

*Ratified by the President of the United States January 12, 1863*

*Ratifications exchanged at London February 17, 1863*

*Entered into force February 17, 1863*

*Proclaimed by the President of the United States March 18, 1863*

*Supplanted November 21, 1939, by agreement of August 8, 1938*<sup>1</sup>

12 Stat. 1245; Treaty Series 195<sup>2</sup>

The United States of America and the Republic of Liberia, desiring to fix, in a permanent and equitable manner, the rules to be observed in the intercourse and commerce they desire to establish between their respective countries have agreed for this purpose to conclude a treaty of commerce and navigation, and have judged that the said end cannot be better obtained than by taking the most perfect equality and reciprocity for the basis of their agreement: and to effect this they have named as their respective Plenipotentiaries, that is to say: The President of the United States of America, Charles Francis Adams, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at the Court of St. James: and The Republic of Liberia, His Excellency Stephen Allen Benson, President thereof, who after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:

### ARTICLE I

There shall be perpetual peace and friendship between the United States of America and the Republic of Liberia, and also between the citizens of both countries.

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<sup>1</sup> TS 956, *post*, p. 595.

<sup>2</sup> For a detailed study of this treaty, see 8 Miller 859.

## ARTICLE II

There shall be reciprocal freedom of commerce between the United States of America and the Republic of Liberia. The citizens of the United States of America may reside in, and trade to, any part of the territories of the Republic of Liberia to which any other foreigners are or shall be admitted. They shall enjoy full protection for their persons and properties, they shall be allowed to buy from and to sell to whom they like without being restrained or prejudiced by any monopoly, contract, or exclusive privilege of sale or purchase whatever; and they shall moreover enjoy all other rights and privileges which are or may be granted to any other foreigners, subjects or citizens of the most favored nation. The citizens of the Republic of Liberia shall, in return, enjoy similar protection and privileges in the United States of America and in their territories.

## ARTICLE III

No tonnage, import, or other duties or charges shall be levied in the Republic of Liberia on United States vessels, or on goods imported or exported in United States vessels, beyond what are or may be levied on national vessels, or on the like goods imported or exported in national vessels; and in like manner, no tonnage, import, or other duties or charges shall be levied in the United States of America and their territories on the vessels of the Republic of Liberia, or on goods imported or exported in those vessels, beyond what are or may be levied on national vessels, or on the like goods imported or exported in national vessels.

## ARTICLE IV

Merchandise or goods coming from the United States of America in any vessels, or imported in United States vessels from any country, shall not be prohibited by the Republic of Liberia, nor be subject to higher duties than are levied on the same kinds of merchandise or goods coming from any other foreign country or imported in any other foreign vessels.

All articles the produce of the Republic of Liberia may be exported therefrom by citizens of the United States and United States vessels, on as favorable terms as by the citizens and vessels of any other foreign country.

In like manner all merchandise or goods coming from the Republic of Liberia in any vessels, or imported in Liberian vessels from any country, shall not be prohibited by the United States of America, nor be subject to higher duties than are levied on the same kinds of merchandise or goods coming from any other foreign country or imported in any other foreign vessels. All articles the produce of the United States, or of their territories, may be imported therefrom by Liberian citizens and Liberian vessels on as favorable terms as by the citizens and vessels of any other foreign country.

## ARTICLE V

When any vessel of either of the contracting parties shall be wrecked, foundered, or otherwise damaged, on the coasts or within the territories of the other, the respective citizens shall receive the greatest possible aid as well for themselves as for their vessels and effects. All possible aid shall be given to protect their property from being plundered and their persons from ill treatment. Should a dispute arise as to the salvage, it shall be settled by arbitration, to be chosen by the parties respectively.

## ARTICLE VI

It being the intention of the two contracting parties to bind themselves by the present Treaty to treat each other on the footing of the most favored nation, it is hereby agreed between them, that any favor, privilege or immunity whatever in matters of Commerce and Navigation, which either contracting party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended to the citizens of the other contracting party, gratuitously, if the concession in favor of that other State shall have been gratuitous, or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

## ARTICLE VII

Each contracting party may appoint Consuls for the protection of trade, to reside in the dominions of the other; but no such Consul shall enter upon the exercise of his functions until he shall have been approved and admitted, in the usual form, by the Government of the country to which he is sent.

## ARTICLE VIII

The United States Government engages never to interfere, unless solicited by the Government of Liberia, in the affairs between the aboriginal inhabitants and the Government of the Republic of Liberia, in the jurisdiction and territories of the Republic. Should any United States citizens suffer loss in person or property from violence by the aboriginal inhabitants, and the Government of the Republic of Liberia should not be able to bring the aggressor to justice the United States Government engages, a requisition having been first made therefor by the Liberian Government, to lend such aid as may be required. Citizens of the United States residing in the territories of the Republic of Liberia are desired to abstain from all such intercourse with the aboriginal inhabitants as will tend to the violation of law and a disturbance of the peace of the country.

## ARTICLE IX

The present Treaty shall be ratified and the ratifications exchanged at London within the space of nine months from the date hereof.

In testimony whereof the Plenipotentiaries before mentioned, have hereto, subscribed their names and affixed their seals.

Done at London the Twenty first day of October in the year One thousand eight hundred and sixty two.

CHARLES FRANCIS ADAMS [SEAL]

STEPHEN ALLEN BENSON [SEAL]

## WAIVER OF VISAS AND VISA FEES FOR NONIMMIGRANTS

*Agreement signed at Monrovia August 31, 1925*

*Entered into force August 31, 1925; operative September 1, 1925*

Department of State files

MONROVIA, LIBERIA

*August 31, 1925*

The Government of the United States will, from the first of September 1925 collect no fee for visaing passports or executing applications therefor in the case of citizens or subjects of the Republic of Liberia desiring to visit the United States (including the insular possessions) who are not "immigrants" as defined in the Immigration Act of the United States of 1924;<sup>1</sup> namely, "(1) a government official, his family, attendants, servants, and employees, (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the United States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation;" and from the same date the Government of the Republic of Liberia will not require non-immigrant citizens of the United States of like classes desiring to visit the Republic of Liberia or its possessions, to present visaed passports.

For the United States of America:

SOLOMON PORTER HOOD

*Minister Resident and Consul General*

For the Republic of Liberia:

ARTHUR BARCLAY

*Acting Secretary of State*

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<sup>1</sup> 43 Stat. 153.

## ARBITRATION

*Convention and exchange of notes signed at Monrovia February 10, 1926*

*Senate advice and consent to ratification, June 30, 1926*

*Ratified by the President of the United States July 16, 1926*

*Ratified by Liberia September 22, 1926*

*Ratifications exchanged at Monrovia September 27, 1926*

*Entered into force September 27, 1926*

*Proclaimed by the President of the United States September 30, 1926*

44 Stat. 2438; Treaty Series 747

### ARBITRATION CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND LIBERIA

The Government of the United States of America and the Government of the Republic of Liberia, being desirous of establishing a means for referring to arbitration questions arising between them which they shall consider possible to submit to such treatment, have named as their Plenipotentiaries for that purpose, to wit:

The President of the United States of America:

Clifton R. Wharton, Chargé d'Affaires ad interim of the United States at Monrovia; and

The President of the Republic of Liberia:

Edwin Barclay, Secretary of State of the Republic of Liberia;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles:

#### ARTICLE I

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Conventions of July 29, 1899<sup>1</sup> and October 18, 1907,<sup>2</sup> provided, nevertheless, that

<sup>1</sup> TS 392, *ante*, vol. 1, p. 230.

<sup>2</sup> TS 536, *ante*, vol. 1, p. 577.

they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

## ARTICLE II

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special arrangements will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and that on the part of Liberia they shall be subject to the procedure required by its laws.

## ARTICLE III

The present Convention shall be ratified by the Contracting Parties in accordance with their respective constitutional methods. It shall come into force on the day of the exchange of the ratifications, which shall take place at Monrovia as soon as possible, and shall remain in force for a period of five years. In case neither Contracting Party should give notice, six months before the expiration of that period of its intention to terminate the Convention, it will continue binding until the expiration of six months from the day when either Contracting Party shall have denounced it.

Done in duplicate at Monrovia, this tenth day of February in the year one thousand nine hundred twenty-six.

CLIFTON R. WHARTON [SEAL]

EDWIN BARCLAY [SEAL]

## EXCHANGE OF NOTES

*The American Chargé d'Affaires ad interim to the Liberian Secretary of State*

LEGATION OF THE UNITED STATES OF AMERICA

*Monrovia, Liberia, February 10, 1926*

## EXCELLENCY:

In connection with the signing today of a Convention of Arbitration between the United States of America and the Republic of Liberia, providing for the submission of differences of certain classes which may arise between the two Governments to the Permanent Court of Arbitration established at The Hague under the Convention for the Pacific Settlement of International

Disputes concluded in 1899 and 1907, I have the honor to state the following understanding which I shall be glad to have you confirm on behalf of your Government.

I understand that in the event of the adhesion by the United States to the Protocol of December 16, 1920,<sup>3</sup> under which the Permanent Court of International Justice was created at The Hague, the Government of Liberia will not be averse to considering a modification of the Convention of Arbitration which we are concluding, or the making of a separate agreement, under which the disputes mentioned in the Convention could be referred to the Permanent Court of International Justice.

Accept, Excellency, the renewed assurances of my highest consideration.

CLIFTON R. WHARTON  
*Chargé d'Affaires ad interim*

HONORABLE EDWIN BARCLAY  
*Secretary of State, Monrovia, Liberia*

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*The Liberian Secretary of State to the American Chargé d'Affaires ad interim*

DEPARTMENT OF STATE  
*Monrovia, Liberia, February 10, 1926*

SIR:

I have the honour to acknowledge the receipt of your note of today's date, in which you were so good as to inform me, in connection with the signing of a Convention of Arbitration between the Republic of Liberia and the United States of America, that you understand that in the event of the adhesion by the United States to the Protocol of December 16, 1920, under which the Permanent Court of International Justice was created at The Hague, the Government of Liberia will not be averse to considering a modification of the Convention of Arbitration which we are concluding, or the making of a separate agreement, under which the disputes mentioned in the Convention could be referred to the Permanent Court of International Justice.

I have the honour to confirm your understanding of the attitude of the Government of Liberia on this point and to state that if the United States adheres to the Protocol, Liberia will not be averse to considering a modification of the Convention of Arbitration which we are concluding, or the making of a separate agreement, under which the disputes mentioned in

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<sup>3</sup> 6 LNTS 380.

the Convention could be referred to the Permanent Court of International Justice.

Accept, Sir, the renewed assurances of my highest consideration.

I have the honour to be, Sir,

Your obedient servant,

EDWIN BARCLAY

*Secretary of State*

THE AMERICAN CHARGÉ D'AFFAIRES A. I.,  
*American Legation, Monrovia, Liberia*

## EXTRADITION

*Treaty signed at Monrovia November 1, 1937*

*Senate advice and consent to ratification August 1, 1939*

*Ratified by the President of the United States August 30, 1939*

*Ratified by Liberia November 16, 1939*

*Ratifications exchanged at Monrovia November 21, 1939*

*Entered into force November 21, 1939*

*Proclaimed by the President of the United States November 30, 1939*

54 Stat. 1733; Treaty Series 955

### TREATY OF EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LIBERIA

The United States of America and the Republic of Liberia, desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the two countries and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America:

His Excellency Lester A. Walton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Liberia;

The President of the Republic of Liberia:

His Excellency C. L. Simpson, Secretary of State;

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

#### ARTICLE I

It is agreed that the Government of the United States and the Government of the Republic of Liberia shall, upon requisition duly made as herein provided, deliver up to justice any person who may be charged with, or may have been convicted of, any of the crimes or offenses specified in Article II of the present Treaty committed within the jurisdiction of one of the High Contracting Parties, and who shall seek an asylum or shall be found within the territories of the other; provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would jus-

tify his apprehension and commitment for trial if the crime or offense had been there committed.

## ARTICLE II

Persons shall be delivered up according to the provisions of the present Treaty, who shall have been charged with or convicted of any of the following crimes or offenses:

1. Murder (including crimes designated by the terms parricide, poisoning, and infanticide); manslaughter, when voluntary.
2. Malicious wounding or inflicting grievous bodily harm with premeditation.
3. Rape, abortion, carnal knowledge of children under the age of sixteen years.
4. Abduction or detention of women or girls for immoral purposes.
5. Bigamy.
6. Arson.
7. Willful and unlawful destruction or obstruction of railroads, which endangers human life.
8. Crimes committed at sea :
  - (a) Piracy, as commonly known and defined by the law of nations, or by statutes;
  - (b) Wrongfully sinking or destroying a vessel at sea or attempting to do so;
  - (c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the Captain or Commander of such vessel, or by fraud or violence taking possession of such vessel;
  - (d) Assault on board ship upon the high seas with intent to do bodily harm.
9. Burglary; house-breaking.
10. The act of breaking into and entering the offices of the Government or public authorities, or other buildings not dwellings with intent to commit a felony therein.
11. Robbery.
12. Forgery or the utterance of forged papers.
13. The forgery or falsification of the official acts of the Government or public authorities, including Courts of Justice, or the uttering or fraudulent use of any of the same.
14. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and marks of State or

public administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.

15. Embezzlement.

16. Kidnapping of minors or adults, defined to be abduction or detention of a person or persons, in order to exact money from them, their families or any other person or persons, or for any other unlawful end.

17. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more.

18. Obtaining money, valuable securities or other property by false pretenses, or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds one hundred dollars.

19. Perjury.

20. Fraud or breach of trust by a bailee, banker, agent, factor, executor, administrator, guardian, director or officer of any company or corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds one hundred dollars.

21. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

22. Willful desertion or willful non-support of minor or dependent children, or of other dependent persons, provided that the crime or offense is punishable by the laws of both countries.

23. Bribery.

24. Crimes or offenses against the bankruptcy laws.

25. Crimes or offenses against the laws for the suppression of traffic in narcotics.

26. Crimes and offenses against the laws regulating the postal service of both countries, with respect to using the mails to promote frauds.

27. Extradition shall also take place for participation in any of the crimes or offenses before mentioned as an accessory before or after the fact, or in any attempt to commit any of the aforesaid crimes or offenses.

### ARTICLE III

The provisions of the present Treaty shall not import a claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses; and no person surrendered by or to either of the High Contracting Parties in virtue of this Treaty shall be tried or punished for a political crime or offense committed before his extradition. The State applied to, or Courts of such State, shall decide whether the crime or offense is of a political character. When the offense charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the

Head of the State of one of the High Contracting Parties, or against the Sovereign or Head of a foreign State, or against the life of any member of the family of either, shall not be deemed sufficient to sustain that such crime or offense was of a political character, or was an act connected with crimes or offenses of a political character.

#### ARTICLE IV

No person shall be tried for any crime or offense, committed prior to his extradition, other than that for which he was surrendered, unless he has been at liberty for one month after having been tried, to leave the country, or, in case of conviction, for one month after having suffered his punishment or having been pardoned.

#### ARTICLE V

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the demanding country, the criminal is exempt from prosecution or punishment for the offense for which the surrender is asked.

#### ARTICLE VI

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution, out on bail or in custody, for a crime or offense committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and until he shall have been set at liberty in due course of law.

#### ARTICLE VII

If a fugitive criminal claimed by one of the two parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes or offenses committed within their jurisdiction, such criminal shall be delivered to that State whose demand is first received unless the demand is waived.

This article shall not affect such treaties as have previously been concluded by one of the contracting parties with other States.

#### ARTICLE VIII

Under the stipulations of this Treaty, neither of the High Contracting Parties shall be bound to deliver up its own citizens, except in cases where such citizenship has been obtained after the perpetration of the crime for which extradition is sought. The State appealed to shall decide whether the person claimed is its own citizen.

## ARTICLE IX

The expense of transportation of the fugitive shall be borne by the Government which has preferred the demand for extradition. The appropriate legal officers of the country where the proceedings of extradition are had, shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their power; and no claim other than for the board and lodging of a fugitive prior to his surrender, arising out of the arrest, detention, examination and surrender of fugitives under this Treaty, shall be made against the government demanding the extradition; provided, however, that any officer or officers of the surrendering government giving assistance, who shall, in the usual course of their duty receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the government demanding the extradition the customary fees for the acts or services performed by them in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

## ARTICLE X

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime, shall so far as practicable, according to the laws of either of the High Contracting Parties, be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles referred to shall be duly respected.

## ARTICLE XI

The stipulations of the present Treaty shall be applicable to all territory wherever situated, belonging to either of the High Contracting Parties, or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents or superior consular officers of the High Contracting Parties. In the event of the absence of such agents or officers from the country or where extradition is sought from territory included in the preceding paragraphs, other than the United States or Liberia, requisitions may be made by superior consular officers.

The arrest of the fugitive shall be brought about in accordance with the laws of the respective countries, and if, after an examination, it shall be decided, according to the law and the evidence, that extradition is due pursuant to this Treaty, the fugitive shall be surrendered in conformity to the forms of law prescribed in such cases.

The person provisionally arrested shall be released, unless within two months from the date of commitment in the territory of either one of the High Contracting Parties, the formal requisition for surrender with the documentary proofs hereinafter prescribed shall be made as aforesaid by the diplomatic agent or superior consular officer of the demanding government, or, in his absence, by a consular officer thereof.

If the fugitive criminal shall have been convicted of the crime or offense for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed shall be produced, together with the evidence of criminality mentioned in Article I hereof.

#### ARTICLE XII

The present Treaty, written in English, shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods, and shall take effect on the date of the exchange of ratifications which shall take place at Monrovia as soon as possible.

#### ARTICLE XIII

The present Treaty shall remain in force for a period of five years, and in case neither of the High Contracting Parties shall have given notice one year before the expiration of that period of its intention to terminate the Treaty, it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the High Contracting Parties.

In witness whereof the above named Plenipotentiaries have signed the present Treaty and have hereunto affixed their seals.

Done in duplicate at Monrovia this first day of November, nineteen hundred and thirty-seven.

LESTER A. WALTON [SEAL]

C. L. SIMPSON [SEAL]

## FRIENDSHIP, COMMERCE, AND NAVIGATION

*Treaty signed at Monrovia August 8, 1938*

*Senate advice and consent to ratification August 1, 1939*

*Ratified by the President of the United States August 30, 1939*

*Ratified by Liberia November 16, 1939*

*Ratifications exchanged at Monrovia November 21, 1939*

*Entered into force November 21, 1939*

*Proclaimed by the President of the United States November 30, 1939*

54 Stat. 1739; Treaty Series 956

The United States of America and the Republic of Liberia, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the people thereof, have resolved to conclude a Treaty of Friendship, Commerce and Navigation and for that purpose have appointed as their Plenipotentiaries,

The President of the United States of America:

Lester A. Walton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Republic of Liberia, and

The President of the Republic of Liberia:

His Excellency C. L. Simpson, Secretary of State of the Republic of Liberia,

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following Articles:

### ARTICLE I

The nationals of each of the High Contracting Parties shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in professional, scientific, religious, philanthropic, manufacturing and commercial work of every kind without interference; to carry on every form of commercial activity which is not forbidden by the local law; to own, erect or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial and mortuary purposes; to employ

agents of their choice, and generally to do anything incidental to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the State of residence or as nationals of the nation hereafter to be most favored by it, submitting themselves to all local laws and regulations duly established.

The nationals of either High Contracting Party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by nationals of the State of residence.

The nationals of each High Contracting Party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, and in all degrees of jurisdiction established by law.

The nationals of each High Contracting Party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

Nothing contained in this Treaty shall be construed to affect existing statutes of either of the High Contracting Parties in relation to emigration or to immigration or the right of either of the High Contracting Parties to enact such statutes, provided, however, that nothing in this paragraph shall prevent the nationals of either High Contracting Party from entering, traveling and residing in the territories of the other Party in order to carry on international trade or to engage in any commercial activity related to or connected with the conduct of international trade on the same terms as nationals of the most-favored nation.

## ARTICLE II

With respect to that form of protection granted by National, State or Provincial laws establishing civil liability for bodily injuries or for death, and giving to relatives or heirs or dependents of an injured person a right of action or a pecuniary compensation, such relatives or heirs or dependents of the injured person, himself a national of either of the High Contracting Parties and injured within any of the territories of the other, shall, regardless of their alienage or residence outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals, and under like conditions.

## ARTICLE III

The dwellings, warehouses, manufactories, shops, and other places of business, and all premises thereto appertaining of the nationals of each of the High Contracting Parties in the territories of the other, lawfully used for any

purposes set forth in Article I, shall be respected. It shall not be allowable to make a domiciliary visit to, or search of any such buildings and premises, or there to examine and inspect books, papers or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals of the State of residence or nationals of the nation most favored by it.

#### ARTICLE IV

Where, on the death of any person holding real or other immovable property or interests therein within the territories of one High Contracting Party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other High Contracting Party, whether resident or non-resident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and withdraw the proceeds thereof, without restraint or interference and exempt from any estate succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Nationals of either High Contracting Party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation, or otherwise, and their heirs, legatees and donees, of whatsoever nationality, whether resident or non-resident, shall succeed to such personal property, and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the High Contracting Party within whose territories such property may be or belong shall be liable to pay in like cases. In the same way, personal property left to nationals of one of the High Contracting Parties by nationals of the other High Contracting Party, and being within the territories of such other Party, shall be subject to the payment of such duties or charges only as the nationals of the High Contracting Party within whose territories such property may be or belong shall be liable to pay in like cases.

#### ARTICLE V

The nationals of each of the High Contracting Parties in the exercise of the right of freedom of worship, within the territories of the other, as hereinabove provided, may, without annoyance or molestation of any kind by reason of their religious belief or otherwise, conduct services either within their own houses or within any appropriate buildings which they may be at liberty to erect and maintain in convenient situations, provided their teachings or practices are not contrary to public morals; and they shall also be permitted

to bury their dead according to their religious customs in suitable and convenient places established and maintained for the purpose, subject to the mortuary and sanitary laws and regulations of the place of burial.

#### ARTICLE VI

In the event of war between either High Contracting Party and a third State, such Party may draft for compulsory military service nationals of the other having a permanent residence within its territories and who have formally, according to its laws, declared an intention to adopt its nationality by naturalization, unless such persons depart from the territories of said belligerent Party within sixty days after the declaration of war. Such right to depart shall apply also to persons possessing the nationality of both High Contracting Parties unless they habitually reside in the territory of the country drafting for compulsory military service.

It is agreed, however, that such right to depart shall not apply to natives of the country drafting for compulsory military service, who, after having become nationals of the other Party, have declared an intention to acquire or resume the nationality of the country of their birth. Such persons shall nevertheless be entitled in respect of this matter to treatment no less favorable than that accorded the nationals of any other country who are similarly situated.

#### ARTICLE VII

Between the territories of the High Contracting Parties there shall be freedom of commerce and navigation. The nationals of each of the High Contracting Parties equally with those of the most-favored nation, shall have liberty freely to come with their vessels and cargoes to all places, ports and waters of every kind within the territorial limits of the other which are or may be open to foreign commerce and navigation.

#### ARTICLE VIII

With respect to customs duties or charges of any kind imposed on or in connection with importation or exportation, and with respect to the method of levying such duties or charges, and with respect to all rules and formalities in connection with importation or exportation, and with respect to all laws or regulations affecting the sale, taxation, or use of imported goods within the country, any advantage, favor, privilege or immunity which has been or may hereafter be granted by either High Contracting Party to any article originating in or destined for any third country, shall be accorded immediately and unconditionally to the like article originating in or destined for the other High Contracting Party.

With respect to the amount and collection of duties on imports and exports of every kind, each of the two High Contracting Parties binds itself to give

to the nationals, vessels and goods of the other the advantage of every favor, privilege or immunity which it shall have accorded to the nationals, vessels and goods of a third State, whether such favored State shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment. Every such favor, privilege or immunity which shall hereafter be granted to nationals, vessels or goods of a third State shall simultaneously and unconditionally, without request and without compensation, be extended to the other High Contracting Party, for the benefit of itself, its nationals, vessels, and goods.

#### ARTICLE IX

Neither of the High Contracting Parties shall establish or maintain any import or export prohibition or restriction on any article originating in or destined for the territory of the other High Contracting Party, which is not applied to the like article originating in or destined for any third country. Any abolition of an import or export prohibition or restriction which may be granted even temporarily by either High Contracting Party in favor of an article originating in or destined for a third country shall be applied immediately and unconditionally to the like article originating in or destined for the territory of the other High Contracting Party.

If either High Contracting Party establishes or maintains any form of quantitative restriction or control of the importation or sale of any article in which the other High Contracting Party has an interest, or imposes a lower import duty or charge on the importation or sale of a specified quantity of any such article than the duty or charge imposed on importations in excess of such quantity, the High Contracting Party taking such action shall, upon request, inform the other High Contracting Party as to the total quantity, or any change therein, of any such article permitted to be imported or sold, or permitted to be imported or sold at such lower duty or charge during a specified period, and shall allot to the other High Contracting Party for such specified period a proportion of such total quantity as originally established or subsequently changed in any manner equivalent to the proportion of the total importation of such article which the other High Contracting Party supplied during a previous representative period, unless it is mutually agreed to dispense with such allotment. Neither of the High Contracting Parties shall, by import licenses, regulate the total quantity of importations into its territory or sales therein of any article in which the other High Contracting Party has an interest, unless the total quantity of such article permitted to be imported or sold during a quota period of not less than three months shall have been established, and unless the regulations covering the issuance of such licenses or permits shall have been made public before such regulations are put into force.

## ARTICLE X

If either High Contracting Party establishes or maintains, directly or indirectly, any form of control of the means of international payment, it shall, in the administration of such control:

(a) Impose no prohibition, restriction, or delay on the transfer of payment for imported articles the growth, produce, or manufacture of the other High Contracting Party, or of payments necessary for and incidental to the importation of such articles;

(b) Accord unconditionally, with respect to rates of exchange and taxes or surcharges on exchange transactions in connection with payments for or payments necessary and incidental to the importation of articles the growth, produce, or manufacture of the other High Contracting Party, treatment no less favorable than that accorded in connection with the importation of any article whatsoever the growth, produce, or manufacture of any third country; and

(c) Accord unconditionally, with respect to all rules and formalities applying to exchange transactions in connection with payments for or payments necessary and incidental to the importation of articles the growth, produce, or manufacture of the other High Contracting Party, treatment no less favorable than that accorded in connection with the importation of the like articles the growth, produce, or manufacture of any third country.

With respect to non-commercial transactions, each High Contracting Party shall apply any form of control of the means of international payment in a non-discriminatory manner as between the nationals of the other High Contracting Party and the nationals of any third country.

## ARTICLE XI

In the event that either High Contracting Party establishes or maintains a monopoly for the importation, production or sale of a particular product or grants exclusive privileges, formally or in effect, to one or more agencies to import, produce or sell a particular product, the High Contracting Party establishing or maintaining such monopoly, or granting such monopoly privileges, shall, in respect of the foreign purchases of such monopoly or agency, accord the commerce of the other High Contracting Party fair and equitable treatment. In making its foreign purchases of any article such monopoly or agency shall be influenced solely by competitive considerations such as price, quality, marketability, and terms of sale.

## ARTICLE XII

All articles which are or may be legally imported from foreign countries into ports of the United States of America or are or may be legally exported therefrom in vessels of the United States may likewise be imported into

those ports or exported therefrom in Liberian vessels, without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in vessels of the United States; and reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Liberia or are or may be legally exported therefrom in Liberian vessels may likewise be imported into those ports or exported therefrom in vessels of the United States without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in Liberian vessels.

In the same manner there shall be perfect reciprocal equality in relation to the flags of the two countries with regard to bounties, drawbacks, and other privileges of this nature of whatever denomination which may be allowed in the territories of each of the Contracting Parties, on goods imported or exported in national vessels so that such bounties, drawbacks and other privileges shall also and in like manner be allowed on goods imported or exported in vessels of the other country.

#### ARTICLE XIII

The nationals, goods, products, wares, and merchandise of each High Contracting Party within the territories of the other shall receive the same treatment as nationals, goods, products, wares, and merchandise of the country with regard to internal taxes, transit duties, charges in respect of warehousing and other facilities and the amount of drawbacks and export bounties.

#### ARTICLE XIV

The merchant or other private vessels and cargoes of one of the High Contracting Parties shall, within the territorial waters and harbors of the other Party in all respects and unconditionally be accorded the same treatment as the vessel and cargoes of that Party, irrespective of the port of departure of the vessel, or the port of destination, and irrespective of the origin or the destination of the cargo. It is especially agreed that no duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties or charges of whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories or territorial waters of either country upon the vessels of the other, which shall not equally, under the same conditions, be imposed on national vessels.

#### ARTICLE XV

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties, and carrying the papers required by its national laws in proof of nationality shall, both within the territorial

waters of the other High Contracting Party and on the high seas, be deemed to be the vessels of the Party whose flag is flown.

#### ARTICLE XVI

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties shall be permitted to discharge portions of cargoes at any port open to foreign commerce in the territories of the other High Contracting Party, and to proceed with the remaining portions of such cargoes to any other ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner at different ports in the same voyage outward, provided, however, that the coasting trade of the High Contracting Parties is exempt from the provisions of this Article and from the other provisions of this Treaty, and is to be regulated according to the laws of each High Contracting Party in relation thereto. It is agreed, however, that nationals and vessels of either High Contracting Party shall within the territories of the other enjoy with respect to the coasting trade most-favored-nation treatment.

#### ARTICLE XVII

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, National, State or Provincial, of either High Contracting Party and which maintain a central office within the territories thereof, shall have their juridical status recognized by the other High Contracting Party provided that they pursue no aims within its territories contrary to its laws. They shall enjoy free access to the courts of law and equity, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of corporations and associations of either High Contracting Party which have been so recognized by the other to establish themselves in the territories of the other Party or to establish branch offices and fulfill their functions therein shall depend upon and be governed solely by the consent of such Party as expressed in its National, State or Provincial laws.

#### ARTICLE XVIII

The nationals of either High Contracting Party shall enjoy within the territories of the other, upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to organization of and participation in limited liability and other corporations and associations, for pecuniary

profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such nationals shall be subjected to no condition less favorable than those which have been or may hereafter be imposed upon the nationals of the most-favored nation. The right of any of such corporations or associations as may be organized or controlled or participated in by the nationals of either High Contracting Party within the territories of the other to exercise any of their functions therein, shall be governed by the laws and regulations, National, State or Provincial, which are in force or may hereafter be established within the territories of the Party wherein they propose to carry on their activities. The foregoing stipulations do not apply to organization of and participation in political associations.

#### ARTICLE XIX

The nationals, including corporations and associations, of either High Contracting Party shall enjoy in the territories of the other Party, upon compliance with the conditions there imposed, most-favored-nation treatment in respect of the exploration for and exploitation of mineral resources; provided that neither Party shall be required to grant rights and privileges in respect of the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain, or in respect of the ownership of stock in domestic corporations engaged in such operations, greater than its nationals, corporations and associations receive from the other Party.

It is understood, however, that neither High Contracting Party shall be required by anything in this paragraph to grant any application for any such right or privilege if at the time such application is presented the granting of all similar applications shall have been suspended or discontinued.

#### ARTICLE XX

Commercial travelers representing manufacturers, merchants and traders domiciled in the territories of either High Contracting Party shall on their entry into and sojourn in the territories of the other Party and on their departure therefrom be accorded the most-favored-nation treatment in respect of customs and other privileges and of all charges and taxes of whatever denomination applicable to them or to their samples.

If either High Contracting Party requires the presentation of an authentic document establishing the identity and authority of a commercial traveler, a signed statement by the concern or concerns represented, certified by a consular officer of the country of destination shall be accepted as satisfactory.

## ARTICLE XXI

There shall be complete freedom of transit through the territories including territorial waters of each High Contracting Party on the routes most convenient for international transit, by rail, navigable waterway, and canal, other than the Panama Canal and waterways and canals which constitute international boundaries, to persons and goods coming from, going to or passing through the territories of the other High Contracting Party, except such persons as may be forbidden admission into its territories or goods of which the importation may be prohibited by law or regulations, provided that the foregoing shall not be construed to prevent either High Contracting Party from excluding aliens from special areas within its territories closed to visit by law, military order or regulations. The measures of a general or particular character which either of the High Contracting Parties is obliged to take in case of an emergency affecting the safety of the State or vital interests of the country may, in exceptional cases and for as short a period as possible, involve a deviation from the provisions of this paragraph, it being understood that the principle of freedom of transit must be observed to the utmost possible extent.

Persons and goods in transit shall not be subjected to any transit duty, or to any unnecessary delays or restrictions, or to treatment as regards charges, facilities, or any other matter less favorable than that accorded to the most-favored nation.

Goods in transit must be entered at the proper customhouse, but they shall be exempt from all customs or other similar duties.

It is understood that all goods in transit through the territory of the United States of America and all goods in transit through the territory of Liberia when warehoused or otherwise stored shall be subject to storage charges.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic.

Nothing in this Article shall affect the right of either of the High Contracting Parties to prohibit or restrict the transit of arms, munitions and military equipment in accordance with treaties or conventions that may have been or may hereafter be entered into by either Party with other countries.

## ARTICLE XXII

Nothing in this Treaty shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as either High Contracting Party may see fit with respect to the prohibition, or the control, of the export or sale for export, of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies.

Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either High Contracting Party

against the other High Contracting Party in favor of any third country, the stipulations of this Treaty shall not extend to prohibitions or restrictions (1) imposed on moral or humanitarian grounds; (2) designed to protect human, animal, or plant life or health; (3) relating to prison-made goods; (4) relating to the enforcement of police or revenue laws.

The stipulations of this Treaty do not extend to advantages now accorded or which may hereafter be accorded to neighboring States in order to facilitate short frontier traffic, or to advantages resulting from a customs union to which either High Contracting Party may become a party so long as such advantages are not extended to any other country.

The stipulations of this Treaty do not extend to advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another or to the Republic of Cuba. The provisions of this paragraph shall continue to apply in respect of any advantages now or hereafter accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another, irrespective of any change in the political status of any of the territories or possessions of the United States of America.

#### ARTICLE XXIII

Subject to any limitation or exception hereinabove set forth, or hereafter to be agreed upon, the territories of the High Contracting Parties to which the provisions of this Treaty extend shall be understood to comprise all areas of land and water over which the Parties, respectively, claim and exercise dominion as sovereign thereof, except the Panama Canal Zone.

#### ARTICLE XXIV

The present Treaty shall come into force in all of its provisions on the day of the exchange of ratifications and shall continue in force for the term of five years from that day.

If within one year before the expiration of five years from the date on which the present Treaty shall come into force, neither High Contracting Party notifies to the other Party an intention of terminating the Treaty upon the expiration of the aforesaid period of five years, the Treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the High Contracting Parties shall have notified to the other Party an intention of terminating it.

The present Treaty shall, from the date of the exchange of ratifications, be deemed to supplant the Treaty of Commerce and Navigation between the United States of America and Liberia, concluded at London on October 21, 1862.<sup>1</sup>

<sup>1</sup> TS 195, *ante*, p. 580.

## ARTICLE XXV

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Monrovia as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Treaty and have affixed their seals thereto.

Done in duplicate, at Monrovia, this eighth day of August nineteen hundred and thirty eight.

LESTER A. WALTON [SEAL]

C. L. SIMPSON [SEAL]

## DUTIES, RIGHTS, PREROGATIVES, AND IMMUNITIES OF CONSULAR OFFICERS

*Convention signed at Monrovia October 7, 1938*

*Senate advice and consent to ratification August 1, 1939*

*Ratified by the President of the United States August 14, 1939*

*Ratified by Liberia November 16, 1939*

*Ratifications exchanged at Monrovia November 21, 1939*

*Proclaimed by the President of the United States November 30, 1939*

*Entered into force December 21, 1939*

54 Stat. 1751; Treaty Series 957

The President of the United States of America and the President of the Republic of Liberia, being desirous of defining the duties, rights, prerogatives and immunities of consular officers of each country in the territory of the other country, have decided to conclude a convention to that end and have appointed the following Plenipotentiaries; that is to say:

The President of the United States of America:

Lester A. Walton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Republic of Liberia, and

The President of the Republic of Liberia:

His Excellency C. L. Simpson, Secretary of State of the Republic of Liberia,

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

### ARTICLE I

Each of the High Contracting Parties agrees to receive from the other, consular officers in those of its ports, places, and cities, where it may be convenient and which are open to consular representatives of any foreign country.

Consular officers of each of the High Contracting Parties shall, after entering upon their duties, enjoy reciprocally in the territories of the other all the rights, privileges, exemptions and immunities which are enjoyed by officers of the same grade of the most favored nation. As official agents, such officers shall be entitled to the high consideration of all officials, national or local,

with whom they have official intercourse in the State which receives them.

The Government of each of the High Contracting Parties shall furnish free of charge the necessary exequatur of such consular officers of the other as present a regular commission signed by the chief executive of the appointing State and under its great seal; and they shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his Government, or by any other competent officer of that Government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function. On the exhibition of an exequatur, or other document issued in lieu thereof to such subordinate, such consular officer shall be permitted to enter upon his duties and to enjoy the rights, privileges and immunities granted by this Convention.

## ARTICLE II

Consular officers, nationals of the State by which they are appointed, and not engaged in any profession, business or trade, shall be exempt from arrest except when charged with the commission of offenses locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever.

In criminal cases the attendance at court by a consular officer as a witness may be demanded by the prosecution or defense, or by the court. The demand shall be made with all possible regard for the consular dignity and the duties of the office; and there shall be compliance on the part of the consular officer.

When the testimony of a consular officer who is a national of the State which appoints him and is engaged in no private occupation for gain is taken in civil cases, it shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at the trial whenever it is possible to do so without serious interference with his official duties.

No consular officer shall be required to testify in either criminal or civil cases regarding acts performed by him in his official capacity.

## ARTICLE III

Consular officers, including employees in a consulate, nationals of the State by which they are appointed, other than those engaged in private occupations for gain within the State where they exercise their functions, shall be exempt from all taxes, National, State, Provincial and Municipal, except taxes levied on account of the possession or ownership of immovable property situated in, or income derived from property of any kind situated or belonging

within the territories of the State within which they exercise their functions. All consular officers and employees, nationals of the State appointing them, shall be exempt from the payment of taxes on the salary, fees or wages received by them in compensation for their consular services.

The exemptions of the foregoing paragraph shall apply equally to officials who are duly appointed by one of the High Contracting Parties to exercise in its behalf essential governmental functions in the territory of the other High Contracting Party, provided that such officials shall be nationals of the State appointing them and shall not be engaged in private occupations for gain within the country to which they are accredited. The State appointing them shall communicate to the other State satisfactory evidence of the appointment and shall indicate the character of the service of the officials to whom the exemptions of this Article are intended to apply.

The Government of each High Contracting Party shall have the right to lease land and to lease acquire and own buildings required for diplomatic or consular premises in the territory of the other High Contracting Party and also to erect buildings in such territory for the purposes stated subject to local building regulations.

Lands and buildings situated in the territory of either High Contracting Party, of which the other High Contracting Party is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, National, State, Provincial and Municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

#### ARTICLE IV

Each of the High Contracting Parties agrees to permit the entry free of all duty and without examination of any kind, of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property whether accompanying the officer, his family or suite, to his post or imported at any time during his incumbency thereof; provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the High Contracting Parties, may be brought into its territories.

The exemptions of the foregoing paragraph shall apply equally to officials who are duly appointed by one of the High Contracting Parties to exercise in its behalf essential governmental functions in the territory of the other High Contracting Party, provided that such officials shall be nationals of the State appointing them and shall not be engaged in private occupations for gain within the country to which they are accredited. The State appointing them shall communicate to the other satisfactory evidence of the appoint-

ment and shall indicate the character of the service of the officials to whom the exemptions of this Article are intended to apply.

It is understood, however, that this privilege shall not be extended to officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to governmental supplies.

#### ARTICLE V

Consular officers may place over the outer door of their respective offices the arms of their State with an appropriate inscription designating the official office, and they may place the coat of arms of their State on automobiles employed by them in the exercise of their consular functions. Such officers may also fly the flag of their country on their offices including those situated in the capitals of the two countries. They may likewise fly such flag over any boat or vessel employed in the exercise of the consular function.

The quarters where consular business is conducted and the archives of the consulates shall at all times be inviolable, and under no pretext shall any authorities of any character within the country make any examination or seizure of papers or other property deposited with the archives. When consular officers are engaged in business within the territory of the State where they are exercising their duties, the files and documents of the consulate shall be kept in a place entirely separate from the one where private or business papers are kept. Consular offices shall not be used as places of asylum. No consular officers shall be required to produce official archives in court or testify as to their contents.

Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, secretaries or chancellors, whose official character may have previously been made known to the Government of the State where the consular function was exercised, may temporarily exercise the consular function of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, prerogatives and immunities that were granted to the consular officer.

#### ARTICLE VI

Consular officers of either High Contracting Party, nationals of the State by which they are appointed, may, within their respective consular districts, address the authorities concerned, National, State, Provincial or Municipal, for the purpose of protecting their countrymen in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and, in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital may apply directly to the Government of the country.

Consular officers shall have the right to interview, to communicate with, and to advise their countrymen within their consular districts; and, upon notification to the appropriate authority, to visit any of their countrymen who are imprisoned or detained by authorities of the State in which they exercise their consular functions; to assist them in proceedings before or relations with such authorities; and to inquire into any incidents which have occurred within the consular district affecting the interests of their countrymen.

Nationals of either of the High Contracting Parties shall have the right at all times to communicate with the consular officers of their country.

#### ARTICLE VII

Consular officers, in pursuance of the laws of their own country may (a) take, at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territory of, their own country; (b) draw up, attest, certify and authenticate unilateral acts, translations, deeds, and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party; (c) authenticate signatures; (d) draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the State by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions and contracts relating to property situated, or business to be transacted, within the territories of the State by which they are appointed, embracing unilateral acts, deeds, testamentary dispositions or agreements executed solely by nationals of the State within which such officers exercise their functions.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated by the consular officer, under his official seal, shall be received as evidence in the territories of the High Contracting Parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized in the country by which the consular officer was appointed; provided, always, that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

#### ARTICLE VIII

In case of the death of a national of either High Contracting Party in the territory of the other without having in the locality of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the State of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the parties interested.

In case of the death of a national of either of the High Contracting Parties without will or testament whereby he has appointed testamentary executors, in the territory of the other High Contracting Party, the consular officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as a national of the country where he was appointed.

#### ARTICLE IX

A consular officer of either High Contracting Party shall within his district have the right to appear personally or by delegate in all matters concerning the administration and distribution of the estate of a deceased person under the jurisdiction of the local authorities for all such heirs or legatees in said estate, either minors or adults, as may be non-residents and nationals of the country represented by the said consular officer, with the same effect as if he held their power of attorney to represent them, unless such heirs or legatees themselves have appeared, either in person or by duly authorized representative.

A consular officer of either High Contracting Party may on behalf of his non-resident countrymen collect and receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called Workmen's Compensation Laws or other like statutes, for transmission through channels prescribed by his Government to the proper distributees.

#### ARTICLE X

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, and shall alone exercise jurisdiction in cases, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrongdoing shall have entered a port within his consular district. Such an officer shall also have jurisdiction over issues concerning the adjustment of wages and the execution of contracts relating thereto provided, however, that such jurisdiction shall not exclude the jurisdiction conferred on local authorities under existing or future laws.

When an act committed on board of a private vessel under the flag of the State by which the consular officer has been appointed and within the territorial waters of the State to which he has been appointed constitutes a crime according to the laws of that State, subjecting the person guilty thereof to punishment as a criminal, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the local law.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the State to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the State to which he is appointed for the purpose of observing the proceedings or of rendering assistance as an interpreter or agent.

#### ARTICLE XI

A consular officer of either High Contracting Party shall have the right to inspect within the ports of the other High Contracting Party within his consular district, the private vessels of any flag destined or about to clear for ports of the country appointing him in order to observe the sanitary conditions and measures taken on board such vessels, and to be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein.

In exercising the right conferred upon them by this Article, consular officers shall act with all possible despatch and without unnecessary delay.

#### ARTICLE XII

All proceedings relative to the salvage of vessels of either High Contracting Party wrecked upon the coasts of the other shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred, or by some other person authorized thereto by the law of that country. Pending the arrival of such officer, who shall be immediately informed of the occurrence, or the arrival of such other person, whose authority shall be made known to the local authorities by the consular officer, the local authorities shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise

is not to be subjected to any customhouse charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

#### ARTICLE XIII

The territories of the High Contracting Parties to which the provisions of this Convention extend shall be understood to comprise all areas of land, water, and air over which the Parties respectively claim and exercise dominion as sovereign thereof, except the Panama Canal Zone.

#### ARTICLE XIV

The present Convention shall be ratified and the ratifications thereof shall be exchanged at Monrovia. The Convention shall take effect in all its provisions thirty days from the day of the exchange of ratifications and shall remain in full force for the term of five years thereafter.

If within six months before the expiration of the aforesaid period of five years neither High Contracting Party notifies to the other an intention of modifying, by change or omission, any of the provisions of any of the Articles in this Convention or of terminating it upon the expiration of the aforesaid period, the Convention shall remain in full force and effect after the aforesaid period and until six months from such a time as either of the High Contracting Parties shall have notified to the other an intention of modifying or terminating the Convention.

In witness whereof the respective Plenipotentiaries have signed this Convention and have affixed their seals thereto.

Done in duplicate, at Monrovia, this seventh day of October, 1938.

LESTER A. WALTON [SEAL]

C. L. SIMPSON [SEAL]

## AIR NAVIGATION

*Exchange of notes at Monrovia June 14, 1939, with text of agreement  
Entered into force June 15, 1939*

54 Stat. 2018; Executive Agreement Series 166

*The American Minister to the Liberian Secretary of State*

LEGATION OF THE  
UNITED STATES OF AMERICA  
MONROVIA, LIBERIA

*June 14, 1939*

No. 190a

### EXCELLENCY:

I have the honor to set forth below the terms of the Air Navigation Agreement between the United States and Liberia as understood by me to have been approved in the course of the negotiations recently conducted by the Legation with your Department of State:

### AIR NAVIGATION AGREEMENT BETWEEN THE UNITED STATES AND LIBERIA

#### ARTICLE 1

(a) The present arrangement shall apply to continental United States of America, exclusive of Alaska, and to Liberia, including their territorial waters.

(b) Subject to the conditions hereinafter set forth, civil aircraft registered by either Party to this arrangement and not engaged in regular scheduled services, shall be accorded liberty of passage above and of landing upon the territory of the other Party.

#### ARTICLE 2

(a) Aircraft of either Party operating in the territory of the other Party must be airworthy. The members of the operating personnel must have the necessary qualifications, and also possess airman certificates issued by the competent authorities of the country of registration.

(b) The aircraft of each Party, their crews, passengers and goods carried thereon shall, while within the territory of the other Party, be subject to the laws in force in that territory, including all regulations relating to air naviga-

tion applicable to foreign aircraft, the transport of passengers and goods, and public safety and order, as well as any regulations concerning immigration, quarantine, customs, and clearance.

### ARTICLE 3

In respect to the establishment and operation of air routes and air transport services and all matters pertaining thereto, the nationals and aircraft of the United States of America shall receive most-favored-nation treatment in Liberia. However, the United States of America may not claim any rights in respect of such routes and air transport services if it should be unwilling to accord similar rights to the Government or nationals of Liberia.

### ARTICLE 4

The present arrangement shall be subject to termination by either Party upon six months' notice given in writing to the other Party.

I should be pleased if you would inform me whether your Government accepts the foregoing text as the text which was agreed to in the course of the recent negotiations. If so, my Government suggests that the agreement become effective on June 15, 1939.

Accept, Excellency, the renewed assurances of my highest consideration.

LESTER A. WALTON  
*American Minister*

His Excellency CLARENCE L. SIMPSON,  
*Secretary of State of the Republic of Liberia*  
*Monrovia*

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*The Liberian Secretary of State to the American Minister*

DEPARTMENT OF STATE  
MONROVIA, LIBERIA  
*June 14, 1939*

580a/D.F.

SIR:

I have the honor to acknowledge the receipt of your note of June 14, 1939 requesting to be informed whether my Government accepts the text set forth in the note under acknowledgment as the text of the Air Navigation Agreement between Liberia and the United States which was agreed to in the course of the negotiations recently conducted by the Department of State with the Legation. The text as set forth in the Legation's note is as follows:

[For text of agreement, see U.S. note, above.]

I am glad to assure you that my Government accepts the foregoing text as the text which was agreed to by it in the course of the recent negotiations. My Government also accepts your Government's suggestion that the agreement become effective on June 15, 1939 and will accordingly regard it as becoming effective on that date.

Accept, Sir, the renewed assurances of my highest consideration.

C. L. SIMPSON

*Secretary of State*

Honorable LESTER A. WALTON,  
*Minister of the United States of America,  
Monrovia.*

## CONCILIATION

*Treaty signed at Monrovia August 21, 1939*

*Senate advice and consent to ratification November 26, 1940*

*Ratified by the President of the United States December 20, 1940*

*Ratified by Liberia March 13, 1941*

*Ratifications exchanged at Monrovia March 13, 1941*

*Entered into force March 13, 1941*

*Proclaimed by the President of the United States April 4, 1941*

55 Stat. 1137; Treaty Series 968

### TREATY OF CONCILIATION BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LIBERIA

The President of the United States of America and the President of the Republic of Liberia being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their Plenipotentiaries,

The President of the United States of America:

His Excellency Lester A. Walton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Republic of Liberia; and

The President of the Republic of Liberia:

His Excellency C. L. Simpson, Secretary of State of the Republic of Liberia;

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

#### ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Liberia, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a Permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

## ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

## ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

## ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by the President of the Republic of Liberia in accordance with the constitutional laws of the Republic.

The ratifications shall be exchanged at Monrovia as soon as possible, and the treaty shall take effect on the date of the exchange of ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English language and hereunto affixed their seals.

Done at Monrovia this 21st day of August One Thousand Nine Hundred and Thirty-nine.

LESTER A. WALTON [SEAL]

C. L. SIMPSON [SEAL]

## EXCHANGE OF PUBLICATIONS

*Exchange of notes at Monrovia January 15, 1942*  
*Entered into force January 15, 1942*

56 Stat. 1419; Executive Agreement Series 239

*The American Minister to the Liberian Secretary of State*

LEGATION OF THE  
UNITED STATES OF AMERICA

MONROVIA, LIBERIA  
*January 15, 1942*

No. 296

### EXCELLENCY:

I have the honor to transmit herewith agreement to regulate the exchange of official publications between the Governments of the United States of America and Liberia, which agreement, effective from January 15, 1942, shall be in accordance with the following provisions:

1. The official exchange offices for the transmission of publications shall be on the part of the United States of America, the Smithsonian Institution; and on the part of Liberia, the Department of State of Liberia.

2. The publications exchanged shall be received on behalf of the United States of America by the Library of Congress; and on behalf of Liberia by . . .<sup>1</sup>

3. The Government of the United States of America shall furnish regularly one copy of each of the publications included in the attached List No. 1.

4. The Government of Liberia shall furnish regularly one copy of each of the official publications included on the attached List No. 2.

5. Each party to the agreement shall bear the postal, railroad, steamship, and other charges arising in its own country.

6. Both parties express their willingness as far as possible to expedite shipments.

7. This agreement shall not be understood to modify any agreements concerning the exchange of official publications which may be in effect between departments or instrumentalities of the two Governments.

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<sup>1</sup> Name of Liberian office supplied by Liberian note, p. 622.

Please accept, Excellency, the renewed assurances of my high consideration.

LESTER A. WALTON  
*American Minister*

Enclosures:  
List No. 1  
List No. 2

His Excellency  
C. L. SIMPSON,  
*Secretary of State, R. L.,  
Department of State,  
Monrovia.*

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*The Liberian Secretary of State to the American Minister*

DEPARTMENT OF STATE  
MONROVIA, LIBERIA

24/D.F.

15TH JANUARY, 1942

MR. MINISTER,

With reference to your note No. 296 of the 15th of the present month, I have the honour to advise Your Excellency that the Government of the Republic of Liberia agrees to the exchange of official publications proposed by the Government of the United States of America, outlined in your note under reply, and I am pleased to state as follows regarding the matter:

There shall be an exchange of official publications between the Government of the Republic of Liberia and the Government of the United States of America, which shall be effected in accordance with the following provisions:

1. The official exchange offices for the transmission of publications shall be on the part of the United States of America, the Smithsonian Institution; and on the part of Liberia, the Department of State of Liberia.

2. The publications exchanged shall be received on behalf of the United States of America by the Library of Congress; and on behalf of Liberia by the Department of State.

3. The Government of the United States of America shall furnish regularly one copy of each of the publications included in the attached List No. 1.

4. The Government of Liberia shall furnish regularly one copy of each of the official publications included on the attached List No. 2.

5. Each party to the agreement shall bear the postal, railroad, steamship, and other charges arising in its own country.

6. Both parties express their willingness as far as possible to expedite shipments.

7. This agreement shall not be understood to modify any agreements concerning the exchange of official publications which may be in effect between departments or instrumentalities of the two Governments.

I am gratified to advise Your Excellency that the Government of the Republic of Liberia considers the foregoing agreement concluded and in effect from January 15, 1942.

Be pleased to accept, Mr. Minister, the renewed assurances of my high consideration and esteem.

C. L. SIMPSON  
*Secretary of State*

HIS EXCELLENCY LESTER A. WALTON,  
*American Minister Plenipotentiary, etc.,  
American Legation,  
Monrovia.*

## LIST NO. 1

OFFICIAL PUBLICATIONS TO BE FURNISHED REGULARLY BY THE  
UNITED STATES GOVERNMENT

## CONGRESS OF THE UNITED STATES

House Journal  
Senate Journal  
Code of Laws and supplements

## PRESIDENT OF THE UNITED STATES

Annual messages to Congress

## DEPARTMENT OF AGRICULTURE

Annual Report of the Secretary of Agriculture  
Farmers' Bulletins  
Yearbook

## DEPARTMENT OF COMMERCE

Annual Report of the Secretary of Commerce  
*Bureau of the Census*  
Reports  
Abstracts  
Statistical Abstract of the United States (annual)  
*Bureau of Foreign and Domestic Commerce*  
Foreign commerce (weekly)  
Foreign commerce and navigation of the United States (annual)  
Survey of current business (monthly)  
Trade information bulletins  
*National Bureau of Standards*  
Technical News Bulletin  
*Weather Bureau*  
Monthly Weather Review

## DEPARTMENT OF JUSTICE

Annual report of the Attorney General

## DEPARTMENT OF LABOR

Annual report of the Secretary of Labor  
*Bureau of Labor Statistics*  
Bulletins  
Monthly labor review

## DEPARTMENT OF STATE

- Department of State Bulletin
- Inter-American series
- Foreign relations of the United States (annual)
- Statutes at large
- Treaty series

## DEPARTMENT OF INTERIOR

- Annual report of the Secretary of Interior
- Fish and Wildlife Service*
- Bulletins
- Investigational reports
- Bureau of Mines*
- Minerals yearbook
- Bureau of Reclamation*
- New Reclamation Era (monthly)
- National Park Service*
- General publications

## DISTRICT OF COLUMBIA

- Annual report of the Government of the District of Columbia
- Annual report of the Public Utilities Commission

## FEDERAL SECURITY AGENCY

- Office of Education*
- School life (monthly)
- Public Health Service*
- Public Health Reports (weekly)
- Social Security Board*
- Social Security Bulletin (monthly)

## FEDERAL WORKS AGENCY

- Public Roads Administration*
- Public Roads (monthly)

## INTERSTATE COMMERCE COMMISSION

- Annual report

## LIBRARY OF CONGRESS

- Annual report of the Librarian of Congress

## NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

- Annual report with technical reports

## NATIONAL ARCHIVES

- Annual report

## NATIONAL MUSEUM

- Annual report

## NAVY DEPARTMENT

- Annual report of the Secretary of the Navy
- Nautical Almanac Office*
- American Ephemeris and Nautical Almanac

## POST OFFICE DEPARTMENT

- Annual report of the Postmaster General

## SMITHSONIAN INSTITUTION

- Annual report

## TREASURY DEPARTMENT

- Annual report on the State of the Finances
- Bureau of Internal Revenue*
- Annual report of the Commissioner
- Bureau of the Mint*
- Annual report by the Director
- Comptroller of Currency*
- Annual report

## WAR DEPARTMENT

- Annual report

## LIST NO. II [2]

OFFICIAL PUBLICATIONS TO BE FURNISHED REGULARLY BY THE  
GOVERNMENT OF LIBERIA

Official gazette

Acts passed by the Legislature

Codes as published separately

*Legislature*

Proceedings and other publications of the House

Proceedings and other publications of the Senate issued

*President*

Annual message before the Legislature

*Treasury Department*

Annual reports and other publications as issued

*Interior Department*

Annual reports and other publications as issued

*Department of Public Instruction*

Annual reports and other publications as issued

*Department of Justice*

Annual reports of the Attorney General and other publications as issued

*Post Office Department*

Annual report and other publications as issued

*War Department*

Annual report and other publications as issued

*Bureau of Public Health*

Annual report and other publications as issued

*Department of State*

Annual reports, treaties and other publications as issued

*Customs Service*

Import, export and shipping statistics and other publications as issued

*Supreme Court*

Decisions and other publications as issued

## DEFENSE AREAS

*Agreement signed at Monrovia March 31, 1942*

*Entered into force March 31, 1942; operative from February 14, 1942*

*Expired October 28, 1952*<sup>1</sup>

56 Stat. 1621; Executive Agreement Series 275

### AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND LIBERIA

#### WHEREAS:

The situation of Liberia is made critical by the existing war and there is danger of attack or aggression by unfriendly powers; and

2. additional protection is necessary in order that the independence and security of the Republic may be safeguarded; and

3. the Government of Liberia has requested that the Government of the United States because of its traditional friendly interest in the welfare of Liberia, give such aid as may be possible in the circumstances in the defense of the Republic; and

4. the Government of Liberia has granted the Government of the United States in this emergency the right to construct, control, operate and defend at the sole cost and expense of the latter and without charge to the Republic of Liberia, such military and commercial airports in the Republic as in consultation with the Government of the Republic of Liberia may mutually be considered necessary; and the right also to assist in the protection and defense of any part of the Republic which might be liable to attack during the present war, said grant to include the right to construct access roads from Monrovia to the airport at Roberts Field on the Farmington River and the seaplane facilities at Fisherman Lake in the County of Grand Cape Mount; and

5. the above mentioned rights have been granted as of February 14, 1942 to become effective from that date and to remain in effect for the duration of the existing war and for a period not to exceed six months thereafter;

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<sup>1</sup> Six months after entry into force for the United States of treaty of peace with Japan (3 UST 3169; TIAS 2490).

THEREFORE:

the undersigned to wit:

HARRY A. McBRIDE, Special Representative of the President of the United States of America, acting on behalf of the Government of the United States; and

CLARENCE L. SIMPSON, Secretary of State of the Republic of Liberia, acting on behalf of the Government of Liberia, have agreed as follows:

#### ARTICLE 1

The grants of rights specified above shall also include the right to improve and deepen channels, to construct connecting roads, communication services, fortifications, repair and storage facilities and housing for personnel, and generally the right to do any and all things necessary to insure the efficient operation, maintenance and protection of such defense facilities as may be established;

#### ARTICLE 2

The Republic of Liberia retains sovereignty over all such airports, fortifications and other defense areas as may be established under the rights above granted. The Government of the United States during the life of this Agreement shall have exclusive jurisdiction over any such airports and defense areas in Liberia and over the military and civilian personnel of the Government of the United States and their families within the airports, fortifications and other defense areas, as well as over all other persons within such areas except Liberian citizens.

It is understood, however, that the Government of the United States may turn over to the Liberian authorities for trial and punishment any person committing an offense in such defense areas. And the Liberian authorities will turn over to the United States authorities for trial and punishment any of the United States military or civilian personnel and their families who may commit offenses outside such defense areas. The Liberian authorities and the United States authorities will take adequate measures to insure the prosecution and punishment in cases of conviction of all such offenders, it being understood that the relevant evidence shall be furnished reciprocally to the two authorities.

#### ARTICLE 3

It is agreed that the Government of the United States shall have the right to establish and maintain postal facilities and commissary stores to be used solely by the military and civilian personnel of the United States Government and their families stationed in Liberia in connection with this Agreement and with such aid in the defense of Liberia as the Government of the United States may furnish.

## ARTICLE 4

All materials, supplies and equipment for the construction, use and operation of said airports of the United States Government and for the personal needs of the military and civilian personnel and their families, shall be permitted entry into Liberia free of customs duties, excise taxes, or any other charges, and the said personnel and their families shall also be exempt from all forms of taxes, assessments and other levies by the Liberian Government and authorities, including exemption from Liberian regulations pertaining to passports, visas and residence permits.

The Government of the United States undertakes to respect all legitimate interests of Liberia and of Liberian citizens, as well as all the laws, regulations and customs relating to the native population and the internal administration of Liberia. In exercising the rights derived from this Agreement, the Government of the United States undertakes to give sympathetic consideration to all representations made by the Liberian authorities with respect to the welfare of the inhabitants of Liberia.

In respect of the commercial use of such airports, passengers, mail and cargo entering or leaving Liberia by air shall have transit over such airports to and from a Liberian customs station established adjacent to said airports and under the exclusive jurisdiction of the Government of Liberia.

ARTICLE 5<sup>2</sup>

The Government of the United States undertakes to extend to the Government of Liberia such aid as may be possible in the circumstances in the protection of the Republic, including necessary equipment for road construction, certain monetary aids for defense purposes, certain assistance in the organization and training of the Liberian military forces and certain other assistance of a similar nature.

## ARTICLE 6

The Government of the United States undertakes, at the end of the war and the additional period provided in Paragraph 5 of the Preamble to this Agreement, to withdraw all military forces of the United States. It is mutually understood and agreed that the jurisdiction hereby conferred on the Government of the United States over any airports and defense areas, and over military and civilian personnel under the provisions of Article 2 of this Agreement, shall continue until all matters calling for judicial determination, but undisposed of after the termination of this Agreement, shall have been disposed of by the United States authorities, or, alternately, until the withdrawal of the United States forces shall be complete.

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<sup>2</sup> For an understanding relating to art. 5, see exchange of notes at New York June 8, 1943 (TS 324), *post*, p. 633.

## ARTICLE 7

The Government of Liberia and the Government of the United States agree that at this time the above Agreement shall apply to the air facilities at Roberts Field on the Farmington River, and at Fisherman Lake in the County of Grand Cape Mount. If other defense areas of this kind are deemed necessary in the future, their location will be fixed by mutual agreement.

## ARTICLE 8

For the purposes of this Agreement, a Defense Area shall be construed as the actual areas of said airports and such additional areas in the immediate neighborhood upon which installations necessary for defense may be established by agreement between the United States Commanding Officer and the Liberian Government.

Signed, at Monrovia, Liberia, in duplicate, the texts having equal force, this 31st day of March, 1942

HARRY A. McBRIDE [SEAL]

*Special Representative of the President of the United States  
of America*

C. L. SIMPSON [SEAL]

*Secretary of State of the Republic of Liberia*

## LEND-LEASE

*Agreement and exchange of notes signed at New York June 8, 1943  
Entered into force June 8, 1943*

57 Stat. 978; Executive Agreement Series 324

### AGREEMENT

Whereas the Government of the Republic of Liberia is desirous of strengthening its national defenses in order that it may be in a position to protect its territorial integrity and sovereign rights in a world at war;

And whereas the President of the United States of America has determined, pursuant to the Act of Congress of March 11, 1941,<sup>1</sup> that the defense of the Republic of Liberia against aggression is vital to the defense of the United States of America;

And whereas the United States of America has extended and is continuing to extend to the Republic of Liberia aid in resisting aggression;

And whereas it is expedient that the final determination of the terms and conditions upon which the Government of the Republic of Liberia receives such aid and of the benefits to be received by the United States of America in return therefor should be deferred until the extent of the defense aid is known and until the progress of events makes clearer the final terms and conditions and benefits which will be in the mutual interests of the United States of America and the Republic of Liberia and will promote the establishment and maintenance of world peace;

And whereas the Governments of the United States of America and the Republic of Liberia are mutually desirous of concluding now a preliminary agreement in regard to the provision of defense aid and in regard to certain considerations which shall be taken into account in determining such terms and conditions and the making of such an agreement has been in all respects duly authorized, and all acts, conditions and formalities which it may have been necessary to perform, fulfil or execute prior to the making of such an agreement in conformity with the laws either of the United States of America or of the Republic of Liberia have been performed, fulfilled or executed as required;

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<sup>1</sup> 55 Stat. 31.

The undersigned, being duly authorized by their respective Governments for that purpose, have agreed as follows

#### ARTICLE I

The Government of the United States of America will continue to supply the Government of the Republic of Liberia with such defense articles, defense services, and defense information as the President of the United States of America shall authorize to be transferred or provided.

#### ARTICLE II

The Government of the Republic of Liberia will provide to the Government of the United States of America such articles, services, facilities or information as it may be in a position to supply.

#### ARTICLE III

The Government of the Republic of Liberia will not without the consent of the President of the United States of America transfer title to, or possession of, any defense article or defense information transferred to it under the Act of March 11, 1941 of the Congress of the United States of America or permit the use thereof by anyone not an officer, employee, or agent of the Government of the Republic of Liberia.

#### ARTICLE IV

If, as a result of the transfer to the Government of the Republic of Liberia of any defense article or defense information, it becomes necessary for that Government to take any action or make any payment in order fully to protect any of the rights of a citizen of the United States of America who has patent rights in and to any such defense article or information, the Government of the Republic of Liberia will take such action or make such payment when requested to do so by the President of the United States of America.

#### ARTICLE V

The Government of the Republic of Liberia will return to the United States of America at the end of the present emergency, as determined by the President of the United States of America, such defense articles transferred under this Agreement as shall not have been destroyed, lost or consumed and as shall be determined by him to be useful in the defense of the United States of America or of the Western Hemisphere or to be otherwise of use to the United States of America.

#### ARTICLE VI

In the final determination of the benefits to be provided to the United States of America by the Government of the Republic of Liberia full cogni-

zance shall be taken of all property, services, information, facilities, or other benefits or considerations provided by the Government of the Republic of Liberia subsequent to March 11, 1941, and accepted or acknowledged by the President on behalf of the United States of America.

#### ARTICLE VII

In the final determination of the benefits to be provided to the United States of America by the Government of the Republic of Liberia in return for aid furnished under the Act of Congress of March 11, 1941, the terms and conditions thereof shall be such as not to burden commerce between the two countries, but to promote mutually advantageous economic relations between them and the betterment of world-wide economic relations. To that end, they shall include provision for agreed action by the United States of America and the Republic of Liberia, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce; to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the Joint Declaration made on August 14, 1941, by the President of the United States of America and the Prime Minister of the United Kingdom, known as the Atlantic Charter.<sup>2</sup>

At an early convenient date, conversations shall be begun between the two Governments with a view to determining, in the light of governing economic conditions, the best means of attaining the above-stated objectives by their own agreed action and of seeking the agreed action of other like-minded Governments.

#### ARTICLE VIII

This Agreement shall take effect as from this day's date. It shall continue in force until a date to be agreed upon by the two Governments.

Signed and sealed in the city of New York in duplicate this eighth day of June 1943.

For the Government of the United States of America :

HENRY SERRANO VILLARD [SEAL]  
*Special Representative*

For the Government of the Republic of Liberia :

WALTER F. WALKER [SEAL]  
*Consul General of Liberia in New York*

<sup>2</sup> EAS 236, *ante*, vol. 3, p. 686.

## EXCHANGE OF NOTES

*The Liberian Consul General at New York to the Special Representative  
of the United States*

CONSULATE GENERAL OF LIBERIA

NEW YORK

June 8, 1943

SIR:

I have the honor to refer to the Agreement signed in the city of New York on this day, between the Government of the United States of America and the Government of the Republic of Liberia on the principles applying to mutual aid under the Lend-Lease Act of the United States of America of March 11, 1941, and to set forth the understanding of the Government of the Republic of Liberia of the relationship between this Agreement and the Agreement concluded between our Governments on March 31, 1942,<sup>3</sup> as follows:

The Agreement signed this day states in terms of general principles the basis on which aid under the Act of March 11, 1941 is to be furnished to the Republic of Liberia.

The provisions of Article V[5] of the Agreement of March 31, 1942, and the accompanying letter of the same date addressed by the Special Representative of the President of the United States of America to the President of Liberia,<sup>4</sup> are interpreted as setting forth specific applications of the general principles contained in the Agreement signed this day, and especially of Article I, and as enumerating the defense aids which the Government of the United States of America has undertaken, for the time being, to supply the Government of the Republic of Liberia, under the Lend-Lease Act and otherwise.

If the Government of the United States of America concurs in the foregoing, I would suggest that the present note and your reply to that effect be regarded as placing on record the understanding of our two Governments in this matter.

Accept, Sir, the renewed assurances of my highest consideration.

WALTER F. WALKER

HENRY SERRANO VILLARD, Esquire,  
*Special Representative of the United States of America,  
New York, New York.*

<sup>3</sup> EAS 275, *ante*, p. 626.

<sup>4</sup> Not printed.

*The Special Representative of the United States to the Liberian Consul  
General at New York*

DEPARTMENT OF STATE

NEW YORK

*June 8, 1943*

SIR:

I have the honor to acknowledge the receipt of your note of today's date concerning the relationship between the Agreement signed in the city of New York on this day between the Government of the Republic of Liberia and the Government of the United States of America and the Agreement concluded between our Governments on March 31, 1942.

In reply I am glad to inform you that the Government of the United States of America agrees with the understanding of the Government of the Republic of Liberia as expressed in that note. In accordance with the suggestion contained therein, your note and this reply will be regarded as placing on record the understanding between our two Governments in this matter.

Accept, Sir, the renewed assurances of my high consideration.

HENRY SERRANO VILLARD

WALTER F. WALKER, Esquire,  
*Consul General of Liberia in New York.*

# CONSTRUCTION OF PORT AND PORT WORKS

*Agreement signed at Monrovia December 31, 1943*

*Entered into force December 31, 1943*

*Amended by agreement of February 23 and 29, 1944*<sup>1</sup>

*Supplemented by agreement of July 24 and 26, 1948*<sup>2</sup>

*Terminated by agreement of April 13 and 14, 1964*<sup>3</sup>

58 Stat. 1357; Executive Agreement Series 411

## AGREEMENT

WHEREAS, an Agreement between the Governments of the United States of America and the Republic of Liberia on the principles applying to mutual aid in their common defense was negotiated under the authority of and in conformity with the Act of the Congress of the United States of America approved March 11, 1941,<sup>4</sup> and was signed on June 8, 1943;<sup>5</sup> and

WHEREAS, the Government of the Republic of Liberia has requested the Government of the United States of America to make funds available for the construction of a port and port works at a mutually agreed-upon site on the coast of the Republic of Liberia;

The undersigned, being duly authorized by their respective Governments, have agreed as follows:

## ARTICLE 1

The Government of the United States of America will make available to the Government of the Republic of Liberia under the terms of the Mutual Aid Agreement of June 8, 1943, such funds as may be allotted by the administrative agency of the Government of the United States of America which is or may be authorized and empowered to administer the provisions of the Act of the Congress of the United States of America approved March 11, 1941, in the form of a credit under conditions to be determined by such administrative agency, for the surveying of the estuary of the St. Paul River and such other sites in the vicinity of Monrovia and Marshall as may be necessary for the satisfactory location of the port, and for the construction of a port and port works and access roads at the estuary of the St. Paul River or at such

<sup>1</sup> EAS 411, *post*, p. 639.

<sup>2</sup> 2 UST 1202; TIAS 2267.

<sup>3</sup> 15 UST 641; TIAS 5583.

<sup>4</sup> 55 Stat. 31.

<sup>5</sup> EAS 324, *ante*, p. 630.

other site in the vicinity of Monrovia or Marshall as may be mutually preferred by the Government of the United States of America and the Government of the Republic of Liberia.

#### ARTICLE 2

The Government of the Republic of Liberia will enter into a contract with an American company, duly incorporated in the United States of America and approved by the Government of the United States of America for the effectuation of the necessary survey, or surveys, and the construction of the port and port works and access roads, which American company, upon preparing its plans and estimates, shall submit said plans and estimates to the Government of the United States of America and to the Government of the Republic of Liberia for approval.

#### ARTICLE 3<sup>6</sup>

The Government of the Republic of Liberia agrees to the establishment of the port as a free port, or foreign trade zone, to be operated for the mutual benefit of the United States of America and the Republic of Liberia and all nations with which the United States of America and the Republic of Liberia maintain friendly relations, under such conditions and by such means as may be henceforth provided. The Government of the Republic of Liberia undertakes to make available, without cost, to the operating company provided for in Article 5 such land and rights in land as may be necessary for the construction of the free port and such land and rights in land contiguous to the port site as may be necessary for the efficient operation, maintenance and protection of the free port.

#### ARTICLE 4

Upon approval of the plans and estimates, as prescribed in Article 2, the contracting company shall, with the assent of the administrative agency of the Government of the United States of America which is or may be authorized and empowered to administer the provisions of the Act of the Congress of the United States of America approved March 11, 1941, proceed with the construction of the port and port works and access roads as soon as practicable, under the direction of American engineers.

#### ARTICLE 5

Prior to the construction of the port and port works and access roads, a contract shall be entered into between the Government of the Republic of Liberia and an American company, duly incorporated in the United States of America or in the Republic of Liberia and approved by the Government

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<sup>6</sup> For an agreement supplementing art. 3, see exchange of notes at Monrovia July 24 and 26, 1948 (2 UST 1202; TIAS 2267).

of the United States of America, for the operation of the port during the full period of amortization, as shall be hereinafter provided, commencing from the date of completion of the port and port works and access roads or from such earlier date as the port is able to begin receiving ships and cargo. The said contract shall provide for adequate and equitable representation by the Government of the Republic of Liberia on any Board of Directors or Port Authority which may be set up for the operation of the port.

Provision shall be made in the aforesaid contract for the payment, from revenues of the port, of the administrative and other costs of operating the port and for annual payments in amortization of the funds made available by the Government of the United States of America for the construction of the port and port works and access roads, excluding any installations which may be constructed under Article 7 of this Agreement. Such annual payments shall be paid by the operating company to the Government of the Republic of Liberia for transmission to the Government of the United States of America and shall be computed on the basis of such agreed percentage of the net revenues of the port as may be specified in the aforesaid contract. The aforesaid contract shall also provide for such increases in the percentage of amortization payments as may be subsequently determined upon from time to time by the operating company and the Government of the Republic of Liberia, subject to the approval of the Government of the United States of America.

In the event of reasonable complaint by the Government of the Republic of Liberia upon due cause shown, regarding improper or inefficient performance in the operation of the port on the part of the operating company, the Government of the United States of America undertakes to receive and afford full consideration to such complaint, and reserves the right, in agreement with the Government of the Republic of Liberia, to withdraw its approval of the said contract on giving one year's notice to the operating company and to authorize transference of operating control to such other American company as may be agreed upon between the Government of the United States of America and the Government of the Republic of Liberia.

#### ARTICLE 6

When amortization of the cost of the port, port works and access roads shall have been fully completed, operating control and ownership of all installations constructed from funds made available by the Government of the United States of America under the Mutual Aid Agreement of June 8, 1943, shall pass to the Government of the Republic of Liberia. If, however, any such installations as are provided for in Article 7 of this Agreement have been actually completed or undertaken by the Government of the United States of America at the time of such full amortization, the Government of the United States of America and the Government of the Republic of Liberia agree to consider jointly the future terms and manner of operation of the port under

the control of a Port Authority which shall be constituted in a form mutually satisfactory to the two Governments and which shall operate in consonance with the stipulations of Article 7 of this Agreement.

#### ARTICLE 7

The Government of the Republic of Liberia, upon request, will grant to the Government of the United States of America the right to establish, use, maintain, improve, supplement, guard and control, in part or in their entirety, at the expense of the Government of the United States of America, such naval, air and military facilities and installations at the site of the port, and in the general vicinity thereof, as may be desired by the Government of the United States of America for the protection of the strategic interests of the United States of America in the South Atlantic.

The Government of the United States of America undertakes to respect, in the future as in the past, the territorial integrity, sovereignty, and political independence of the Republic of Liberia.

#### ARTICLE 8

The Government of the United States of America shall be exempt from the payment of Liberian taxes of any kind in connection with the construction, operation or maintenance of its naval, air and military facilities and installations under this Agreement.

#### ARTICLE 9

This Agreement shall take effect on the date of signature.

Signed and sealed in Monrovia in duplicate this thirty-first day of December 1943.

For the Government of the United States of America:

LESTER A. WALTON [SEAL]

*Envoy Extraordinary and Minister  
Plenipotentiary of the United  
States of America in Monrovia*

For the Government of the Republic of Liberia:

C. L. SIMPSON [SEAL]

*Secretary of State  
of the Republic of Liberia*

# CONSTRUCTION OF PORT AND PORT WORKS

*Exchange of notes at Monrovia February 23 and 29, 1944, amending agreement of December 31, 1943*<sup>1</sup>

*Entered into force February 29, 1944*

*Terminated by agreement of April 13 and 14, 1964*<sup>2</sup>

58 Stat. 1360; Executive Agreement Series 411

*The American Minister to the Liberian Secretary of State*

LEGATION OF THE  
UNITED STATES OF AMERICA  
*Monrovia, Liberia, February 23, 1944*

No. 431

EXCELLENCY:

The Department has now been advised that in order for the Navy Department to act as procurement agency for the projected port development, it will be necessary for the Navy to be a party to the contract.

Please be good enough to inform me whether the Liberian Government will have any objection to signing a three party construction contract between the Liberian Government, the Navy Department, and the contractor.

If the Liberian Government's reply is favorable, a draft of a new contract will be forwarded for consideration by the Liberian Government.

In this connection, an exchange of notes between the Liberian Government and the Legation in the foregoing sense would be regarded by the Department as a satisfactory amendment to the Port Agreement.

Please accept, Excellency, the renewed assurance of my high consideration.

LESTER A. WALTON  
*American Minister*

His Excellency

GABRIEL L. DENNIS,  
*Secretary of State, R.L.,  
Monrovia*

<sup>1</sup> EAS 411, *ante*, p. 635.

<sup>2</sup> 15 UST 641; TIAS 5583.

*The Liberian Secretary of State to the American Minister*

DEPARTMENT OF STATE

MONROVIA, LIBERIA

29th February, 1944

175/D.F.

MR. MINISTER,

With reference to your letter No. 431 I have the honour to advise that the Liberian Government will have no objections to signing a Three Party Construction Contract between the Liberian Government, the Navy Department, and the Contractor for the proposed Port Works.

In closing, I would like to intimate that it is desired that the proposed Port Works commence as early as possible as it would be advantageous to start work during the Dry Season.

Be pleased to accept, Mr. Minister, the renewed assurance of my high consideration.

GABRIEL L. DENNIS

*Secretary of State*

His Excellency LESTER A. WALTON  
*American Minister Plenipotentiary  
and Envoy Extraordinary  
American Legation,  
Monrovia*

# PERIOD OF VALIDITY OF TEMPORARY VISITORS VISAS

*Exchange of notes at Monrovia October 27 and 28, 1947  
Entered into force December 1, 1947*

62 Stat. 3930; Treaties and Other  
International Acts Series 2021

*The American Chargé d'Affaires ad interim to the Liberian Acting Secretary  
of State*

LEGATION OF THE  
UNITED STATES OF AMERICA  
*Monrovia, Liberia, October 27, 1947*

No. 271

## EXCELLENCY:

I have the honor to set forth below the terms of the arrangement regarding the period of validity of temporary visitors visas to be granted on a reciprocal basis to nationals of our two countries as understood by me to have been approved in the course of conversations recently conducted by the Legation with your Department of State:

1. As of the date on which this arrangement becomes effective, non-immigrant temporary visitors visas shall be granted by each of our respective countries to nationals of the other to be valid for an initial period of two years from the date of issue instead of an initial period of one year as at present.

2. It is understood that the period of validity of two years means that the visas granted will be valid for presentation at a port of entry at any time, or any number of times, during the two-year period. However, the immigration officials at the port of entry of either country may, as heretofore, specify the authorized length of stay of the alien for each visit.

3. It is further understood that no visa granted for a period of two years will be valid for such period unless the passport or other acceptable travel document is valid for such period. However, if the passport or travel document is not valid for the full period of two years at the time the visa is granted, the passport or travel document may be extended by the issuing authority for the full period of two years or more in which event the visa shall be considered as valid for the full period of two years.

4. The present agreement will in no way affect the arrangement<sup>1</sup> existing between our two Governments whereby all non-immigrant passport visa fees are waived on a reciprocal basis.

If the above provisions are acceptable to Your Excellency's Government, this note and the reply signifying assent thereto shall, if agreeable to Your Excellency's Government, be regarded as constituting an arrangement between our two Governments which shall become effective on December 1, 1947.

Please accept, Excellency, the renewed assurances of my highest consideration.

RUPERT A. LLOYD, JR.  
*American Chargé d'Affaires a.i.*

His Excellency CHAS. T. O. KING  
*Acting Secretary of State, R. L.*  
*Monrovia*

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*The Liberian Acting Secretary of State to the American Chargé d'Affaires  
ad interim*

DEPARTMENT OF STATE  
MONROVIA, LIBERIA  
28th October, 1947

2135/DF

MR. CHARGÉ D'AFFAIRES :

I have the honour to acknowledge receipt of your Note Number 271, dated October 27, 1947 regarding terms of arrangement between our respective Governments with respect to the period of validity of temporary visitors visas which is to be granted on a reciprocal basis to nationals of our two countries in the light of conversations had by your Legation with the Department of State.

In reply, I have the honour to advise the acceptance and assent by my Government to the following provisions as constituting an arrangement between our two Governments effective as of December 1, 1947:

[For text of provisions, see numbered paragraphs of U.S. note, above.]

Please accept, Mr. Chargé d'Affaires, the renewed assurance of my high consideration and esteem.

CHARLES T. O. KING  
*Acting Secretary of State*

RUPERT A. LLOYD, Jr., Esqr.,  
*American Chargé d'Affaires, a. i.,*  
*American Legation,*  
*Monrovia.*

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<sup>1</sup> Agreement signed at Monrovia Aug. 31, 1925 (*ante*, p. 584).

## PERMANENT FREE PORT AREA IN LIBERIA

*Exchange of notes at Monrovia July 24 and 26, 1948, supplementing  
agreement of December 31, 1943, as amended*<sup>1</sup>

*Entered into force July 26, 1948*

*Terminated by agreement of April 13 and 14, 1964*<sup>2</sup>

[For text, see 2 UST 1202; TIAS 2267.]

## FREE IMPORTATION PRIVILEGES FOR FOREIGN SERVICE PERSONNEL

*Exchange of notes at Washington May 2 and July 22, 1949*

*Entered into force July 22, 1949*

[For text, see 5 UST 734; TIAS 2961.]

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<sup>1</sup> EAS 411, *ante*, pp. 635 and 639.

<sup>2</sup> 15 UST 641; TIAS 5583.

# Liechtenstein<sup>1</sup>

## WAIVER OF VISAS AND VISA FEES FOR NONIMMIGRANTS

*Exchange of notes between the United States and Switzerland at Bern  
April 22, June 18, and June 30, 1926*

*Entered into force June 30, 1926; operative from June 1, 1925*

Department of State files

*The Federal Political Department of Switzerland to the American Embassy*

[TRANSLATION]

FEDERAL POLITICAL DEPARTMENT  
DIVISION OF FOREIGN AFFAIRS

B 23/1 Liech.-NH.

By notes exchanged on May 11, 1925, between the Legation of the United States of America and the Federal Political Department,<sup>2</sup> each of the two States agreed to exempt from the payment of passport visa fees the nationals of the other State falling within the category of travelers described as "non-immigrants" by the American Immigration Law of 1924.<sup>3</sup>

Since, in virtue of the entry into force of the Customs Union Convention between Switzerland and Liechtenstein (January 1, 1924) every foreigner who is authorized to enter Switzerland may, without any further formality, enter the territory of the Principality, the Political Department has the honor to request the kind intervention of the Legation of the United States with a view to having the advantages of the above mentioned agreement extended to nationals of Liechtenstein.

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<sup>1</sup> Certain agreements between the United States and Switzerland were, or are, applicable also to Liechtenstein. See *post*, vol. 11, SWITZERLAND.

<sup>2</sup> *Post*, vol. 11, SWITZERLAND.

<sup>3</sup> 43 Stat. 153.

It avails itself of this opportunity to renew to the Legation of the United States of America the assurance of its high consideration.

BERNE, *April 22, 1926*

To the

LEGATION OF THE UNITED STATES OF AMERICA,  
*Berne.*

*The American Minister to the Chief of the Federal Political Department*

No. 221

BERNE, *June 18, 1926*

EXCELLENCY:

I have the honor to refer to the Federal Political Department's note of April 22, 1926, wherein it requested that the advantages of the reciprocal agreement regarding passport visa fees, concluded between the Governments of Switzerland and the United States on May 11, 1925, be extended to nationals of Liechtenstein.

Under instructions from my Government, I now have the honor to inform you, as the duly empowered representative of the Principality of Liechtenstein, that the Government of the United States, in conformity with the request under reference, will, from June 1, 1925, collect no fees for visaing passports or executing applications therefor in the case of citizens or subjects of Liechtenstein desiring to visit the United States who are not "immigrants" as defined in the Immigration Act of the United States of 1924, namely,

- (1) A government official, his family, attendants, servants, and employees;
- (2) An alien visiting the United States temporarily as a tourist or temporarily for business or pleasure;
- (3) An alien in continuous transit through the United States;
- (4) An alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory;
- (5) A bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman;
- (6) An alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation;

and from the same date the Government of Liechtenstein will not require non-immigrant citizens of the United States of like classes desiring to visit Liechtenstein to present visaed passports.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

HUGH GIBSON

His Excellency  
Monsieur GIUSEPPE MOTTA,  
*Chief of the Federal Political Department,  
Berne.*

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*The Federal Political Department to the American Minister*

[TRANSLATION]

FEDERAL POLITICAL DEPARTMENT  
DIVISION OF FOREIGN AFFAIRS

B 23/1 Liecht. 2/1-NH.  
Ad No. 221

*Berne, June 30, 1926*

MR. MINISTER:

By note of the 18th of this month, you were kind enough to inform us that the Government of the United States of America had accepted favorably our request, presented in the name of the Principality of Liechtenstein, to the effect that the advantages of the agreement concluded between Switzerland and the United States for exemption from the payment of passport visa fees be extended to nationals of the Principality.

Your Excellency notified us, accordingly, that the Government of the United States has decided not to collect, beginning with June 1, 1925, fees for visaing passports or executing applications therefor in the case of citizens of Liechtenstein desiring to visit the United States, who are not considered as "immigrants" as defined in the Immigration Act of the United States of 1924, namely,

- 1) Officials, their families, attendants, employees and servants;
- 2) Aliens visiting the United States temporarily as tourists, for business or for pleasure;
- 3) Aliens in continuous transit through the United States;
- 4) Aliens lawfully admitted to the United States who go in transit from one part of the United States to another through foreign contiguous territory;
- 5) Bona fide alien seamen serving on a vessel arriving at a port of the United States and who desire to stay temporarily in the country solely for the purpose of carrying on their profession;
- 6) Aliens authorized to enter the United States solely for the purpose of doing business in conformity with the provisions of a treaty of commerce and navigation at present in force.

On our side, we are authorized to inform Your Excellency that the citizens of the United States belonging to the above mentioned categories of travellers desiring to visit Liechtenstein will enjoy the same advantages.

Furthermore, we have to assure you that the present agreement will not modify the facilities which American citizens have already been enjoying for a long time in entering the territory of the Principality.

Please accept, Mr. Minister, the assurance of our high consideration.

Federal Political Department  
p. o. PAUL DINICHERT

His Excellence

Mr. HUGH S. GIBSON

*Minister of the United States of America,  
Berne.*

## EXTRADITION

*Treaty signed at Bern May 20, 1936*

*Ratified by Liechtenstein October 30, 1936*

*Senate advice and consent to ratification April 27, 1937*

*Ratified by the President of the United States May 19, 1937*

*Ratifications exchanged at Bern June 28, 1937*

*Entered into force June 28, 1937*

*Proclaimed by the President of the United States July 8, 1937*

50 Stat. 1337; Treaty Series 915

### EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE PRINCIPALITY OF LIECHTENSTEIN

The United States of America and the Principality of Liechtenstein, animated by the desire to promote the cause of justice, have agreed to conclude a treaty concerning the extradition of fugitives from justice between the two States and have appointed the following plenipotentiaries for this purpose:

The President of the United States of America:

Mr. Hugh R. WILSON, Minister plenipotentiary and Envoy extraordinary of the United States of America in Switzerland,

His Serene Highness the Ruling Prince of Liechtenstein:

M. Giuseppe MOTTA, Federal Councillor and Head of the Federal Political Department, Berne,

who, after exchange of their full powers, found to be in good and due form, have agreed upon and concluded the following articles:

#### ARTICLE I

It is agreed that the Government of the United States of America and the Government of Liechtenstein shall, upon requisition duly made in accordance with the provisions of this Treaty, deliver up to justice any person who is charged with or has been convicted of any of the crimes or offenses specified in Article II of the present Treaty, if the punishable act was committed within the jurisdiction of one of the High Contracting Parties and the person seeks asylum in the territory of the other Party or is found there. Such extra-

dition shall take place only on the basis of such evidence of criminality, as according to the laws of the place where the fugitive or the accused is found, would justify his arrest and commitment for trial, if the deed had been committed there.

## ARTICLE II

Such persons shall be delivered up, according to the provisions of the present Treaty, who shall have been charged with or convicted of any of the following punishable acts:

1. Murder (including the crimes designated by the terms parricide, poisoning and infanticide), or intentional manslaughter.
2. Malicious mayhem or serious injury to the body, intentionally committed.
3. Rape, abortion and carnal knowledge of children under 15 years of age.
4. Abduction or detention of women or girls for immoral purposes.
5. Bigamy.
6. Arson.
7. Intentional and unlawful destruction or obstruction of railroads where such acts endanger human life.
8. Crimes committed at sea:
  - a) Piracy, in the current sense of the word and according to the definition in international or municipal law;
  - b) unlawful sinking or destruction of a ship at sea, or attempt to perform such act;
  - c) mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the Captain or Commander of such vessel, or to take possession of such vessel by fraud or violence;
  - d) assault on board of a ship on the high seas, with intent to do bodily harm.
9. Burglary, breaking into a house.
10. Breaking into or forcing an entrance into the official premises of the Government or public authorities, or into other buildings, other than dwellings, with intent to commit a crime there.
11. Robbery.
12. Forgery of documents or the circulation of forged documents.
13. Forgery or falsification of official documents of the Government or public authorities including the courts, or the circulation or fraudulent use thereof.
14. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of the public debt created by national, State, provincial,

territorial, local or municipal administrations, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and other marks of State or public administration offices and the utterance, circulation or fraudulent use of the above-mentioned objects.

15. Embezzlement.

16. Kidnapping of minors or adults, defined to be the abduction or detention of one or more persons, in order to extort money from them, their families, or one or more other persons, or for any other unlawful purpose.

17. Larceny, that is the theft of articles, movable property or money of the value of twenty-five or more dollars or the equivalent thereof in Liechtenstein currency.

18. Obtaining money, securities or other property by false pretenses or acceptance of money, securities or other property, knowing the same has been unlawfully obtained, when the amount of the money or the value of the property so acquired or accepted exceeds two hundred dollars or the equivalent thereof in Liechtenstein currency.

19. Perjury.

20. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or official of a company or corporation, or by any person in a fiduciary position, when the amount of money or the value of the property misappropriated exceeds two hundred dollars or the equivalent thereof in Liechtenstein currency.

21. Crimes and offenses against the laws for the suppression of slavery or the slave trade.

22. Wilful abandonment or wilful non-support of minor children or those unable to support themselves.

23. Bribery.

24. Crimes or offenses against the bankruptcy laws.

25. Crimes or offenses against the laws for suppression of the narcotics traffic.

26. Use of the mails for fraudulent purposes.

27. Extradition shall also take place for participation in any of the crimes or offenses beforementioned, before or after the commission thereof, or for an attempt to commit one of the beforementioned crimes or offenses.

With respect to the above-enumerated crimes and offenses it is agreed that when one of those crimes or offenses is not designated as such in the laws of one of the States, nevertheless the extradition shall take place when such crime or offense includes as an essential element an act which is designated as punishable, by the laws of the State in whose territory the fugitive is found.

### ARTICLE III

The provisions of this Treaty shall not import a claim of extradition for a crime or offense of a political character nor for acts connected with such

crimes or offenses, and no person surrendered under this Treaty by or to one of the High Contracting Parties shall be brought to trial or punished on account of a political crime or offense committed before his extradition. The State to which the application is made, or its courts, shall decide whether the act is of a political character. When the punishable act charged includes an accomplished or attempted murder, assassination, or poisoning, the fact that the act was accomplished or attempted against the life of the ruler or the supreme head of one of the High Contracting Parties or against the ruler or the supreme head of a foreign State or against the life of a member of the family of either of them shall not be deemed sufficient to sustain that the crime or offense was of a political character, or was an act connected with crimes or offenses of a political character.

#### ARTICLE IV

No person shall be tried for any crime or offense committed before his extradition other than that for which he was surrendered, unless he shall have been allowed one month to leave the country after having been tried, or one month in case of conviction after having paid the penalty or having been set at liberty.

#### ARTICLE V

An accused person shall not be extradited, under the provisions of this Treaty, when, from lapse of time or other lawful cause under the laws of the State asking extradition, he is exempt from prosecution or punishment on account of the punishable act for which extradition is asked.

#### ARTICLE VI

If an accused person whose extradition may be claimed pursuant to the provisions of this Treaty be actually under prosecution, out on bail, in custody or sentenced for a crime or offense committed in the State to which he has fled, his extradition may be deferred until such proceedings are brought to an end and until he shall have been set at liberty in due course of law.

#### ARTICLE VII

If the extradition of an accused person, which is requested by one of the two Contracting Parties, is also requested by one or more other powers, on the ground of treaty provisions, for crimes or offenses committed within their jurisdiction, the person must be surrendered to that State whose request was first received, unless it is withdrawn.

This Article shall not affect treaties which were already concluded by one of the Contracting Parties at a previous period with other States.

## ARTICLE VIII

Under the provisions of this Treaty, neither of the High Contracting Parties shall be bound to surrender its own citizens, with the exception of cases in which such citizenship has been acquired after commission of the crime for which extradition is sought. The decision as to whether the person whose extradition is requested is its own citizen, belongs to the State to which the application for requisition is made.

## ARTICLE IX

The cost of transporting the fugitive shall be borne by the Government which has made the request for extradition. The competent officials of the country in which the extradition proceedings are to take place shall assist the officials of the Government requesting the extradition before the judges and magistrates by every legal means at their disposal. The Government which requested the extradition is liable for reimbursement of costs only for the subsistence and lodging of the fugitive, which have arisen prior to the extradition through the arrest, detention, the investigation proceedings and the delivery of the fugitive. However, the officials of the surrendering Government who shall in the course of their duty, receive specified fees for the services performed, instead of other compensation or payment, shall be entitled to receive from the Government asking extradition, the customary fees for the acts or services performed by them in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the law of the country of which they are officers.

## ARTICLE X

Everything found in the possession of an accused person, at the time of the arrest, if it is the proceeds of the crime or offense, or may be material as evidence, shall so far as practicable under the laws of the two High Contracting Parties be delivered up with his person at the time of surrender. Nevertheless, the rights of third persons with regard to the articles referred to shall be duly respected.

## ARTICLE XI

The provisions of the present Treaty shall be applicable to all territory wherever situated, belonging to one of the High Contracting Parties, or in the occupancy or control of one of them, during such occupancy or control.

Requisitions for the extradition of fugitives from justice shall be made by the diplomatic representatives of the Contracting States. In the event of the absence of such representatives from the country or its seat of Government, or if extradition is sought from a territory outside of the United States of America or the Principality of Lichtenstein, in the manner specified in Article I, the requests may be made by superior consular officers.

The arrest of the fugitive shall take place in accordance with the provisions of the laws of the States concerned. If, after examination on the basis of the provisions of law and the evidence, it is decided that the extradition must be granted under this Treaty, extradition of the fugitive shall be carried out in accordance with the legal regulations provided for such cases.

A person provisionally arrested shall be released, if, within two months counted from the day of opening the proceedings in the United States of America, and in Liechtenstein, from the day of the arrest, the formal requisition for surrender with the documentary evidence hereinafter described has not been made by the diplomatic representative of the Government making the request, or in his absence, by a consular officer thereof, in the above-mentioned manner.

If the accused person has been sentenced for the crime or offense for which his extradition is requested, a duly authenticated copy of the sentence of the court which pronounced the sentence shall be produced. When the accused person is merely charged with a crime, a duly authenticated copy of the warrant for arrest issued in the State where the act was committed, shall be produced, with the proofs of guilt mentioned in Article I of this Treaty.

#### ARTICLE XII

This Treaty, the English and German texts of which are equally authoritative, shall be ratified by the High Contracting Parties in accordance with the constitutional provisions applicable to them and shall go into effect on the day of the exchange of the instruments of ratification, which shall take place at Berne as soon as possible.

#### ARTICLE XIII

This Treaty shall remain in force for a period of five years, and in case neither of the High Contracting Parties gives notice a year prior to the expiration of this period of its intention to terminate the Treaty, it shall remain in force until the expiration of a year from the day on which one of the High Contracting Parties denounces it.

In witness whereof the above-mentioned plenipotentiaries have signed this Treaty and have hereunto affixed their seals.

Done in duplicate at Berne on May twentieth, nineteen hundred and thirty six.

HUGH R. WILSON      [SEAL]  
MOTTA                      [SEAL]

## NONIMMIGRANT VISA REQUIREMENTS

*Exchange of notes between the United States and Switzerland at Washington October 22 and 31 and November 4 and 13, 1947*

*Entered into force November 13, 1947; operative for Liechtenstein November 15, 1947, for the United States December 1, 1947*

[For text, see 6 UST 93; TIAS 3172.]

# Lithuania

## EXTRADITION

*Treaty signed at Kaunas April 9, 1924*

*Senate advice and consent to ratification May 19, 1924*

*Ratified by the President of the United States June 10, 1924*

*Ratified by Lithuania August 12, 1924*

*Ratifications exchanged at Kaunas August 23, 1924*

*Entered into force August 23, 1924*

*Proclaimed by the President of the United States September 29, 1924*

*Supplemented by treaty of May 17, 1934<sup>1</sup>*

43 Stat. 1835; Treaty Series 699

THE UNITED STATES OF AMERICA and LITHUANIA, desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the two countries and have appointed for that purpose the following Plenipotentiaries:

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

Frederick W. B. COLEMAN,

Envoy Extraordinary and Minister Plenipotentiary of the United States of America;

THE PRESIDENT OF THE REPUBLIC OF LITHUANIA:

Ernestas GALVANAUSKAS,

Prime Minister and Minister of Foreign Affairs;

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

### ARTICLE I

It is agreed that the Government of the United States and the Government of Lithuania shall, upon requisition duly made as herein provided, deliver up

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<sup>1</sup> TS 879, *post*, p. 683.

to justice any person, who may be charged with, or may have been convicted of, any of the crimes specified in Article II of the present Treaty committed within the jurisdiction of one of the High Contracting Parties, and who shall seek an asylum or shall be found within the territories of the other; provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.

## ARTICLE II

Persons shall be delivered up according to the provisions of the present Treaty, who shall have been charged with or convicted of any of the following crimes:

1. Murder, comprehending the crimes designated by the terms parricide, assassination, manslaughter when voluntary, poisoning or infanticide.
2. The attempt to commit murder.
3. Rape, abortion, carnal knowledge of children under the age of twelve years.
4. Abduction or detention of women or girls for immoral purposes.
5. Bigamy.
6. Arson.
7. Wilful and unlawful destruction or obstruction of railroads, which endangers human life.
8. Crimes committed at sea:
  - /a/ Piracy, as commonly known and defined by the law of nations, or by statute;
  - /b/ Wrongfully sinking or destroying a vessel at sea or attempting to do so;
  - /c/ Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the Captain or Commander of such vessel, or by fraud or violence taking possession of such vessel;
  - /d/ Assault on board ship upon the high seas with intent to do bodily harm.
9. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein.
10. The act of breaking into and entering the offices of the Government and public authorities, or the offices of banks, banking houses, savings banks, trust companies, insurance and other companies, or other buildings not dwellings with intent to commit a felony therein.
11. Robbery, defined to be the act of feloniously and forcibly taking from the person of another goods or money by violence or by putting him in fear.
12. Forgery or the utterance of forged papers.

13. The forgery or falsification of the official acts of the Government or public authority, including Courts of Justice, or the uttering or fraudulent use of any of the same.

14. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and marks of State or public administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.

15. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars or Lithuanian equivalent.

16. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds two hundred dollars or Lithuanian equivalent.

17. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them, their families or any other person or persons, or for any other unlawful end.

18. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty five dollars or more, or Lithuanian equivalent.

19. Obtaining money, valuable securities or other property by false pretences or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained where the amount of money or the value of the property so obtained or received exceeds two hundred dollars or Lithuanian equivalent.

20. Perjury or subornation of perjury.

21. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars or Lithuanian equivalent.

22. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

23. Wilful desertion or wilful non-support of minor or dependent children.

24. Extradition shall also take place for participation in any of the crimes before mentioned as an accessory before or after the fact; provided such participation be punishable by imprisonment by the laws of both the High Contracting Parties.<sup>2</sup>

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<sup>2</sup> For additions to the list of crimes, see supplementary treaty of May 17, 1934 (TS 879), *post*, p. 683.

## ARTICLE III

The provisions of the present Treaty shall not import a claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses; and no person surrendered by or to either of the High Contracting Parties in virtue of this Treaty shall be tried or punished for a political crime or offense. When the offense charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the Sovereign or Head of a foreign State or against the life of any member of his family, shall not be deemed sufficient to sustain that such crime or offense was of a political character, or was an act connected with crimes or offenses of a political character.

## ARTICLE IV

No person shall be tried for any crime or offense other than that for which he was surrendered.

## ARTICLE V

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, the criminal is exempt from prosecution or punishment for the offense for which the surrender is asked.

## ARTICLE VI

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution, out on bail or in custody, for a crime or offense committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and until he shall have been set at liberty in due course of law.

## ARTICLE VII

If a fugitive criminal claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that State whose demand is first received.

## ARTICLE VIII

Under the stipulations of this Treaty, neither of the High Contracting Parties shall be bound to deliver up its own citizens.

## ARTICLE IX

The expense of arrest, detention, examination and transportation of the accused shall be paid by the Government which has preferred the demand for extradition.

## ARTICLE X

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime, shall so far as practicable, according to the laws of either of the High Contracting Parties, be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles referred to, shall be duly respected.

## ARTICLE XI

The stipulations of the present Treaty shall be applicable to all territory wherever situated, belonging to either of the High Contracting Parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the High Contracting Parties. In the event of the absence of such agents from the country or its seat of Government, or where extradition is sought from territory included in the preceding paragraphs, other than the United States or Lithuania, requisitions may be made by superior consular officers. It shall be competent for such diplomatic or superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two Governments shall respectively have power and authority, upon complaint made under oath or in any other judicially prescribed form to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify it to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

In case of urgency, the application for arrest and detention may be addressed directly to the competent magistrate in conformity to the statutes in force.

The person provisionally arrested shall be released, unless within two months from the date of arrest in Lithuania, or from the date of commitment in the United States, the formal requisition for surrender with the documentary proofs hereinafter prescribed be made as aforesaid by the diplomatic agent of the demanding Government or, in his absence, by a consular officer thereof.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be pro-

duced, with such other evidence or proof as may be deemed competent in the case. In either case a duly authenticated text of the law under which the charge is made shall be attached.

#### ARTICLE XII

In every case of a request made by either of the High Contracting Parties for the arrest, detention or extradition of fugitive criminals, the appropriate legal officers of the country where the proceedings of extradition are had, shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their power; and no claim whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition; provided, however, that any officer or officers of the surrendering Government so giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the Government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

#### ARTICLE XIII

The present Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods and shall take effect on the date of the exchange of ratifications which shall take place at Kaunas as soon as possible.

#### ARTICLE XIV

The present Treaty shall remain in force for a period of ten years, and in case neither of the High Contracting Parties shall have given notice one year before the expiration of that period of its intention to terminate the Treaty, it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the High Contracting Parties.

In witness whereof the above-named Plenipotentiaries have signed the present Treaty and have hereunto affixed their seals.

Done in duplicate at Kaunas this Ninth day of April, nineteen hundred and twenty-four.

F. W. B. COLEMAN [SEAL]

GALVANAUSKAS [SEAL]

## DEBT FUNDING

*Agreement signed at Washington September 22, 1924*

*Approved by Lithuania December 18, 1924*

*Approved by Act of Congress of December 22, 1924*<sup>1</sup>

*Operative from June 15, 1924*

*Modified by agreement of June 9, 1932*<sup>2</sup>

Treasury Department print

### AGREEMENT,

Made the twenty-second day of September, 1924, at the City of Washington, District of Columbia, between the GOVERNMENT OF THE REPUBLIC OF LITHUANIA, hereinafter called LITHUANIA, party of the first part, and the GOVERNMENT OF THE UNITED STATES OF AMERICA, hereinafter called the UNITED STATES, party of the second part.

Whereas, Lithuania is indebted to the United States as of June 15, 1924, upon obligations maturing June 30, 1921 and 1922, in the aggregate principal amount of \$4,981,628.03, together with interest accrued and unpaid thereon; and

Whereas, Lithuania desires to fund said indebtedness to the United States, both principal and interest, through the issue of bonds to the United States, and the United States is prepared to accept bonds from Lithuania upon the terms and conditions hereinafter set forth:

Now, therefore, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. *Amount of Indebtedness.* The amount of the indebtedness to be funded, after allowing for cash payments made or to be made by Lithuania, is \$6,030,000, which has been computed as follows:

Principal amount of obligations to be funded.....	\$4, 981, 628. 03
Interest accrued thereon from June 30, 1919, to June 15, 1924, at the rate of 4¼ per cent per annum.....	1, 049, 918. 94
Total principal and interest accrued and unpaid as of June 15, 1924.....	6, 031, 546. 97
To be paid in cash by Lithuania, September 22, 1924.....	1, 546. 97
Total indebtedness to be funded into bonds.....	6, 030, 000. 00

<sup>1</sup> 43 Stat. 719.

<sup>2</sup> *Post*, p. 681.

2. *Repayment of Principal.* In order to provide for the repayment of the indebtedness thus to be funded, Lithuania will issue to the United States at par, as of June 15, 1924, bonds of Lithuania in the aggregate principal amount of \$6,030,000, dated June 15, 1924, and maturing serially on each June 15 in the succeeding years for 62 years, in the amounts and on the several dates fixed in the following schedules:

June 15—		June 15—	
1925 .....	\$30,000	1957 .....	\$86,000
1926 .....	30,000	1958 .....	89,000
1927 .....	31,000	1959 .....	92,000
1928 .....	32,000	1960 .....	95,000
1929 .....	33,000	1961 .....	98,000
1930 .....	34,000	1962 .....	102,000
1931 .....	35,000	1963 .....	105,000
1932 .....	36,000	1964 .....	109,000
1933 .....	37,000	1965 .....	112,000
1934 .....	39,000	1966 .....	116,000
1935 .....	40,000	1967 .....	120,000
1936 .....	42,000	1968 .....	124,000
1937 .....	43,000	1969 .....	128,000
1938 .....	45,000	1970 .....	133,000
1939 .....	46,000	1971 .....	138,000
1940 .....	48,000	1972 .....	143,000
1941 .....	49,000	1973 .....	148,000
1942 .....	51,000	1974 .....	153,000
1943 .....	53,000	1975 .....	158,000
1944 .....	55,000	1976 .....	163,000
1945 .....	57,000	1977 .....	169,000
1946 .....	59,000	1978 .....	175,000
1947 .....	61,000	1979 .....	181,000
1948 .....	63,000	1980 .....	188,000
1949 .....	65,000	1981 .....	194,000
1950 .....	67,000	1982 .....	201,000
1951 .....	69,000	1983 .....	208,000
1952 .....	72,000	1984 .....	215,000
1953 .....	75,000	1985 .....	223,000
1954 .....	77,000	1986 .....	227,000
1955 .....	80,000		
1956 .....	83,000	Total .....	6,030,000

*Provided, however,* That Lithuania may at its option, upon not less than ninety days' advance notice to the United States, postpone any payment falling due as hereinabove provided to any subsequent June 15 or December 15 not more than two years distant from its due date, but only on condition that in case Lithuania shall at any time exercise this option as to any payment of principal, the payment falling due in the next succeeding year can not be postponed to any date more than one year distant from the date when it becomes due unless and until the payment previously postponed shall actually have been made, and the payment falling due in the second succeeding year can not be postponed at all unless and until the payment of principal due two years previous thereto shall actually have been made.

All bonds issued or to be issued hereunder to the United States shall be payable to the Government of the United States of America, or order, shall be issued in such denominations as may be requested by the Secretary of the

Treasury of the United States, and shall be substantially in the form set forth in the exhibit hereto annexed and marked "Exhibit A." The \$6,030,000 principal amount of bonds first to be issued hereunder shall be issued in 62 pieces, in denominations and with maturities corresponding to the annual payments of principal hereinabove set forth.

3. *Payment of Interest.* All bonds issued or to be issued hereunder shall bear interest, payable semiannually on June 15 and December 15 in each year, at the rate of 3 per cent per annum from June 15, 1924, to June 15, 1934, and thereafter at the rate of 3½ per cent per annum until the principal thereof shall have been paid.

4. *Method of Payment.* All bonds issued or to be issued hereunder shall be payable, as to both principal and interest, in United States gold coin of the present standard of value, or, at the option of Lithuania, upon not less than thirty days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder:

*Provided, however,* That Lithuania may at its option, upon not less than ninety days' advance notice to the United States, pay up to one-half of any interest accruing between June 15, 1924, and June 15, 1929, on the \$6,030,000 principal amount of bonds first to be issued hereunder, in bonds of Lithuania dated and bearing interest from the respective dates when the interest to be paid thereby becomes due, with maturities arranged serially to fall on each June 15 in the succeeding years up to June 15, 1986, substantially in the manner provided for the original issue in paragraph 2 of this Agreement, and substantially similar in other respects to the original issue of bonds under this Agreement.

All payments, whether in cash or in obligations of the United States, to be made by Lithuania on account of the principal or interest of any bonds issued or to be issued hereunder and held by the United States, shall be made at the Treasury of the United States in Washington, or, at the option of the Secretary of the Treasury of the United States, at the Federal Reserve Bank of New York, and if in cash shall be made in funds immediately available on the date of payment, or if in obligations of the United States shall be in form acceptable to the Secretary of the Treasury of the United States under the general regulations of the Treasury Department governing transactions in United States obligations.

5. *Exemption from Taxation.* The principal and interest of all bonds issued or to be issued hereunder shall be paid without deduction for, and shall be exempt from, any and all taxes or other public dues, present or future, imposed by or under authority of Lithuania or any political or local taxing authority within the Republic of Lithuania, whenever, so long as, and to the extent that beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily

resident in Lithuania, or (c) a corporation not organized under the laws of Lithuania.

6. *Payments before Maturity.* Lithuania may at its option, on any interest date or dates, upon not less than ninety days' advance notice to the United States, make advance payments in amounts of \$1,000 or multiples thereof, on account of the principal of any bonds issued or to be issued hereunder and held by the United States. Any such advance payments shall first be applied to the principal of any bonds which shall have been issued hereunder on account of interest accruing between June 15, 1924, and June 15, 1929, and then to the principal of any other bonds issued or to be issued hereunder and held by the United States, as may be indicated by Lithuania at the time of the payment.

7. *Exchange for Marketable Obligations.* Lithuania will issue to the United States at any time, or from time to time, at the request of the Secretary of the Treasury of the United States, in exchange for any or all of the bonds issued or to be issued hereunder and held by the United States, definitive engraved bonds in form suitable for sale to the public, in such amounts and denominations as the Secretary of the Treasury of the United States may request, in bearer form, with provision for registration as to principal, and/or in fully registered form, and otherwise on the same terms and conditions, as to dates of issue and maturity, rate or rates of interest, exemption from taxation, payment in obligations of the United States issued after April 6, 1917, and the like, as the bonds surrendered on such exchange. Lithuania will deliver definitive engraved bonds to the United States in accordance herewith within six months of receiving notice of any such request from the Secretary of the Treasury of the United States, and pending the delivery of the definitive engraved bonds will, at the request of the Secretary of the Treasury of the United States, deliver temporary bonds or interim receipts in form satisfactory to the Secretary of the Treasury of the United States within thirty days of the receipt of such request, all without expense to the United States. The United States, before offering any such bonds or interim receipts for sale in Lithuania, will first offer them to Lithuania for purchase at par and accrued interest, and Lithuania shall likewise have the option, in lieu of issuing any such bonds or interim receipts, to make advance redemption, at par and accrued interest, of a corresponding principal amount of bonds issued or to be issued hereunder and held by the United States. Lithuania agrees that the definitive engraved bonds called for by this paragraph shall contain all such provisions, and that it will cause to be promulgated all such rules, regulations, and orders, as shall be deemed necessary or desirable by the Secretary of the Treasury of the United States in order to facilitate the sale of the bonds in the United States, in Lithuania or elsewhere, and that if requested by the Secretary of the Treasury of the United States it will use its good offices to secure the listing of the bonds on the stock exchange in Kaunas.

8. *Cancellation and Surrender of Obligations.* Upon the execution of this Agreement, the payment to the United States of cash in the sum of \$1,546.97 as provided in paragraph 1 of this Agreement and the delivery to the United States of the \$6,030,000, principal amount of bonds of Lithuania first to be issued hereunder, together with satisfactory evidence of authority for the execution of the Agreement and the bonds on behalf of Lithuania by its Envoy Extraordinary and Minister Plenipotentiary at Washington, the United States will cancel and surrender to Lithuania, at the Treasury of the United States in Washington, the obligations of Lithuania in the principal amount of \$4,981,628.03, described in the preamble to this Agreement.

9. *Notices.* Any notice, request, or consent under the hand of the Secretary of the Treasury of the United States shall be deemed and taken as the notice, request, or consent of the United States, and shall be sufficient if delivered at the Legation of Lithuania at Washington or at the office of the Minister of Finance in Kaunas; and any notice, request, or election from or by Lithuania shall be sufficient if delivered to the American Minister accredited to Lithuania or to the Secretary of the Treasury at the Treasury of the United States in Washington. The United States in its discretion may waive any notice required hereunder, but any such waiver shall be in writing and shall not extend to or affect any subsequent notice or impair any right of the United States to require notice hereunder.

10. *Compliance with Legal Requirements.* Lithuania represents and agrees that subject to the ratification of this Agreement by the Seimas of Lithuania, the execution and delivery of this Agreement and of the bonds issued or to be issued hereunder have in all respects been duly authorized and that subject to such ratification all acts, conditions, and legal formalities which should have been completed prior to the making of this Agreement and the issuance of bonds hereunder have been completed as required by the laws of Lithuania and in conformity therewith.

11. *Counterparts.* This Agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

IN WITNESS WHEREOF Lithuania has caused this Agreement to be executed on its behalf by its Envoy Extraordinary and Minister Plenipotentiary at Washington, thereunto duly authorized, and the United States has likewise caused this Agreement to be executed on its behalf by the Secretary of the Treasury, as Chairman of the World War Foreign Debt Commission, with the approval of the President, all on the day and year first above written, subject, however, to the approval, respectively, of the Seimas of Lithuania and of the Congress of the United States, pursuant to the Act of Congress approved February 9, 1922,<sup>3</sup> as amended by the Act of Congress approved

<sup>3</sup> 42 Stat. 363.

February 28, 1923,<sup>4</sup> notice of which approval, when given, will be transmitted, respectively, to the United States and to Lithuania in the manner provided in paragraph 9 of this Agreement.

THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA:

By K. BIZASKAS [SEAL]

*Envoy Extraordinary and  
Minister Plenipotentiary*

THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

For the Commission:

By A. W. MELLON [SEAL]

*Secretary of the Treasury, and  
Chairman of the World War  
Foreign Debt Commission*

Approved:

CALVIN COOLIDGE,  
*President.*

EXHIBIT A

(Form of Bond)

THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA

Sixty-two year 3-3½ per cent Gold Bond

Dated June 15, 1924—Maturing June 15, .

\$

No.

The Government of the Republic of Lithuania, hereinafter called Lithuania, for value received, promises to pay to the Government of the United States of America, hereinafter called the United States, or order, on the 15th day of June, , the sum of Dollars (\$ ), and to pay interest upon said principal sum semiannually on the fifteenth day of June and December in each year, at the rate of three per cent per annum from June 15, 1924, to June 15, 1934, and at the rate of three and one-half percent per annum thereafter until the principal hereof shall have been paid. This bond is payable as to both principal and interest in gold coin of the United States of America of the present standard of value, or, at the option of Lithuania, upon not less than thirty days' advance notice to the United States, in any obligations of the United States issued after April 6, 1917, to be taken at par and accrued interest to the date of payment hereunder. This bond is payable as to both principal and interest without deduction for, and is exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of Lithuania or any political or local taxing authority within the Republic of Lithuania, whenever, so long as, and to the extent that, beneficial ownership is in (a) the Government of the United States, (b) a person, firm, or association neither domiciled nor ordinarily resident in Lithuania, or (c) a corporation not organized under the laws of Lithuania. This bond is payable as to both principal and interest at the Treasury of the United States in Washington, D.C., or, at the option of the Secretary of the Treasury of the United States, at the Federal Reserve Bank of New York.

This bond is issued under an Agreement, dated September 22, 1924, between Lithuania and the United States, to which this bond is subject and to which reference is made for a further statement of its terms and conditions.

<sup>4</sup> 42 Stat. 1325.

IN WITNESS WHEREOF, Lithuania has caused this bond to be executed in its behalf at the City of Washington, District of Columbia, by its Envoy Extraordinary and Minister Plenipotentiary at Washington, thereunto duly authorized.

The Government of the Republic of Lithuania:

By

*Envoy Extraordinary and  
Minister Plenipotentiary*

Dated, June 15, 1924.

(Back)

The following amounts have been paid upon the principal amount of this bond:

Date.	Amount paid.
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## MOST-FAVORED-NATION TREATMENT IN CUSTOMS MATTERS

*Exchange of notes at Washington December 23, 1925*

*Lithuanian ratification notified to the United States July 10, 1926*

*Entered into force July 10, 1926*

*Modified by notes of July 10 and 11, 1951<sup>1</sup>*

Treaty Series 742

*The Secretary of State to the Lithuanian Minister*

DEPARTMENT OF STATE  
*Washington, December 23, 1925*

SIR:

I have the honor to make the following statement of my understanding of the agreement reached through recent conversations held at Washington on behalf of the Government of the United States and the Government of Lithuania with reference to the treatment which the United States shall accord to the commerce of Lithuania and which Lithuania shall accord to the commerce of the United States.

These conversations have disclosed a mutual understanding between the two Governments which is that, in respect of import and export duties and other duties and charges affecting commerce, as well as in respect of transit, warehousing and other facilities, and the treatment of commercial travelers' samples, the United States will accord to Lithuania, and Lithuania will accord to the United States, its territories and possessions, unconditional most-favored-nation treatment; and that in the matter of licensing or prohibitions of imports and exports, each country, so far as it at any time maintains such a system, will accord to the commerce of the other treatment as favorable, with respect to commodities, valuations and quantities, as may be accorded to the commerce of any other country.

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<sup>1</sup> Not printed. The Lithuanian Minister, in his note of July 11, 1951, acquiesced in the application of controls by the Government of the United States to trade between the United States and the territory of Lithuania "while the latter is under Soviet domination or control."

It is understood that

No higher or other duties shall be imposed on the importation into or disposition in the United States, its territories or possessions, of any articles the produce or manufacture of Lithuania than are or shall be payable on like articles the produce or manufacture of any foreign country;

No higher or other duties shall be imposed on the importation into or disposition in Lithuania of any articles the produce or manufacture of the United States, its territories or possessions, than are or shall be payable on like articles the produce or manufacture of any foreign country;

Similarly, no higher or other duties shall be imposed in the United States, its territories or possessions, or in Lithuania, on the exportation of any articles to the other or to any territory or possession of the other, than are payable on the exportation of like articles to any foreign country;

Every concession with respect to any duty, charge or regulation affecting commerce now accorded or that may hereafter be accorded by the United States or by Lithuania, by law, proclamation, decree or commercial treaty or agreement, to the products of any third country will become immediately applicable without request and without compensation to the commerce of Lithuania and of the United States and its territories and possessions, respectively;

Provided that this understanding does not relate to

(1) The treatment which the United States accords or may hereafter accord to the commerce of Cuba or any of the territories or possessions of the United States or the Panama Canal Zone, or to the treatment which is or may hereafter be accorded to the commerce of the United States with any of its territories or possessions or to the commerce of its territories or possessions with one another.

(2) The treatment which Lithuania accords or may hereafter accord to the commerce of Finland, Esthonia, Latvia and/or Russia, so long as such special treatment is not accorded to any other State.

(3) Prohibitions or restrictions of a sanitary character or designed to protect human, animal or plant life or regulations for the enforcement of police or revenue laws.

The present arrangement shall become operative on the day when the ratification thereof by the Lithuanian Seimas shall be notified to the Government of the United States, and, unless sooner terminated by mutual agreement, shall continue in force until thirty days after notice of its termination shall have been given by either party; but should either party be prevented by future action of its legislature from carrying out the terms of this arrangement, the obligations thereof shall thereupon lapse.

I shall be glad to have your confirmation of the accord thus reached.  
Accept, Sir, the renewed assurances of my highest consideration.

FRANK B. KELLOGG

Mr. KAZYS BIZASUSKAS  
*Minister of Lithuania*

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*The Lithuanian Minister to the Secretary of State*

LITHUANIAN LEGATION  
*Washington, D.C., December 23, 1925*

SIR:

I have the honor to make the following statement of my understanding of the agreement reached through recent conversations held at Washington on behalf of the Government of Lithuania and the Government of the United States with reference to the treatment which the United States shall accord to the commerce of Lithuania and which Lithuania shall accord to the commerce of the United States.

[For statement of understanding, see U.S. note, above.]

I shall be glad to have your confirmation of the accord thus reached.  
Accept, Sir, the renewed assurances of my highest consideration.

K. BIZASUSKAS

His Excellency

The Honorable FRANK B. KELLOGG  
*Secretary of State*  
*Washington, D.C.*

## ARBITRATION

*Treaty signed at Washington November 14, 1928*

*Senate advice and consent to ratification December 18, 1928*

*Ratified by the President of the United States January 4, 1929*

*Ratified by Lithuania November 19, 1929*

*Ratifications exchanged at Washington January 20, 1930*

*Entered into force January 20, 1930*

*Proclaimed by the President of the United States January 20, 1930*

46 Stat. 2457; Treaty Series 809

The President of the United States of America and the President of the Republic of Lithuania

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America :

Mr. Frank B. Kellogg, Secretary of State of the United States of America ;

The President of the Republic of Lithuania :

Mr. Bronius K. Balutis, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Lithuania at Washington ;

Who, having communicated to each other their full powers found in good and due form, have agreed upon the following articles :

### ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference

to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907,<sup>1</sup> or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Lithuania in accordance with its constitutional laws.

#### ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Lithuania in accordance with the Covenant of the League of Nations.<sup>2</sup>

#### ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Lithuania in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate and hereunto affixed their seals.

Done at Washington the fourteenth day of November in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]

B. K. BALUTIS [SEAL]

<sup>1</sup> TS 536, *ante*, vol. 1, p. 577.

<sup>2</sup> *Ante*, vol. 2, p. 48.

## CONCILIATION

*Treaty signed at Washington November 14, 1928*

*Senate advice and consent to ratification December 20, 1928*

*Ratified by the President of the United States January 4, 1929*

*Ratified by Lithuania November 19, 1929*

*Ratifications exchanged at Washington January 20, 1930*

*Entered into force January 20, 1930*

*Proclaimed by the President of the United States January 20, 1930*

46 Stat. 2459; Treaty Series 810

The President of the United States of America and the President of the Republic of Lithuania

Being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their Plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America;

The President of the Republic of Lithuania:

Mr. Bronius K. Balutis, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Lithuania at Washington;

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

### ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Lithuania, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

### ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by

the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

### ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

### ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Lithuania in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate and hereunto affixed their seals.

Done at Washington the fourteenth day of November in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]

B. K. BALUTIS [SEAL]

## TRADEMARKS

*Exchange of notes at Riga September 14, 1929, and at Kaunas October 11, 1929*

*Entered into force October 11, 1929*

Department of State files

*The American Minister to the Minister of Foreign Affairs*

RIGA, LATVIA  
*September 14, 1929*

EXCELLENCY:

For the information of the competent Lithuanian authorities I have the honor to inform Your Excellency that Lithuanian citizens have the same right to register trade marks in the Patent Office of the United States as its own citizens, providing that the applications for such registrations are prepared and executed in accordance with the laws of the United States.

It is assumed that the Lithuanian Patent Office will register trade marks of American citizens if the applicants observe the laws and regulations when making application for such registration.

I will appreciate Your Excellency's confirmation of this reciprocal privilege in order that I may so inform my Government.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

F. W. B. COLEMAN  
*American Minister*

His Excellency

A. VOLDEMARAS,  
*Minister for Foreign Affairs,  
Kovno, Lithuania.*

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*The Secretary General of the Ministry for Foreign Affairs to the American Minister*

MINISTRY OF FOREIGN AFFAIRS  
OF LITHUANIA

No. 19175

KOVNO, *October 11, 1929*

MONSIEUR LE MINISTRE:

I have the honor to acknowledge the receipt of your Note of September 14, 1929, in which you informed the Government of Lithuania that Lithuanian

citizens have the same rights as American nationals as regards the registration of trade marks in the United States Patent Office, in so far as the application for this registration is prepared and executed in conformity with the laws in force in the United States.

I thank Your Excellency very much for this information, and now have the honor to inform you that American citizens will enjoy the same rights, under the same conditions, in the registration of their trade marks in Lithuania.

I avail myself, etc.

D. ZAUNIUS  
*Secretary General*

To His Excellency  
Monsieur COLEMAN,  
*American Minister,  
Riga.*

## REDUCTION OF VISA FEES FOR NONIMMIGRANTS

*Exchanges of notes at Kaunas March 11, 16, 18, and 19 and April 20,  
1932*

*Entered into force April 15, 1932*

*Replaced by agreement of April 17, 1937<sup>1</sup>*

Department of State files

*The Minister of Foreign Affairs ad interim to the American Minister*

[TRANSLATION]

MINISTRY OF FOREIGN  
AFFAIRS OF LITHUANIA

No. 5497

KAUNAS, *March 11, 1932*

MR. MINISTER:

Taking into consideration the fact that the American Government is in agreement with the Lithuanian Government for the reduction of the present rate of collection of fees for visas of travelers' passports, immigrants excepted, upon a reciprocal basis, I have the honor to bring to your Excellency's attention the fact that the Lithuanian Government will collect after April 15, 1932, from citizens of the United States of America, 50 lits (\$5.00) for the visa authorizing arrival and departure in the case of passports intended for a single journey or an unlimited number of journeys during one year. Transit visas, with the right to sojourn four days in Lithuania, will be accorded gratuitously.

These dispositions, by way of reciprocity, will be applied to the same categories of travelers, citizens of the United States, as those indicated in the Third Section of the Immigration Act of 1924,<sup>2</sup> of the United States of America, as follows:

(1) a government official, his family, attendants, servants, and employees, (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the United States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, (5) a bona fide alien seaman serving

<sup>1</sup> *Post*, p. 688.

<sup>2</sup> 43 Stat. 153.

as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation.

As soon as the Lithuanian Government receives a similar undertaking from the United States, it will not fail to give the necessary instructions to the end that this arrangement may go into force from and after April 15, 1932.

Receive, Mr. Minister, the assurances of my high consideration.

J. TUBELIS  
*President of the Council*  
*Minister for Foreign Affairs a.i.*

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*The American Chargé d'Affaires ad interim to the Minister of Foreign Affairs*

The American Chargé d'Affaires ad interim presents his compliments to His Excellency the Minister for Foreign Affairs and has the honor to refer to the matter of visa fees and to inform His Excellency that the Chargé is directed to make known to the Lithuanian Government that the American Government understands the agreement as authorizing also gratis transit visas for the Philippine Islands.

It would be highly appreciated if the Lithuanian Government would indicate if it entertains the same understanding on the subject.

KAUNAS, *March 16, 1932.*

His Excellency

The MINISTER FOR FOREIGN AFFAIRS  
*Kaunas.*

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*The American Minister to the Minister of Foreign Affairs ad interim*

RIGA, LATVIA  
*March 18, 1932*

EXCELLENCY:

I have the honor to acknowledge the receipt of your letter of March 11, 1932, No. 5497, in regard to the mutual reduction of visa fees, and under instructions from my Government accept the proposal that the fee of Five Dollars (\$5.00) shall become applicable on and after April 15, 1932, as respects the granting of visas and the preparation of applications therefor, in the case of citizens of the Republic of Lithuania desiring to visit the

United States (including the insular possessions) who are not "immigrants" as defined in the Immigration Act of 1924. It is furthermore noted that transit visas will be granted gratuitously upon a reciprocal basis.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

ROBERT P. SKINNER  
*American Minister*

His Excellency,  
Mr. J. TUBELIS,  
*President of the Council and  
Minister for Foreign Affairs a.i.  
Kaunas, Lithuania.*

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*The American Chargé d'Affaires ad interim to the Minister of Foreign  
Affairs*

KAUNAS, LITHUANIA  
*March 19, 1932*

EXCELLENCY:

I have the honor to refer to the matter of mutual reduction of visa fees and to communicate a Note, dated March 18, 1932, addressed to His Excellency, the President of the Council and Minister for Foreign Affairs a.i., by the American Minister, the Honorable Robert P. Skinner, expressing the approval of the United States Government to the proposal that the fee of Five Dollars (\$5.00) shall become applicable on and after April 15, 1932, as respects the granting of non-immigrant visas and the preparation of applications therefor in the case of Lithuanian citizens proceeding to the United States for a visit. It is further noted that transit visas will be granted gratuitously upon a reciprocal basis.

Accept, Excellency, the expression of my highest esteem and regard.

M. L. STAFFORD  
*Chargé d'Affaires ad interim*

His Excellency  
THE MINISTER FOR FOREIGN AFFAIRS,  
*Kaunas.*

*The Ministry for Foreign Affairs to the American Chargé d'Affaires*

[TRANSLATION]

LITHUANIAN REPUBLIC  
MINISTRY FOR FOREIGN AFFAIRSNr. 8533  
SB.SSKAUNAS, *April 20, 1932*

MR. CHARGÉ D'AFFAIRES :

I have the honor to acknowledge the receipt of your communication of April 7, 1932, and to inform you that the Lithuanian Government agrees with the Government of the United States that by the reciprocal arrangement for the reduction of collections of fees for passport visas of travelers, except immigrants, the issuance of visas free of charge is authorized for transit through the Philippine Islands.

I take this opportunity to renew, Mr. Chargé d'Affaires, the assurances of my highest consideration.

PR. DAILIDE  
*Chief of Department*

MR. M. L. STAFFORD

*Chargé d'Affaires of the United States of America,  
Kaunas.*

## DEBT FUNDING

*Agreement signed at Washington June 9, 1932, modifying agreement  
of September 22, 1924  
Operative from July 1, 1931*

Treasury Department print

### AGREEMENT

Made the 9th day of June, 1932, at the City of Washington, District of Columbia, between the GOVERNMENT OF THE REPUBLIC OF LITHUANIA, hereinafter called LITHUANIA, party of the first part, and the GOVERNMENT OF THE UNITED STATES OF AMERICA, hereinafter called the UNITED STATES, party of the second part.

WHEREAS, under the terms of the debt funding agreement between Lithuania and the United States, dated September 22, 1924,<sup>1</sup> there is payable by Lithuania to the United States during the fiscal year beginning July 1, 1931 and ending June 30, 1932, in respect of the bonded indebtedness of Lithuania to the United States, the aggregate amount of \$224,545.46, including principal and interest; and

WHEREAS, a Joint Resolution of the Congress of the United States, approved December 23, 1931,<sup>2</sup> authorizes the Secretary of the Treasury, with the approval of the President, to make on behalf of the United States an agreement with Lithuania on the terms hereinafter set forth, to postpone the payment of the amount payable by Lithuania to the United States during such year in respect of its bonded indebtedness to the United States;

Now, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

1. Payment of the amount of \$224,545.46 payable by Lithuania to the United States during the fiscal year beginning July 1, 1931 and ending June 30, 1932, in respect of the bonded indebtedness of Lithuania to the United States, according to the terms of the agreement of September 22, 1924, above mentioned, is hereby postponed so that such amount, together with interest thereon at the rate of 4 per centum per annum from July 1, 1933, shall be paid by Lithuania to the United States in ten equal annuities of \$27,366.52 each, payable in equal semiannual installments on Decem-

<sup>1</sup> *Ante*, p. 661.

<sup>2</sup> 47 Stat. 3.

ber 15 and June 15 of each fiscal year beginning with the fiscal year July 1, 1933 and ending June 30, 1934, and concluding with the fiscal year beginning July 1, 1942 and ending June 30, 1943. The bond numbered 8, dated June 15, 1924, maturing June 15, 1932, in the principal amount of \$36,000, and delivered by Lithuania to the United States under the agreement of September 22, 1924, shall be retained by the United States until the annuities due under this Agreement shall have been paid.

2. Except so far as otherwise expressly provided in this Agreement, payments of annuities under this Agreement shall be subject to the same terms and conditions as payments under the agreement of September 22, 1924, above mentioned. The proviso in paragraph 2 of such agreement, authorizing the postponement of payments on account of principal, and the option of Lithuania provided for in paragraph 4 to pay in obligations of the United States, shall not apply to annuities payable under this Agreement.

3. The agreement of September 22, 1924, between Lithuania and the United States, above mentioned, shall remain in all respects in full force and effect except so far as expressly modified by this Agreement.

4. Lithuania and the United States, each for itself, represents and agrees that the execution and delivery of this Agreement have in all respects been duly authorized and that all acts, conditions, and legal formalities which should have been completed prior to the making of this Agreement have been completed as required by the laws of Lithuania and the United States, respectively, and in conformity therewith.

5. This Agreement shall be executed in two counterparts, each of which shall have the force and effect of an original.

IN WITNESS WHEREOF, Lithuania has caused this Agreement to be executed on its behalf by its Envoy Extraordinary and Minister Plenipotentiary at Washington, thereunto duly authorized, and the United States has likewise caused this Agreement to be executed on its behalf by the Secretary of the Treasury, with the approval of the President, pursuant to a Joint Resolution of Congress approved December 23, 1931, all on the day and year first above written.

THE REPUBLIC OF LITHUANIA

By B. K. BALUTIS,  
*Envoy Extraordinary and  
Minister Plenipotentiary*

THE UNITED STATES OF AMERICA

By OGDEN L. MILLS,  
*Secretary of the Treasury*

Approved:

HERBERT HOOVER,  
*President*

## EXTRADITION

*Treaty signed at Washington May 17, 1934, supplementing treaty of April 9, 1924*

*Senate advice and consent to ratification June 15, 1934*

*Ratified by the President of the United States August 18, 1934*

*Ratified by Lithuania November 14, 1934*

*Ratifications exchanged at Washington January 8, 1935*

*Entered into force January 8, 1935*

*Proclaimed by the President of the United States January 9, 1935*

49 Stat. 3077; Treaty Series 879

The United States of America and the Republic of Lithuania desiring to promote the cause of justice by enlarging the list of crimes on account of which extradition may be granted under the Treaty concluded between the United States of America and the Republic of Lithuania on April 9, 1924,<sup>1</sup> have resolved to conclude a Supplementary Treaty for this purpose and have appointed as their Plenipotentiaries, to wit:

The President of the United States of America, Cordell Hull, Secretary of State of the United States of America; and

The President of the Republic of Lithuania, Mikas Bagdonas, Chargé d'Affaires ad interim of the Republic of Lithuania at Washington,

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

### ARTICLE I

The following crimes are added to the list of crimes numbered 1 to 24 in Article II of the said Treaty of April 9, 1924, on account of which extradition may be granted, that is to say:

25. Crimes and offenses against the bankruptcy laws.

26. Crimes and offenses, or attempted crimes or offenses, against the laws relating to the traffic in narcotic drugs.

<sup>1</sup> TS 699, *ante*, p. 655.

## ARTICLE II

The present Treaty shall be considered as an integral part of the said Extradition Treaty of April 9, 1924, and Article II of the last-mentioned Treaty shall be read as if the list of crimes therein contained had originally comprised the additional crimes specified and numbered 25 and 26 in the first Article of the present Treaty.

The present Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods, and shall take effect on the date of the exchange of ratifications which shall take place at Washington as soon as possible.

IN WITNESS WHEREOF, the above-mentioned Plenipotentiaries have signed the present Treaty and have hereunto affixed their seals.

DONE, in duplicate, at Washington this seventeenth day of May, one thousand nine hundred and thirty-four.

CORDELL HULL [SEAL]

MIKAS BAGDONAS [SEAL]

## CUSTOMS PRIVILEGES FOR CONSULAR OFFICERS

*Exchanges of notes at Washington July 28, September 17 and 19, and October 4, 1934*

*Entered into force October 4, 1934; operative October 15, 1934*

Department of State files

*The Lithuanian Chargé d'Affaires ad interim to the Secretary of State*

LÉGATION DE LITHUANIE

JULY 28, 1934

SIR:

In accordance with instructions from my Government, I have the honor to inquire whether the Government of the United States of America is disposed to enter into a reciprocal agreement whereby it would be willing to extend to Lithuanian consular officers in the United States, who are nationals of Lithuania, and who are not engaged in any business, and their families, the privilege of importing articles for their personal use free of duty during their official residence in the United States, with the understanding that no article whose importation into the United States in any quantity whatsoever is not permitted shall be imported by them.

In the event that the extension of the above mentioned privilege to Lithuanian consular officers on the basis of reciprocity is acceptable to the Government of the United States, I shall be pleased to receive a suggestion as to the date on which the arrangement shall enter into effect.

Accept, Sir, the renewed assurance of my high consideration.

M. BAGDONAS

*Chargé d'Affaires a.i.*

The Honorable CORDELL HULL,  
*Secretary of State,*  
*Washington, D.C.*

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*The Secretary of State to the Lithuanian Chargé d'Affaires ad interim*

SEPTEMBER 17, 1934

SIR:

Further reference is made to your note of July 28, 1934, inquiring whether this Government would be disposed to enter into a reciprocal agreement

whereby Lithuanian consular officers assigned to the United States, who are Lithuanian nationals and not engaged in any other business, and their families would be granted the privilege of importing articles for their personal use free of duty during their official residence in the United States.

After consultation with the appropriate authorities of this Government, I have pleasure in informing you that on a basis of reciprocity, in addition to the free entry of baggage and effects upon arrival and return to their posts in this country after visits abroad which Lithuanian consular officers assigned to the United States already enjoy, this Department, upon the request of the Lithuanian Legation in each instance, will arrange for the free entry of articles imported for personal use during their official residence in the United States by Lithuanian consular officers and their families. It is understood that such officers shall be Lithuanian nationals and not engaged in any private occupation for gain and that no article the importation of which is prohibited by the laws of the United States shall be imported by them.

If agreeable to the Lithuanian Government, it is suggested that October 15, 1934, be set as the date on which this reciprocal agreement shall become effective.

Accept, Sir, the renewed assurances of my high consideration.

For the Secretary of State:

WILLIAM PHILLIPS

Dr. MIKAS BAGDONAS,

*Chargé d'Affaires ad interim of Lithuania.*

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*The Lithuanian Chargé d'Affaires ad interim to the Secretary of State*

LITHUANIAN LEGATION

WASHINGTON, D.C.

SEPTEMBER 19, 1934

No. 947

SIR:

I have the honor to acknowledge the receipt of your note of September 17, 1934, in which you were kind enough to state that the Government of the United States of America would be disposed to enter into a reciprocal agreement whereby Lithuanian consular officers assigned to the United States, who are Lithuanian nationals and not engaged in any other business, and their families would be granted the privilege of importing articles for their personal use free of duty during their official residence in the United States.

It is my pleasure to inform you that on a basis of reciprocity, in addition to the free entry of baggage and effects upon arrival and return to their posts in Lithuania after visits abroad which the United States consular officers assigned to Lithuania already enjoy, the Lithuanian Government will

arrange for the free entry of articles imported for personal use during their official residence in Lithuania by the United States consular officers and their families. It is understood that such officers shall be nationals of the United States of America and not engaged in any private occupation for gain and that no article the importation of which is prohibited by the laws of Lithuania shall be imported by them.

In accordance with your suggestion, I have the honor to inform you that it is agreeable to the Lithuanian Government to set October 15, 1934, as the date on which this reciprocal agreement shall become effective.

Accept, Sir, the renewed assurances of my high consideration.

M. BAGDONAS  
*Chargé d'Affaires ad interim*

The Honorable CORDELL HULL,  
*Secretary of State,*  
*Washington, D.C.*

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*The Secretary of State to the Lithuanian Chargé d'Affaires ad interim*

OCTOBER 4, 1934

SIR:

The receipt is acknowledged of your note of September 19, 1934, having further reference to a reciprocal agreement whereby Lithuanian and American consular officers in the country of the other and their families may import articles for their personal use free of duty during their official residence.

I note that it is agreeable to the Lithuanian Government to set October 15, 1934, as the date on which this reciprocal agreement shall become effective. On and after that date, therefore, upon the request of the Lithuanian Legation in each instance, this Department will arrange for the free entry of non-prohibited articles imported for personal use by Lithuanian consular officers assigned to the United States whose status brings them within the purview of the agreement, and their families.

Accept, Sir, the renewed assurances of my high consideration.

For the Secretary of State:  
WILBUR J. CARR

Dr. MIKAS BAGDONAS,  
*Chargé d'Affaires ad interim of Lithuania.*

## WAIVER OF VISA FEES FOR NONIMMIGRANTS

*Exchange of notes at Washington April 17, 1937*

*Entered into force April 17, 1937; operative May 1, 1937*

Department of State files

### *The Lithuanian Minister to the Secretary of State*

LEGATION DE LITHUANIE

Nr. 472

APRIL 17, 1937

SIR,

I have the honor to refer to recent informal conversations in regard to the conclusion of an agreement between the Government of Lithuania and the Government of the United States of America for the reciprocal waiver of passport visa fees for non-immigrants to replace the agreement entered into by an exchange of notes in March 1932<sup>1</sup> between the Lithuanian Ministry for Foreign Affairs and the American Legation at Kaunas providing for a reduction of passport visa fees from ten to five dollars, effective April 15, 1932, and to confirm and make of record by this note the following agreement which has been reached between the Governments of our respective countries:

That, on and after May 1, 1937, the Government of Lithuania will collect no fee for a passport visa or for an application for a passport visa granted to nationals of the United States, including citizens of the Philippine Islands, who are not immigrants, travelling to Lithuania;

That, similarly, on and after May 1, 1937, the Government of the United States of America will collect no fee for a passport visa or for the application for a passport visa granted to citizens of Lithuania, who are not immigrants, travelling to the United States, its territories, and possessions, including the Philippine Islands.

Accept, Sir, the renewed assurances of my highest consideration.

P. ZADEIKIS  
*Minister of Lithuania*

The Honorable CORDELL HULL,  
*Secretary of State,*  
*Washington, D.C.*

<sup>1</sup> *Ante*, p. 677.

*The Secretary of State to the Lithuanian Minister*

APRIL 17, 1937

SIR:

I have the honor to refer to your note No. 472 of April 17, 1937, in regard to the conclusion of an agreement between the Government of the United States of America and the Government of Lithuania for the reciprocal waiver of passport visa fees for nonimmigrants to replace the agreement entered into by an exchange of notes in March 1932 between the American Legation at Kaunas and the Lithuanian Ministry for Foreign Affairs providing for a reduction of passport visa fees from ten to five dollars, effective April 15, 1932, and to confirm and make of record by this note the following agreement which has been reached between the Governments of our respective countries:

That, on and after May 1, 1937, the Government of the United States of America will collect no fee for a passport visa or for the application for a passport visa granted to citizens of Lithuania, who are not immigrants, travelling to the United States, its territories and possessions, including the Philippine Islands;

That, similarly, on and after May 1, 1937, the Government of Lithuania will collect no fee for a passport visa or for an application for a passport visa granted to nationals of the United States, including citizens of the Philippine Islands, who are not immigrants, travelling to Lithuania.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable

MR. POVILAS ZADEIKIS,  
*Minister of Lithuania.*

## LIABILITY FOR MILITARY SERVICE OF NATURALIZED PERSONS AND PERSONS BORN WITH DOUBLE NATIONALITY

*Treaty signed at Kaunas October 18, 1937*

*Ratified by Lithuania December 30, 1937*

*Senate advice and consent to ratification June 13, 1938*

*Ratified by the President of the United States July 5, 1938*

*Ratifications exchanged at Washington July 20, 1938*

*Entered into force July 20, 1938*

*Proclaimed by the President of the United States August 15, 1938*

53 Stat. 1569; Treaty Series 936

The United States of America and Lithuania being desirous of defining in certain cases the liability for military service or any other act of allegiance of nationals of either country who have been or shall become naturalized in the territory of the other country as well as of certain classes of persons born with double nationality, have resolved to conclude a treaty on the subject and for that purpose have appointed their Plenipotentiaries, that is to say:

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

C. PORTER KUYKENDALL, CHARGÉ D'AFFAIRES AD INTERIM OF THE UNITED STATES OF AMERICA TO LITHUANIA;

and

THE PRESIDENT OF THE REPUBLIC OF LITHUANIA:

STASYS LOZORAITIS, MINISTER OF FOREIGN AFFAIRS:

Who, having communicated to each other their full powers found to be in good and due form, have agreed upon the following articles:

### ARTICLE I

Nationals of either country, who have been or shall become naturalized in the territory of the other country shall not, upon returning to the country of former nationality for a temporary stay, be required to perform military service or any other act of allegiance, or punished for the original act of emigration, or for failure to respond to a call for military service, liability for which did not accrue until after bona fide residence was acquired in the territory of the country whose nationality was obtained by naturalization.

Provided, that, if a national of either country who comes within the purview of this article shall renew his residence in his country of origin without the intent to return to the country in which he was naturalized, he shall be held to have renounced his naturalization.

The intent not to return may be held to exist when a person naturalized in one country shall have resided more than two years in the other country; but this presumption may be overcome by evidence to the contrary.

## ARTICLE II

A person born in the territory of one country of parents who are nationals of the other country, and having the nationality of each country under its laws, shall not, if he has his habitual residence, that is, the place of his general abode, in the territory of the country of his birth, be held liable for military service or any other act of allegiance during a temporary stay in the territory of the other country.

Provided, that, if such stay is protracted beyond the period of two years, it shall be presumed to be permanent, in the absence of sufficient evidence showing that return to the territory of the other country will take place within a short time.

## ARTICLE III

The present treaty shall be ratified and the ratifications thereof shall be exchanged at Washington. It shall take effect in all its provisions on the day of the exchange of ratifications and shall continue in force for the term of ten years from that day.

If within one year before the expiration of ten years from the day on which the present treaty shall come into force, neither High Contracting Party notifies the other of an intention of terminating the treaty upon the expiration of the aforesaid period of ten years, the treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the High Contracting Parties shall have notified to the other an intention of terminating the treaty.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed the present treaty and have affixed their seals thereto.

DONE in duplicate, in the English and Lithuanian languages, both authentic, at Kaunas, this eighteenth day of October, nineteen hundred and thirty-seven.

C. PORTER KUYKENDALL [SEAL]

LOZORAITIS [SEAL]

# Loochoo (*Ryukyu*)

## COMMERCE AND NAVIGATION

*Compact signed at Naha July 11, 1854*

*Entered into force July 11, 1854*

*Senate advice and consent to ratification March 3, 1855*

*Ratified by the President of the United States March 9, 1855*

*Proclaimed by the President of the United States March 9, 1855*

*Obligations assumed by Japan November 5, 1872*<sup>1</sup>

10 Stat. 1101; Treaty Series 194<sup>2</sup>

Hereafter, whenever Citizens of the United States come to Lew Chew, they shall be treated with great courtesy and friendship. Whatever Articles these people ask for, whether from the officers or people, which the Country can furnish, shall be sold to them; nor shall the authorities interpose any prohibitory regulations to the people selling, and whatever either party may wish to buy shall be exchanged at reasonable prices.

Whenever Ships of the United States shall come into any harbor in Lew Chew, they shall be supplied with Wood and Water, at reasonable prices, but if they wish to get other articles, they shall be purchaseable only at Napa.

If Ships of the United States are wrecked on Great Lew Chew or on Islands under the jurisdiction of the Royal Government of Lew Chew, the local authorities shall dispatch persons to assist in saving life and property,

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<sup>1</sup> In 1872 the Government of Japan asserted sovereignty over Loochoo and, by note of Nov. 5, 1872, declared that as Loochoo was "an integral portion of the Japanese Empire it is natural that the provisions of a compact entered into between the Lew Chew and the United States on the 11th of July, 1854, will be observed by this government" (1873 For. Rel. (I) 555); "this course was acquiesced in by the United States; . . . the question of continued existence of special obligations of Japan under the Loochoo compact must be considered in the light of the treaty of November 22, 1894, between the United States and Japan [*ante*, p. 387]; in that treaty the Loochoo compact is not mentioned *eo nomine*; but the treaty of 1894, which came fully into force on July 17, 1899, was a revision of treaties 'hitherto existing', upon the basis of 'principles of equity and mutual benefit', and was of general applicability to territories of the contracting parties." (6 Miller 784, 786)

<sup>2</sup> For a detailed study of this compact, see 6 Miller 743.

and preserve what can be brought ashore till the Ships of that Nation shall come to take away all that may have been saved; and the expenses incurred in rescuing these unfortunate persons shall be refunded by the Nation they belong to.

Whenever persons from Ships of the United States come ashore in Lew Chew, they shall be at liberty, to ramble where they please without hindrance or having officials sent to follow them, or to spy what they do; but if they violently go into houses; or trifle with women, or force people to sell them things, or do other such like illegal acts, they shall be arrested by the local officers, but not maltreated, and shall be reported to the Captain of the Ship to which they belong for punishment by him.

At Tumai is a burial ground for the Citizens of the United States, where their graves and tombs shall not be molested.

The Government of Lew Chew shall appoint skillful pilots who shall be on the lookout for Ships appearing off the Island, and if one is seen coming towards Napa, they shall go out in good boats beyond the reefs to conduct her in to a secure anchorage, for which service the Captain shall pay the Pilot, Five Dollars, and the same for going out of the harbor beyond the reefs.

Whenever Ships anchor at Napa, the officers shall furnish them with Wood at the rate of Three Thousand Six hundred copper cash per thousand cattles; and with Water, at the rate of 600 copper cash (43 cents) for one thousand cattles, or Six barrels full, each containing 30 American Gallons.

Signed in the English and Chinese languages by Commodore Matthew C. Perry, Commander in Chief of the U.S. Naval Forces in the East India, China and Japan Seas, and Special Envoy to Japan, for the United States; and by Sho Fu fing, Superintendent of Affairs (Tsu li-kwan) in Lew Chew, and Ba Rio-si, Treasurer of Lew Chew at Shui, for the government of Lew-Chew, and copies exchanged, this 11th day of July, 1854, or the reign Hien fung, 4th Year, 6th moon, 17th day, at the Townhall of Napa.

M. C. PERRY

# Luxembourg<sup>1</sup>

## EXTRADITION

*Treaty signed at Berlin October 29, 1883*

*Ratified by the Netherlands February 25, 1884*

*Senate advice and consent to ratification July 4, 1884*

*Ratified by the President of the United States July 5, 1884*

*Ratifications exchanged at Berlin July 14, 1884*

*Proclaimed by the President of the United States August 12, 1884*

*Entered into force August 13, 1884*

*Supplemented by agreement of April 24, 1935<sup>2</sup>*

23 Stat. 808; Treaty Series 196

### TREATY OF EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF LUXEMBURG

The United States of America and His Majesty the King of the Netherlands, Grand Duke of Luxemburg, having judged it expedient, with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with or convicted of the crimes and offences hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose and have appointed as their Plenipotentiaries:

The President of the United States of America, Mr. A. A. Sargent, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of Germany at Berlin; and His Majesty the King of the Netherlands, Grand Duke of Luxemburg, Dr. Paul Eyschen, His Director General of the Department of Justice and Chargé d'Affaires of the Grand Duchy of Luxem-

<sup>1</sup> Certain agreements between the United States and Belgium were, or are, applicable also to Luxemburg. See *ante*, vol. 5, pp. 448 and 710, BELGIUM and BELGO-LUXEMBOURG ECONOMIC UNION.

<sup>2</sup> TS 904, *post*, p. 707.

burg at Berlin, Chevalier of the 2nd Class of the Order of the Golden Lion of the House of Nassau, Commander of the Order of the Crown of Oak and of that of the Lion of the Netherlands, etc., etc., etc.

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

#### ARTICLE I

The Government of the United States and the Government of Luxemburg mutually agree to deliver up persons who, having been charged as principals or accessories, with or convicted of any of the crimes and offences specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other. Provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

#### ARTICLE II

Persons shall be delivered up who shall have been convicted of or be charged, according to the provisions of the convention, with any of the following crimes:

1. Murder, comprehending the crimes designated in the penal code of Luxemburg by the terms of parricide, assassination, poisoning and infanticide;

2. The attempt to commit murder;

3. Rape, or attempt to commit rape, bigamy, abortion;

4. Arson;

5. Piracy or mutiny on shipboard whenever the crew or part thereof shall have taken possession of the vessel by fraud or violence against the commander;

6. The crime of burglary defined to be the act of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods by violence or putting him in fear; and the corresponding crimes punished by the laws of Luxemburg under the description of thefts committed in an inhabited house by night and by breaking in, by climbing or forcibly; and thefts committed with violence or by means of threats;

7. The crime of forgery by which is understood the utterance of forged papers, and also the counterfeiting of public, sovereign or governmental acts;

8. The fabrication or circulation of counterfeit money, either coin or paper, or of counterfeit public bonds, coupons of the public debt, bank-notes,

obligations, or, in general, anything being a title or instrument of credit; the counterfeiting of seals and dies, impressions, stamps and marks of State and public administrations and the utterance thereof;

9. The embezzlement of public moneys committed within the jurisdiction of either party by public officers or depositaries;

10. Embezzlement by any person or persons hired or salaried to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed;

11. Wilful and unlawful destruction or obstruction of railroads which endangers human life;

12. Reception of articles obtained by means of one of the crimes or offences provided for by the present convention.<sup>3</sup>

Extradition may also be granted for the attempt to commit any of the crimes above enumerated, when such attempt is punishable by the laws of both contracting parties.

### ARTICLE III

A person surrendered under this convention shall not be tried or punished in the country to which his extradition has been granted, nor given up to a third power for a crime or offence not provided for by the present convention and committed previously to his extradition, until he shall have been allowed one month to leave the country after having been discharged; and, if he shall have been tried and condemned to punishment, he shall be allowed one month after having suffered his penalty or having been pardoned.

He may however be tried or punished for any crime or offence provided for by this convention committed previous to his extradition, other than that which gave rise to the extradition, and notice of the purpose to so try him, with specification of the offence charged, shall be given to the Government which surrendered him, which may, if it think proper, require the production of one of the documents mentioned in article VII of this convention.

The consent of that government shall be required for the extradition of the accused to a third country; nevertheless such consent shall not be necessary when the accused shall have asked of his own accord to be tried or to undergo his punishment, or when he shall not have left within the space of time above specified the territory of the country to which he has been surrendered.

### ARTICLE IV

The provisions of this convention shall not be applicable to persons guilty of any political crime or offence or of one connected with such a crime or offence. A person who has been surrendered on account of one of the common crimes or offences mentioned in article II, shall consequently in no case be

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<sup>3</sup> For additions to the list of crimes, see supplementary treaty of Apr. 24, 1935 (TS 904), *post*, p. 707.

prosecuted and punished in the State to which his extradition has been granted on account of a political crime or offence committed by him previously to his extradition or on account of an act connected with such a political crime or offence, unless he has been at liberty to leave the country for one month after having been tried, and, in case of condemnation, for one month after having suffered his punishment or having been pardoned.

An attempt against the life of the head of a foreign government or against that of any member of his family, when such attempt comprises the act either of murder or assassination or of poisoning, shall not be considered a political offence or an act connected with such an offence.

#### ARTICLE V

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

#### ARTICLE VI

If the person whose surrender may be claimed pursuant to the stipulations of the present treaty shall have been arrested for the commission of offences in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

#### ARTICLE VII

Requisitions of the surrender of fugitives from justice shall always be made through a diplomatic channel.

If the person whose extradition may be asked for shall have been convicted of a crime or offence, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal and attestation of the official character of the judge by the proper executive authority, and of the latter by the minister or consul of the United States or by the Minister or Consul charged with the interests of Luxemburg, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, and of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States or the proper authority in Luxemburg may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to the law and the evidence, the extradition is due pursuant to the treaty, the fugitive may be given up according to the forms prescribed in such cases.

## ARTICLE VIII

The expenses of the arrest, detention and transportation of the persons claimed shall be paid by the government in whose name the requisition has been made.

## ARTICLE IX

Extradition shall not be granted in pursuance of the provisions of this convention, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed, has become barred by limitation, according to the laws of the country to which the requisition is addressed.

## ARTICLE X

All articles found in the possession of the accused party and obtained through the commission of the act with which he is charged, or that may be used as evidence of the crime for which his extradition is demanded, shall be seized if the competent authority shall so order, and shall be surrendered with his person.

The rights of third parties to the articles so found shall nevertheless be respected.

## ARTICLE XI

The present convention shall take effect thirty days after the exchange of ratifications.

It may be terminated by either of the contracting parties, but shall remain in force for six months after notice has been given for its termination.

It shall be ratified and its ratifications shall be exchanged as soon as possible.

In witness whereof the respective plenipotentiaries have signed the above articles both in the English and French languages, and they have thereunto affixed their seals.

Done, in duplicate, at the City of Berlin, this 29th day of October, A.D. 1883.

A. A. SARGENT [SEAL]

PAUL EYSCHEN [SEAL]

## TRADEMARKS

*Declaration signed at Luxembourg December 23, 1904, and at The Hague December 27, 1904*

*Senate advice and consent to ratification February 3, 1905*

*Ratified by the President of the United States March 15, 1905*

*Proclaimed by the President of the United States March 15, 1905*

*Published by Luxembourg March 15, 1905*

*Entered into force March 15, 1905*

*Terminated March 28, 1963, by agreement of February 23, 1962*<sup>1</sup>

34 Stat. 2868; Treaty Series 442

### DECLARATION

The Government of the United States of America and the Government of the Grand Duchy of Luxemburg being desirous of securing a complete and effective protection of the manufacturing industry of the citizens and subjects of the two countries, the undersigned, being duly authorized to that effect, have agreed upon the following provisions.

#### ARTICLE I

The subjects and citizens of each of the high contracting parties shall enjoy in the dominions and possessions of the other the same rights as are given to native subjects or citizens in matters relating to trade-marks.

#### ARTICLE II

In order to secure to their marks the protection stipulated for by the preceding article, American citizens in the Grand Duchy of Luxemburg and Luxemburg subjects in the United States of America must fulfil the formalities prescribed to that effect by the laws and regulations of the country in which the protection is desired.

#### ARTICLE III

The present arrangement shall take effect from the date of its official publication in the two countries and shall remain in force until the expira-

<sup>1</sup> 14 UST 251; TIAS 5306.

tion of twelve months immediately following a denunciation made by one or the other of the contracting parties.

In witness whereof, the undersigned have signed the present Declaration and have thereto affixed their seals.

Done in duplicate at Luxemburg, the 23, and in the Hague, the 27 December 1904.

STANFORD NEWEL [SEAL]

EYSCHEN [SEAL]

## ARBITRATION

*Treaty signed at Luxembourg April 6, 1929*

*Senate advice and consent to ratification May 22, 1929*

*Ratified by the President of the United States May 28, 1929*

*Ratified by Luxembourg August 30, 1930*

*Ratifications exchanged at Luxembourg September 2, 1930*

*Entered into force September 2, 1930*

*Proclaimed by the President of the United States September 8, 1930*

46 Stat. 2809; Treaty Series 825

### TREATY OF ARBITRATION

THE PRESIDENT OF THE UNITED STATES OF AMERICA

and

HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBURG,

Determined to prevent so far as in their power lies any interruption in the peaceful relations now happily existing between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

Mr. Edward Lyndal Reed, Chargé d'Affaires a. i. of the United States of America,

HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBURG

Mr. Joseph Bech, Minister of State and President of Government,

Who, having communicated to one another their full powers found to be in good and due form, have agreed upon and concluded the following articles:

## ARTICLE 1

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at the Hague by the Convention of October 18, 1907,<sup>1</sup> or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide, if necessary, for the organisation of such tribunal, shall define its powers, shall state the question or questions at issue, and shall settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Luxemburg in accordance with its constitutional law.

## ARTICLE 2

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

- a) is within the domestic jurisdiction of either of the High Contracting Parties,
- b) involves the interests of third Parties,
- c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,
- d) depends upon or involves Luxemburg's policy of neutrality,
- e) depends upon or involves the observance of the obligations of Luxemburg in accordance with the Covenant of the League of Nations.<sup>2</sup>

## ARTICLE 3

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Her Royal Highness the Grand Duchess of Luxemburg in accordance with the constitutional law of Luxemburg.

The ratifications shall be exchanged at Luxemburg as soon as possible, and the treaty shall take effect on the date of the exchange of ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

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<sup>1</sup> TS 536, *ante*, vol. 1, p. 577.

<sup>2</sup> *Ante*, vol. 2, p. 48.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affix their seals.

Done at Luxemburg, in duplicate, this sixth day of April one thousand nine hundred and twenty-nine.

EDWARD LYNDAL REED [SEAL]

BECH [SEAL]

## CONCILIATION

*Treaty signed at Luxembourg April 6, 1929*

*Senate advice and consent to ratification May 22, 1929*

*Ratified by the President of the United States May 28, 1929*

*Ratified by Luxembourg August 30, 1930*

*Ratifications exchanged at Luxembourg September 2, 1930*

*Entered into force September 2, 1930*

*Proclaimed by the President of the United States September 8, 1930*

46 Stat. 2813; Treaty Series 826

### TREATY OF CONCILIATION

The President of the United States of America  
and

Her Royal Highness the Grand Duchess of Luxemburg,  
Being desirous to strengthen the bonds of amity that bind them together  
and also to advance the cause of general peace,

Have resolved to enter into a treaty for that purpose, and to that end have  
appointed as their Plenipotentiaries,

The President of the United States of America,  
Mr. Edward Lyndal Reed, Chargé d'affaires a.i. of the United States of  
America

Her Royal Highness the Grand Duchess of Luxemburg,  
Mr. Joseph Bech, Minister of State and President of Government,

Who, having communicated to one another their full powers, found to be  
in good and due form, have agreed upon and concluded the following  
articles:

#### ARTICLE 1

Any disputes arising between the Government of the United States of  
America and the Government of Luxemburg of whatever nature they may  
be, shall, when ordinary diplomatic proceedings have failed and the High  
Contracting Parties do not have recourse to adjudication by a competent  
tribunal, be submitted for investigation and report to a permanent Interna-  
tional Commission constituted in the manner prescribed in the next succeed-  
ing article; the High Contracting Parties agree not to resort, with respect to

each other, to any act of force during the investigation to be made by the commission and before its report is handed in.

## ARTICLE 2

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

## ARTICLE 3

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall shorten or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

## ARTICLE 4

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Her Royal Highness the Grand Duchess of Luxemburg in accordance with the constitutional law of Luxemburg.

The ratifications shall be exchanged at Luxemburg as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It

shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affix their seals.

Done at Luxemburg, in duplicate, this sixth day of April, one thousand nine hundred and twenty-nine.

EDWARD LYNDAL REED [SEAL]

BECH [SEAL]

## EXTRADITION

*Treaty signed at Luxembourg April 24, 1935, supplementing treaty of October 29, 1883*

*Senate advice and consent to ratification June 5, 1935*

*Ratified by the President of the United States June 18, 1935*

*Ratified by Luxembourg January 13, 1936*

*Ratifications exchanged at Luxembourg March 3, 1936*

*Entered into force March 3, 1936*

*Proclaimed by the President of the United States March 5, 1936*

49 Stat. 3355; Treaty Series 904

THE PRESIDENT OF THE UNITED STATES OF AMERICA

AND

HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBURG

being desirous of enlarging the list of crimes on account of which extradition may be granted under the Convention concluded between the United States and the Grand Duchy of Luxemburg on October 29, 1883,<sup>1</sup> with a view to the better administration of justice and prevention of crime within their respective territories and jurisdictions, have resolved to conclude a Supplementary Convention for this purpose and have appointed as their Plenipotentiaries, to wit:

The President of the United States,

The Honorable George Platt Waller, his Chargé d'Affaires ad interim near the Government of Her Royal Highness The Grand Duchess of Luxemburg; and

Her Royal Highness The Grand Duchess of Luxemburg,

His Excellency the President of Her Government Mr. Joseph Bech, Minister of State, Minister of Foreign Affairs, etc., etc., etc.,

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<sup>1</sup> TS 196, *ante*, p. 694.

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

#### ARTICLE I

The following crimes are added to the list of crimes numbered 1 to 12 in Article II of the said Convention of October 29, 1883, on account of which extradition may be granted, that is to say:

13. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation or by anyone in a fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars or Luxemburg equivalent.

14. Crimes or offenses against the bankruptcy laws.

15. Kidnaping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them, their families or any other person or persons, or for any unlawful end.

16. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more, or Luxemburg equivalent.

17. Obtaining money, valuable securities, or other property by false pretenses, where the amount of money or the value of the property so obtained exceeds two hundred dollars or Luxemburg equivalent.

18. Perjury.

19. Bribery.

20. Wilful desertion or wilful non-support of minor or dependent children, or of other dependent persons.

21. Crimes or offenses against the laws for the suppression of the traffic in narcotics.

22. Crimes or offenses against the laws for the suppression of the traffic in women and children, otherwise known as the White Slave Traffic.

#### ARTICLE II

The present Convention shall be considered as an integral part of the said Extradition Convention of October 29, 1883, and Article II of the last mentioned Convention shall be read as if the list of crimes therein contained had originally comprised the additional crimes specified and numbered 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22, in the first Article of the present Convention.

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods, and shall take effect on the date of the exchange of ratifications which shall take place at Luxemburg as soon as possible.

In witness whereof the above mentioned plenipotentiaries have signed the present Convention both in the English and French languages and have hereunto affixed their seals.

Done, in duplicate, at Luxemburg, this twenty-fourth day of April in the year of our Lord one thousand nine hundred and thirty-five.

GEORGE PLATT WALLER [SEAL]

BECH [SEAL]

## WAIVER OF VISAS AND VISA FEES FOR NONIMMIGRANTS

*Exchange of notes at Luxembourg April 25 and May 22 and 26, 1936  
Entered into force May 26, 1936; operative June 15, 1936  
Suspended during World War II; revived by exchange of notes Janu-  
ary 30 and February 6, 1947*<sup>1</sup>

Department of State files

*The American Chargé d'Affaires ad interim to the Minister of State*

No. 205

LUXEMBURG, April 25, 1936

MR. MINISTER:

I have the honor to refer to my conversation with your Excellency of April 22, during the course of which we examined the desirability of the conclusion of an arrangement between the United States of America and the Grand Duchy of Luxemburg for the reciprocal waiver of visa fees for non-immigrants. Your Excellency will no doubt recall the many advantages of the nationals of both countries which are contained in the arrangement, and which we envisaged with common satisfaction in the course of our conversation.

In accordance with our understanding I am now authorized by my Government to submit to Your Excellency the text of the arrangement which we discussed, and which my Government would be ready to put into effect upon receipt of a note from your Excellency setting forth the willingness of the Grand Ducal Government to waive passport visa fees for American citizens desiring to visit the Grand Duchy of Luxemburg.

The Government of the United States of America will, from the first day of June, 1936, collect no fee for visaing passports or executing applications therefor in the name of subjects of Luxemburg desiring to visit the United States (including the insular possessions) who are not "immigrants" as defined in the Immigration Act of the United States of 1924;<sup>2</sup> namely, "(1) A government official, his family, attendants, servants, and employees, (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the United

<sup>1</sup> Not printed.

<sup>2</sup> 43 Stat. 153.

States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman"; and from the same date the Government of the Grand Duchy of Luxemburg will not require non-immigrant citizens of the United States of like classes desiring to visit the Grand Duchy of Luxemburg to present visaed passports.

With regard to the first class of aliens defined as non-immigrants above it may be mentioned that they are already granted visas gratis, and regardless of the final attitude of the Grand Ducal Government toward the proposal herein offered, the United States contemplates no change in its practice with respect to granting visas to that class of aliens.

I avail myself of this occasion, Mr. Minister, to renew to your Excellency the assurance of my highest consideration.

GEORGE PLATT WALLER

His Excellency

MONSIEUR JOSEPH BECH,  
*Minister of State,*  
*Luxemburg.*

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*The Minister of State to the American Chargé d'Affaires ad interim*

[TRANSLATION]

LUXEMBOURG, May 22, 1936

MR. CHARGÉ D'AFFAIRES:

With note No. 205 of April 25 last you submitted to me the text of an arrangement for eliminating passport visas or the visa fee in relations between the United States of America and the Grand Duchy.

According to your aforementioned communication, the government of the United States of America will no longer charge a fee for passport visas for Luxembourg nationals who wish to come to the United States (including its island possessions) and who are defined by the Immigration Act of 1924 as non-immigrants, namely: (1) government officials, members of their families, their domestics and employees; (2) aliens temporarily entering the United States either as tourists or for business or pleasure; (3) aliens in continuous transit across the United States; (4) aliens legally admitted to the United States who are travelling at a later date from one part of the United States to another in transit through a bordering foreign territory; (5) foreign seamen assigned to a ship arriving in an American port who seek to enter the United States temporarily in connection exclusively with their duties as seamen. In return the government of the Grand Duchy will no longer require

non-immigrant American citizens wishing to visit the Grand Duchy to show passports stamped with a Luxembourg consular visa.

I have the honor to inform you of the agreement of the government of the Grand Duchy to the proposed arrangement.

The facilities in question were to enter into force on June 1 next. I consider that the lateness of my reply, owing to the need to consult the Luxembourg authorities, as well as the time required for issuing appropriate instructions to the agents who will be responsible for carrying out the new agreement, will no longer allow us to adhere to this early date. I should therefore like to propose, if you agree, the date of June 15, 1936 for the entry into force of the arrangement.

I avail myself of the opportunity to renew to you the assurances of my most distinguished consideration.

BECH

MR. GEORGE PLATT WALLER,  
*Chargé d'Affaires ad interim*  
*of the United States of America,*  
*Luxembourg*

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*The American Chargé d'Affaires ad interim to the Minister of State*

No. 308

LUXEMBURG, May 26, 1936

MR. MINISTER:

I have the honor to acknowledge the receipt of your Excellency's note dated May 22, 1936,—File Number 12.17a,—in which the Legation is informed of the Grand Ducal Government's agreement to the arrangement proposed by my Government with regard to the reciprocal waiver of fees for visas on passports for entry into the Grand Duchy of Luxembourg of American citizens on the one hand, and for the entry into the United States of Luxembourg subjects classified under various non-immigrant categories on the other hand, set forth in detail in my note of April 25, 1936. It is further noted with pleasure that the Grand Ducal Government will no longer require visas on the passports of Americans visiting the Grand Duchy for business or pleasure.

With reference to your Excellency's suggestion that the reciprocal arrangement take effect as from June 15, 1936, instead of June 1st, as had provisionally been contemplated, I entirely agree that the later date will be preferable, and with this in view, I have now telegraphically informed my Government of the Grand Ducal Government's agreement to the arrangement, which our respective Governments will consider in force as from June 15, 1936.

In expressing my sensibility of your Excellency's hearty cooperation in having thus aided to remove one more obstacle to the free and unhindered

intercourse between the inhabitants of our respective countries, I avail myself of this occasion to renew to you, Mr. Minister, the assurance of my highest consideration.

GEORGE PLATT WALLER  
*Chargé d'Affaires a.i.*

His Excellency  
MONSIEUR JOSEPH BECH,  
*Minister of State,  
Luxemburg.*

## CIVIL AFFAIRS: ADMINISTRATION AND JURISDICTION

*Agreement signed July 27, 1944*

*Entered into force July 27, 1944*

*Expired May 8, 1945, upon unconditional surrender of Germany*<sup>1</sup>

Department of State files

### MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND LUXEMBOURG RESPECTING THE ARRANGEMENTS FOR CIVIL ADMINISTRATION AND JURISDICTION IN LUXEMBOURG TERRITORY LIBERATED BY AN ALLIED EXPEDITIONARY FORCE

The discussions which have taken place between the representatives of the United States of America and Luxembourg concerning the arrangements to be made for civil administration and jurisdiction in Luxembourg territory liberated by an Allied Expeditionary Force under an Allied Commander-in-Chief have led to agreement upon the following broad conclusions.

The agreed arrangements set out below are intended to be essentially temporary and practical and are designed to facilitate as far as possible the task of the Commander-in-Chief and to further our common purpose, namely, the speedy expulsion of the Germans from Luxembourg and the final victory of the Allies over Germany.

1. In areas affected by military operations, it is necessary to contemplate a first, or military, phase, during which the Commander-in-Chief of the Expeditionary Force on land must *de facto* exercise supreme responsibility and authority to the full extent necessitated by the military situation.

2. As soon as, and to such extent as, in the opinion of the Commander-in-Chief, the military situation permits the resumption by the Luxembourg Government of responsibility for the civil administration, he will notify the appropriate representative of the Luxembourg Government accordingly. The Luxembourg Government will thereupon, and to that extent, resume such exercise of responsibility, subject to such special arrangements as may be required in areas of vital importance to the Allied Forces, such as lines of communication and airfields, and without prejudice to the enjoyment by the

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<sup>1</sup> See agreement of May 7 and 8, 1945 (EAS 502), *ante*, vol. 3, p. 1123.

Allied Forces of such other facilities as may be necessary for the prosecution of the war to its final conclusion.

3. *a.* During the first phase, the Commander-in-Chief will make the fullest possible use of the advice and assistance which will be tendered to him through Luxembourg liaison officers attached to his staff for civil affairs and included in the personnel of a Luxembourg Military Mission to be appointed by the Luxembourg Government. He will also make the fullest possible use of loyal Luxembourg local authorities.

*b.* The Luxembourg liaison officers referred to in sub-paragraph *a* above will, so far as possible, be employed as intermediaries between the Allied Military authorities and the Luxembourg local authorities.

4. During the first phase, the Luxembourg Government will promulgate or pass such legislation as in their opinion may be required after consultation with the Commander-in-Chief.

5. *a.* In order to facilitate the administration of the territory during the first phase, the Luxembourg Government will reorganize or reestablish the Luxembourg administrative and judicial services, through whose cooperation the Commander-in-Chief can discharge his supreme responsibility. For this purpose, the instructions of the Luxembourg Government will be communicated through the appropriate members of the Luxembourg Military Mission referred to in sub-paragraph 3*a* above. However, the appropriate members of the Luxembourg Mission are authorized to act on the spot in the event that the normal procedure as prescribed in the preceding sentence is impracticable or impossible.

*b.* The appointment of the Luxembourg administrative and judicial services will be effected by the competent Luxembourg authorities in accordance with Luxembourg law. If, during the first phase, conditions should necessitate appointments in the Luxembourg administrative or judicial services, such appointments will be made after consultation with the Commander-in-Chief, who may request the Luxembourg authorities to make appointments when he considers it necessary.

6. *a.* In accordance with the arrangement made between the Governments of Luxembourg and Belgium, Luxembourg subjects serving in the Belgian Army with an Allied Expeditionary Force in Luxembourg territory will come under the exclusive jurisdiction of the Luxembourg courts. Luxembourg subjects serving in Luxembourg territory in any separate Luxembourg unit that may be formed will also come under the exclusive jurisdiction of the Luxembourg courts.

*b.* Persons who are subject to the exclusive jurisdiction of the Luxembourg authorities, in the absence of Luxembourg authorities, may be arrested by the Allied military police and detained by them until they can be handed over to competent Luxembourg authorities.

7. In the exercise of jurisdiction over civilians, the Luxembourg Government will make the necessary arrangements for ensuring the speedy trial in the vicinity by Luxembourg courts of such civilians as are alleged to have committed offenses against the persons, property or security of the Allied Forces, or against such proclamations of the Commander-in-Chief as fall within the limits of the jurisdiction which can be exercised by Luxembourg military authorities, without prejudice, however, to the power of the Commander-in-Chief, if military necessity requires, to bring to trial before a military court any person alleged to have committed an offense of this nature.

8. Without prejudice to the provisions of paragraph 15, Allied Service courts and authorities will have exclusive jurisdiction over all members of the Allied Forces respectively, and over all persons of non-Luxembourg nationality not belonging to such Forces who are employed by or who accompany those Forces and are subject to Allied naval, military or air force law.

9. Persons thus subject to the exclusive jurisdiction of Allied Service courts and authorities may, however, be arrested by the Luxembourg police for offenses against Luxembourg law, and detained until they can be handed over for disposal to the appropriate Allied Service authority. A certificate, signed by an Allied officer of field rank or its equivalent, that the person to whom it refers belongs to one of the classes mentioned in paragraph 8 shall be conclusive. The procedure for handing over such persons is a matter for local arrangement.

10. The Allied Commander-in-Chief and the Luxembourg authorities will take the necessary steps to provide machinery for such mutual assistance as may be required in making investigations, collecting evidence and securing the attendance of witnesses in relation to cases triable under Allied or Luxembourg jurisdiction.

11. There shall be established by the respective Allies, claims commissions to examine and dispose of claims for compensation for damage or injury preferred by Luxembourg civilians against the Allied Forces, exclusive of claims for damage or injury resulting from enemy action or operations against the enemy.

12. Members of the Allied Forces, and organizations and persons employed by or accompanying those forces, and all property belonging to them or the Allied Governments, shall be exempt from all Luxembourg taxation (including customs) except as may be subsequently agreed between the Allied and Luxembourg Governments. The Allied authorities will take the necessary steps to ensure that such property is not sold to the public in Luxembourg except in agreement with the Luxembourg Government.

13. The Commander-in-Chief shall have power to requisition civilian labor, billets and supplies, and to make use of lands, buildings, transportation and other services for the military needs of his command. For this purpose,

the fullest use will be made of Luxembourg liaison officers attached to the staff of the Commander-in-Chief.

14. The immunity from Luxembourg jurisdiction and taxation resulting from paragraphs 8 and 12 will extend to such selected civilian officials and employees of the Allied Governments present in Luxembourg on duty in furtherance of the purposes of the Allied Expeditionary Force as may from time to time be notified by the Commander-in-Chief to the competent Luxembourg authority.

15. Should circumstances, in future, be such as to require provision to be made for the exercise of jurisdiction in civil matters over non-Luxembourg members of the Allied Forces present in Luxembourg, the Allied Governments concerned and the Luxembourg Government will consult together as to the measures to be adopted.

16. Other questions arising as a result of the liberation of Luxembourg territory by an Allied Expeditionary Force (in particular, questions relating to finance, currency, the ultimate disposition of booty, the custody of enemy property and the attribution of the cost of maintaining the civil administration during the first phase) which are not dealt with in this agreement shall be regarded as remaining open and shall be dealt with by further agreement as may be required.

IN WITNESS WHEREOF, this instrument has been executed in duplicate as of this 27th day of July, 1944, on behalf of the parties hereto under the respective authorizations hereinafter set forth.

Duly authorized to execute this instrument on behalf of the Grand Duchy of Luxembourg.

PIERRE DUPONG  
*Prime Minister and Minister of  
the Armed Force*

Pursuant to instructions from the Joint Chiefs of Staff, I hereby execute this instrument on behalf of the United States of America.

DWIGHT D. EISENHOWER  
*General, United States Army*

## LEND-LEASE SETTLEMENT

*Exchange of memorandums signed at Luxembourg August 29, 1946  
Entered into force August 29, 1946*

62 Stat. 4003; Treaties and Other  
International Acts Series 2065

*The American Chargé d'Affaires ad interim to the Minister of State and  
Minister of Finance*

LEGATION OF THE UNITED STATES OF AMERICA  
*Luxembourg, August 29, 1946*

### EXCELLENCY:

I have the honor in accordance with instructions of my Government to refer to conversations between representatives of the Grand Ducal Government of Luxembourg and the Government of the United States with regard to the settlement of the respective shares of the Governments of the United States, the United Kingdom and Canada in the combined claim for the civilian supplies furnished by the Allied armies for the population of the Grand Duchy of Luxembourg and to transmit to Your Excellency in connection therewith a memorandum setting forth the agreement of the Luxembourg Government to settlements with the United States Government.

If the provisions of the memorandum now enclosed are acceptable to the Government of Luxembourg a reply from the Government of Luxembourg expressing its concurrence will be appreciated by my Government.

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration.

GEORGE WALLER

Enclosure:  
Memorandum.

His Excellency  
MONSIEUR PIERRE DUPONG,  
*President of the Government,  
Minister of Finance, etc., etc.,  
Luxembourg.*

MEMORANDUM PRESENTED TO THE GOVERNMENT OF LUXEMBOURG  
BY THE AMERICAN LEGATION

In identic notes to your Government dated June 19, 1946, the Governments of the United States, the United Kingdom, and Canada set forth the

respective share of each Government in the combined claim for the civilian supplies furnished by the Allied armies for the population of the Grand Duchy of Luxembourg, and indicated that each Government would communicate further with your Government concerning the method of settlement for its share.

Discussions have since been held between the representatives of the Government of Belgium and of the United States Government with regard to the final settlement of war accounts. In this connection, representatives of the United States Government and the Government of Belgium have discussed with representatives of the Grand Duchy of Luxembourg the method of settlement for the United States share of the combined claim for civilian supplies (Plan A) furnished to the Government of Luxembourg. As a result of these discussions, it has been decided that, subject to the concurrence of the Grand Duchy of Luxembourg, the most satisfactory method of accomplishing settlement for the United States share of Plan A supplies furnished the Government of Luxembourg would be to include this share (and to require no payment therefor from the Belgian Government) in the over-all settlement between the United States Government and the Belgian Government<sup>1</sup> of lend-lease, reciprocal aid, and other war accounts, in which the Belgian Government and the Grand Duchy have been continually associated.

Since the Government of the United States is committed by written agreements to participate on a combined basis with the United Kingdom and Canadian Governments in the collection of the total bill for these supplies and in the determination of the relative shares of each in the proceeds, it is necessary for this Government to stipulate that this method of settlement for the United States share of the combined bills for the civilian supplies furnished the Grand Duchy of Luxembourg is conditional upon the fulfillment of the following conditions:

a) That the Luxembourg Government recognize that the settlement to be made with the United States Government in no way impairs the validity of the obligation of the Luxembourg Government to the United Kingdom and Canadian Governments for their shares of the combined bills.

b) That the Belgian Government establish a reserve of 10 percent of the combined bills being presented to the Luxembourg Government and the Belgian Government. This reserve is to be established forthwith for bills heretofore submitted and at the time of submission for bills hereafter submitted. This reserve is to be deducted from the United States share, and is to be held in the name of the Belgian Government in the Banque Nationale de Belgique in funds convertible into sterling or Canadian dollars, or both, at rates to be agreed upon by the Government of Belgium with the United Kingdom and Canadian Governments. The reserve will be payable to the United Kingdom

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<sup>1</sup> For text, see agreement between the United States and Belgium signed at Washington Sept. 24, 1946 (TIAS 2064), *ante*, vol. 5, p. 631, BELGIUM.

and Canadian Governments to the extent and in such proportions of sterling and Canadian dollars as the United States, United Kingdom, and Canadian Governments may determine by combined agreement to be necessary in order to comply with the existing financial arrangements among the three supplying governments. Any amounts of the reserve not so paid will not be claimed by the United States Government, and will revert to the free disposition of the Belgian Government upon combined notification by the United States, United Kingdom, and Canadian Governments.

If the provisions of this memorandum are acceptable to the Government of Luxembourg, it will be appreciated if the Government of the United States might have a reply from the Government of Luxembourg expressing its concurrence.

GEORGE WALLER

LUXEMBOURG

*August 29, 1946*

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*The Minister of State and Minister of Finance to the American Chargé  
d'Affaires ad interim*

MEMORANDUM

Reference is made to the memorandum from the Government of the United States to the Grand Duchy of Luxembourg dated August 29, 1946. The Grand Duchy of Luxembourg accepts the Provisions in the reference memorandum.

P. DUPONG  
*Minister of State and Minister  
of Finance*

LUXEMBOURG

*August 29, 1946*

## WAIVER OF CERTAIN WAR CLAIMS

*Memorandum of understanding signed at Luxembourg September 12, 1946*

*Entered into force September 12, 1946*

62 Stat. 4006; Treaties and Other  
International Acts Series 2067

### MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE GRAND DUCHY OF LUXEMBOURG REGARDING CLAIMS BETWEEN THE TWO GOVERNMENTS ARISING OUT OF THE CONDUCT OF THE WAR

The Government of the United States of America and the Government of the Grand Duchy of Luxembourg have agreed as follows:

1. The obligation of the Government of the Grand Duchy of Luxembourg to the Government of the United States of America for the United States share of the combined claim for civilian supplies furnished by the Allied armies to the Government of the Grand Duchy of Luxembourg (Plan A) is the subject of a separate arrangement.<sup>1</sup>

2. All other financial claims between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg which arose out of incidents connected with the conduct of the war occurring between September 3, 1939 and September 2, 1945, except claims arising out of existing arrangements where the liability for payment has heretofore been acknowledged and the method of computation agreed, are hereby waived, and neither government will hereafter raise or pursue any such claims against the other.

Signed at Luxembourg, in duplicate, this 12th day of September 1946.

For the Government of the United States of America:

GEORGE PLATT WALLER [SEAL]

For the Government of the Grand Duchy of Luxembourg:

PIERRE DUPONG [SEAL]

<sup>1</sup> See agreement of Aug. 29, 1946 (TIAS 2065), *ante*, p. 718.

## ECONOMIC COOPERATION

*Agreement signed at Luxembourg July 3, 1948, with annex  
Entered into force July 3, 1948*

*Amended by agreements of November 17 and December 22, 1948;<sup>1</sup>  
January 17 and 19, 1950;<sup>2</sup> August 30 and October 17, 1951;<sup>3</sup>  
and December 31, 1952, and February 26, 1953<sup>4</sup>*

62 Stat. 2451; Treaties and Other  
International Acts Series 1790

### ECONOMIC COOPERATION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF LUXEMBOURG

#### PREAMBLE

The Governments of the United States of America and of Luxembourg;  
Recognizing that the restoration or maintenance in European countries  
of principles of individual liberty, free institutions, and genuine independ-  
ence rests largely upon the establishment of sound economic conditions,  
stable international economic relationships, and the achievement by the  
countries of Europe of a healthy economy independent of extraordinary  
outside assistance;

Recognizing that a strong and prosperous European economy is essential  
for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European  
recovery plan of self-help and mutual cooperation, open to all nations which  
cooperate in such a plan, based upon a strong production effort, the expan-  
sion of foreign trade, the creation or maintenance of internal financial stabil-  
ity and the development of economic cooperation, including all possible  
steps to establish and maintain valid rates of exchange and to reduce trade  
barriers;

Considering that in furtherance of these principles the Government of  
Luxembourg has joined with other like-minded nations in a Convention  
for European Economic Cooperation signed at Paris on April 16, 1948,  
under which the signatories of that Convention agreed to undertake as their

<sup>1</sup> TIAS 1903, *post*, p. 740.

<sup>2</sup> 1 UST 163; TIAS 2030.

<sup>3</sup> 2 UST 2149; TIAS 2342.

<sup>4</sup> 4 UST 226; TIAS 2780.

immediate task the elaboration and execution of a joint recovery program, and that the Government of Luxembourg is a member of the Organization for European Economic Cooperation created pursuant to the provisions of that Convention;

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948,<sup>5</sup> providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted effort to become independent of extraordinary outside economic assistance;

Taking note that the Government of Luxembourg has already expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948;

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such assistance by Luxembourg, and the measures which the two Governments will take individually and together in furthering the recovery of Luxembourg as an integral part of the joint program for European recovery;

Have agreed as follows;

#### ARTICLE I

##### (Assistance and Cooperation)

1. The Government of the United States of America undertakes to assist Luxembourg, by making available to the Government of Luxembourg or to any person, agency, or organization designated by the latter Government such assistance as may be requested by it and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, conditions and termination provisions, of the Economic Cooperation Act of 1948, acts amendatory and supplementary thereto and appropriation acts thereunder, and will make available to the Government of Luxembourg only such commodities, services, and other assistance as are authorized to be made available by such acts.

2. The Government of Luxembourg, acting individually and through the Organization for European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery program to become

<sup>5</sup> 62 Stat. 137.

independent of extraordinary outside economic assistance within the period of this Agreement. The Government of Luxembourg reaffirms its intention to take action to carry out the provisions of the General Obligations of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

3. With respect to assistance furnished by the Government of the United States of America to Luxembourg and procured from areas outside the United States of America, its territories and possessions, the Government of Luxembourg will cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent with any arrangements made by the Government of the United States of America with such country.

## ARTICLE II

### (General Undertakings)

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Government of Luxembourg will use its best endeavors:

(a) to adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to it, including:

(1) such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Government of Luxembourg in support of the requirements of assistance to be furnished by the Government of the United States of America;

(2) the observation and review of the use of such resources through an effective follow-up system approved by the Organization for European Economic Cooperation; and,

(3) to the extent practicable, measures to locate, identify and put into appropriate use in furtherance of the joint program for European recovery, assets, and earnings therefrom, which belong to nationals of Luxembourg and which are situated within the United States of America, its territories or possessions. Nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures or on the Government of Luxembourg to dispose of such assets;

(b) to promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organisation for European Economic Cooperation; and when desired by the Government of the United States of America, to communicate to that Government detailed proposals for specific projects contemplated by the Government of Luxembourg to be undertaken in substantial part with assistance made available pursuant to this Agreement, including whenever practicable projects for increased production of steel, transportation facilities and food;

(c) to stabilize its currency, establish or maintain a valid rate of exchange, balance its governmental budget as soon as practicable, create or maintain internal financial stability, and generally restore or maintain confidence in its monetary system; and

(d) to cooperate with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

2. Taking into account Article Eight of the Convention for European Economic Cooperation looking toward the full and effective use of manpower available in the participating countries the Government of Luxembourg will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organization directed to the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

3. The Government of Luxembourg will take the measures which it deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the joint program of European recovery.

### ARTICLE III

#### (Guaranties)

1. The Governments of Luxembourg and of the United States of America will, upon the request of either Government, consult respecting projects in Luxembourg proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under Section III (b) (3) of the Economic Cooperation Act of 1948.

2. The Government of Luxembourg agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any francs or credits in francs assigned or transferred to the Government of the United States of America pursuant to that section shall be recognized as property of the Government of the United States of America.

#### ARTICLE IV

##### (Local Currency)

1. The provisions of this Article shall apply only with respect to assistance which may be furnished by the Government of the United States of America on a grant basis.

2. The Government of Luxembourg will establish a special account in the Caisse d'Epargne de l'Etat du Luxembourg in the name of the Government of Luxembourg (hereinafter called the Special Account) and will make deposits in francs to this account as follows:

(a) the unencumbered balances of the deposits made by the Government of Luxembourg pursuant to the exchange of notes between the two Governments dated May 3d, 1948;<sup>6</sup>

(b) amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services, and technical information (including any costs of processing, storing, transporting, repairing or other services incident thereto) made available to Luxembourg on a grant basis by any means authorized under the Economic Cooperation Act of 1948, less, however, the amount of the deposits made pursuant to the exchange of notes referred to in subparagraph (a). The Government of the United States of America shall from time to time notify the Government of Luxembourg of the indicated dollar cost of any such commodities, services, and technical information, and the Government of Luxembourg will thereupon deposit in the Special Account a commensurate amount of francs computed at a rate of exchange which shall be the par value agreed at such time with the International Monetary Fund. The Government of Luxembourg may at any time make advance deposits in the Special Account which shall be credited against subsequent notifications pursuant to this paragraph.

3. The Government of the United States of America will from time to time notify the Government of Luxembourg of its requirements for administrative expenditures in francs within Luxembourg incident to operations under the Economic Cooperation Act of 1948, and the Government of Luxembourg will thereupon make such sums available out of any balances in the Special Account in the manner requested by the Government of the United States of America in the notification.

<sup>6</sup> Not printed here; for background, see *Department of State Bulletin*, May 30, 1948, p. 712.

4. Five percent of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid Appropriation Act, 1949,<sup>7</sup> shall be allocated to the use of the Government of the United States of America for its expenditures in Luxembourg, and sums made available pursuant to paragraph 3 of this Article shall first be charged to the amounts allocated under this paragraph.

5. The Government of Luxembourg will further make such sums of francs available out of any balances in the Special Account as may be required to cover costs (including port, storage, handling, and similar charges) of transportation from any point of entry in Luxembourg to the consignee's designated point of delivery in Luxembourg of such relief supplies and packages as are referred to in Article VI.

6. The Government of Luxembourg may draw upon any remaining balance in the Special Account for such purposes as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Government of Luxembourg for drawings from the Special Account the Government of the United States of America will take into account the need for promoting or maintaining internal monetary and financial stabilization in Luxembourg and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within Luxembourg, including in particular;

(a) expenditures upon projects or programs, including those which are part of a comprehensive program for the development of the productive capacity of Luxembourg and the other participating countries, and projects or programs the external costs of which are being covered by assistance rendered by the Government of the United States of America under the Economic Cooperation Act of 1948 or otherwise, or by loans from the International Bank for Reconstruction and Development;

(b) expenditures upon the exploration for and development of additional production of materials which may be required in the United States of America because of deficiencies or potential deficiencies in the resources of the United States of America; and

(c) effective retirement of the national debt, especially debt held by the central bank or other banking institutions.

7. Any unencumbered balance other than unexpended amounts allocated under paragraph 4 of this Article remaining in the special account on June 30, 1952, shall be disposed of within Luxembourg for such purposes as may hereafter be agreed between the Governments of the United States and Luxembourg, it being understood that the agreement of the United States of America shall be subject to approval by Act or joint resolution of the Congress of the United States of America.

<sup>7</sup> 62 Stat. 1054.

## ARTICLE V

## (Access to Materials)

1. The Government of Luxembourg will facilitate the transfer to the United States of America, for stockpiling or other purposes, of materials originating in Luxembourg, which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Governments of Luxembourg and of the United States of America after due regard for the reasonable requirements of Luxembourg for domestic use and commercial export of such materials. The Government of Luxembourg will take such specific measures as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within Luxembourg and the removal of any hindrances to the transfer of such materials to the United States of America. The Government of Luxembourg will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

2. The Government of Luxembourg will, when so requested by the Government of the United States of America, negotiate such arrangements as are appropriate to carry out the provisions of paragraph 9 sub-section 115 (b) of the Economic Cooperation Act of 1948, which relates to the development and transfer of materials required by the United States of America.

3. The Government of Luxembourg will, when so requested by the Government of the United States of America, cooperate, wherever appropriate, to further the objectives of paragraph 1 and 2 of this Article in respect of materials originating outside of Luxembourg.

## ARTICLE VI

## (Travel Arrangements and Relief Supplies)

1. The Government of Luxembourg will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

2. The Government of Luxembourg will, when so desired by the Government of the United States of America, enter into negotiations for agreements (including the provision of dutyfree treatment under appropriate safeguards) to facilitate the entry into Luxembourg of supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies and of relief packages originating in the United States of America and consigned to individuals residing in Luxembourg.

## ARTICLE VII

## (Consultation and Transmittal of Information)

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of Luxembourg will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Government of Luxembourg:

(a) detailed information of projects, programs, and measures proposed or adopted by the Government of Luxembourg to carry out the provisions of this Agreement and the General Obligations of the Convention for European Economic Cooperation;

(b) full statements of operations under this Agreement, including a statement of the use of funds, commodities, and services received thereunder, such statements to be made in each calendar quarter;

(c) information regarding its economy and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the joint recovery program.

3. The Government of Luxembourg will assist the Government of the United States of America to obtain information relating to the materials originating in Luxembourg referred to in Article V which is necessary to the formulation and execution of the arrangements provided for in that Article.

## ARTICLE VIII

## (Publicity)

1. The Governments of Luxembourg and of the United States of America recognize that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European recovery and of the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Government of Luxembourg will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. It will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. It will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the program for economic recovery.

4. The Government of Luxembourg will make public in Luxembourg in each calendar quarter, full statements of operations under this Agreement, including information as to the use of funds, commodities, and services received.

#### ARTICLE IX

##### (Missions)

1. The Government of Luxembourg agrees to receive a Special Mission for Economic Cooperation which will discharge the responsibilities of the Government of the United States of America in Luxembourg under this Agreement.

2. The Government of Luxembourg will, upon appropriate notification from the Minister of the United States of America in Luxembourg, consider the Special Mission and its personnel, and the United States Special Representative in Europe, as part of the Legation of the United States in Luxembourg for the purpose of enjoying the privileges and immunities accorded to that Legation and its personnel of comparable rank. The Government of Luxembourg will further accord appropriate courtesies to the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America and grant them the facilities and assistance necessary to the effective performance of their responsibilities.

3. The Government of Luxembourg, directly and through its representatives on the Organisation for European Economic Cooperation will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

#### ARTICLE X

##### (Settlement of Claims of Nationals)

1. The Governments of Luxembourg and of the United States of America agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals

against the other Government for compensation for damage arising as a consequence of Governmental measures (other than measures concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interests of such national, including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of each Government in respect of claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of, and is limited by, the terms and conditions of its declaration accepting the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court,<sup>8</sup> and shall remain in force as to each Government on a basis of reciprocity until August 14, 1951, and thereafter for such period as the declarations of such acceptance by both Governments are in effect, but not later than the date of termination of this Agreement. The provisions of this paragraph shall be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements, or principles of international law.

2. The Governments of Luxembourg and of the United States further agree that such claims may be referred, in lieu of the Court, to any arbitral tribunal mutually agreed upon.

3. It is further understood that neither Government will espouse a claim pursuant to this Article until its national has exhausted the remedies available to him in the administrative and judicial tribunals of the country in which the claim arose.

#### ARTICLE XI

##### (Definitions)

As used in this agreement:

a) "Luxembourg" means the Grand Duchy of Luxembourg together with dependent areas under its administration.

b) The term "participating country" means:

i) any country which signed the report of the Committee of European Economic Cooperation at Paris on September 22, 1947, and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and

ii) any other country (including any of the zones of occupation of Germany, any areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration, for so

<sup>8</sup> TIAS 1598, *ante*, vol. 3, p. 1186.

long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purposes of this Agreement.

## ARTICLE XII

### (Entry into Force, Amendment, Duration)

1. This Agreement shall become effective on this day's date. Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

2. If, during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumptions underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

- (a) Six months after the date of such notice of intention to terminate, or
- (b) After such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of Luxembourg are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice; provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.<sup>9</sup>

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary Agreements and arrangements shall be governed by their own terms. Article IV shall remain in effect until all the sums in the currency of Luxembourg required to be deposited in accordance with its own terms have been disposed of as provided in that Article.

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<sup>9</sup> For correction of a clerical error in the original agreement, relating to the proviso at the end of para. 2(b) of art. XII, see exchange of notes at Luxembourg Nov. 17 and Dec. 22, 1948 (TIAS 1903), *post*, p. 740.

Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that Article may be made by the Government of the United States of America.

4. This Agreement may be amended at any time by agreement between the two Governments.

5. The Annex to this Agreement forms an integral part thereof.

6. This Agreement shall be registered with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the respective representatives, duly authorized for the purpose, have signed the present Agreement.

DONE at Luxembourg, in duplicate, in the English and French languages, both texts authentic, this third day of July 1948.

GEORGE PLATT WALLER  
P. DUPONG

## ANNEX

### INTERPRETATIVE NOTES

1. It is understood that "The Economic Cooperation Act of 1948" as used in the Agreement means Title I of Public Law 472—80th Congress.

2. It is understood that the requirements of paragraph 1 (a) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under this Agreement; effective measures for safeguarding such commodities and for preventing their diversion to markets or channels of trade which are illegal or irregular in Luxembourg.

3. It is understood that it lies within the discretion of the Government of Luxembourg to determine the means by which the assets specified in paragraph 1 (a) (3) of Article II are put into appropriate use in furtherance of the joint program for European recovery.

4. It is understood that the obligation under paragraph 1 (c) of Article II to balance the budget as soon as practicable would not preclude deficits over a short period but would mean a budgetary policy involving the balancing of the budget in the long run.

5. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean:

a) Fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;

b) Excluding enterprises from, or allocating or dividing, any territorial market or field of business activity, or allocating customers, or fixing sales quotas or purchase quotas;

- c) Discriminating against particular enterprises;
- d) Limiting production or fixing production quotas;
- e) Preventing by agreement the development or application of technology or invention whether patented or unpatented;
- f) Extending the use of rights under patents, trademarks, or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not subject of such grants; and
- g) Such other practices as the two Governments may agree to include.

6. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II are those which are engaged in or made effective by one or more private or public commercial enterprises or by any combination, agreement, or other arrangement between any such enterprises, and when such commercial enterprises, individually or collectively, possess effective control or trade among a number of countries in one or more products.

7. It is understood that the Government of Luxembourg is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination by such Government.

8. It is understood that the phrase in Article V "after due regard for the reasonable requirements of Luxembourg for domestic use" would include the maintenance of reasonable stocks of the material concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article V might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organisation,<sup>10</sup> in the event that stockpiles are liquidated.

9. It is understood that the arrangements to be negotiated under Article V will be consistent with the system of trading sought to be established by the General Agreement on Tariffs and Trade<sup>11</sup> and that due regard will be had for the limitations on the powers and authority of the several branches of the Government of Luxembourg under the established legislative system of that country.

10. It is understood that each Government reserves full freedom of negotiation under paragraph 2 of Article VI.

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<sup>10</sup> Unperfected. Art. 32(3) of the Havana Charter reads as follows:

"Such Member shall, at the request of any Member which considers itself substantially interested, consult as to the best means of avoiding substantial injury to the economic interests of producers and consumers of the primary commodity in question. In cases where the interests of several Members might be substantially affected, the Organization may participate in the consultations, and the Member holding the stocks shall give due consideration to its recommendations."

<sup>11</sup> TIAS 1700, *ante*, vol. 4, p. 639.

11. It is understood that the Government of Luxembourg will not be requested, under paragraph 2(a) of Article VII, to furnish detailed information about minor projects, or confidential, commercial or technical information the disclosure of which would injure legitimate commercial interests.

12. It is understood that the Government of the United States of America in making the notifications referred to in paragraph 2 of Article IX would bear in mind the desirability of restricting, so far as practicable, the number of officials, for whom full diplomatic privileges would be requested. It is also understood that the detailed application of Article IX would, when necessary, be the subject of inter-governmental discussion.

13. It is understood that any agreements which might be arrived at pursuant to paragraph 2 of Article X would be subject to ratification by the Senate of the United States of America.

P. D.

G. P. W.

# MOST-FAVORED-NATION TREATMENT FOR AREAS UNDER OCCUPATION OR CONTROL

*Exchange of notes at Luxembourg July 3, 1948*

*Entered into force July 3, 1948*

*Expired in accordance with its terms*

62 Stat. 2917; Treaties and Other  
International Acts Series 1830

*The American Chargé d'Affaires ad interim to the Minister of Foreign  
Affairs*

No. 30

## EXCELLENCY:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and the Grand Duchy of Luxembourg and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in Western Germany and in the Free Territory of Trieste, the Government of Luxembourg will apply to the merchandise trade of such area the provisions of the General Agreement on Tariffs and Trade, dated October 30, 1947<sup>1</sup> as now or hereafter amended, relating to most-favored nation treatment.

2. The undertaking in point one above will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored nation treatment to the merchandise trade of Luxembourg.

3. The undertakings in points one and two above are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization<sup>2</sup> relating to the reduction of tariffs on a mutually advantageous basis.

<sup>1</sup> TIAS 1700, *ante*, vol. 4, p. 641.

<sup>2</sup> Unperfected; for excerpts, see *A Decade of American Foreign Policy: Basic Documents, 1941-49*, (S. Doc. 123, 81st Cong., 1st sess.), p. 391.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in Western Germany, referred to in point 1 above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Luxembourg to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Luxembourg determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

GEORGE P. WALLER

LUXEMBOURG, July 3, 1948

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*The Minister of Foreign Affairs to the American Chargé d'Affaires  
ad interim*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS

LUXEMBOURG, July 3, 1948

MR. CHARGÉ D'AFFAIRES:

I have the honor to refer to the conversations which have just taken place between the representatives of our two Governments on the subject of the territorial application of the trade agreements in force between the Grand Duchy of Luxembourg and the United States of America, and to confirm, as a result of those conversations, the agreement reached on the following points:

I. As long as the United States Government participates in the occupation or control of any territory in Western Germany or the territory of the free city of Trieste, the Luxembourg Government will apply to trade with the said territories the provisions of the General Agreement on Tariffs and Trade dated October 30, 1947, as it now stands or as it may be amended, relative to most-favored-nation treatment.

II. The commitment undertaken in the above paragraph shall apply to all zones subjected to military occupation only as long as and to the extent that the aforesaid zones grant, reciprocally, most-favored-nation treatment to trade with Luxembourg.

III. The commitments undertaken in paragraphs I and II hereinabove have been assumed in consideration of the present absence of customs barriers applying to imports into the occupation zones thus defined. In the event such customs barriers are established, it is understood that the aforesaid commitments shall not prejudice in any way the application of the principles expressed in the Habana Charter for an International Trade Organization, concerning the reduction of tariffs on a mutually advantageous basis.

IV. It is recognized that the absence of a uniform rate of exchange for the currency of the zones of Western Germany mentioned in paragraph I hereinabove may have the effect of indirectly subsidizing exports from those zones in a manner which may be difficult to estimate exactly. As long as such a condition exists, and if consultations with the United States Government do not make it possible for this problem to be solved by common agreement, it is understood that it would not be contrary to the obligations assumed in paragraph I by the Luxembourg government to impose an equivalent duty on imports of such goods in order to make up for the appraised amount of such subsidies, in case the Luxembourg Government should decide that the subsidy is such as to cause or threaten to cause material damage to a national industry, or such as to prevent or delay the establishment of a national industry.

V. The agreements reached in this exchange of letters shall remain in force until January 1, 1951, and, unless one of the Governments gives to the other Government, at least six months before January 1, 1951, written notice of its intention to terminate these commitments on that date, the said commitments shall remain in force until the expiration of a period six months after the date on which the intention to terminate them has been notified.

I avail myself of this occasion, Mr. Chargé d'Affaires, to renew to you the assurances of my most distinguished consideration.

For the Minister of Foreign Affairs

*Prime Minister*

*President of the Government*

P. DUPONG

MR. GEORGE P. WALLER,

*Chargé d'Affaires ad interim of*

*The United States of America,*

*Luxembourg*

## FINANCING OF EDUCATIONAL AND CULTURAL PROGRAM

*Agreement signed at Brussels October 8, 1948, for the United States,  
Belgium, and Luxembourg*

*Entered into force October 8, 1948*

*Amended by agreements of March 18, 1949, and April 6, 1951, and  
March 17 and 29, 1950;<sup>1</sup> and March 12 and April 2, 1964<sup>2</sup>*

[For text, see TIAS 1860, *ante*, vol. 5, p. 692, BELGIUM.]

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<sup>1</sup> 8 UST 2021; TIAS 3940.

<sup>2</sup> 15 UST 289; TIAS 5555

## ECONOMIC COOPERATION

*Exchange of notes at Luxembourg November 17 and December 22,  
1948, amending agreement of July 3, 1948  
Entered into force December 22, 1948*

62 Stat. 3750; Treaties and Other  
International Acts Series 1903

### *The American Legation to the Ministry for Foreign Affairs*

No. 45

#### LEGATION OF THE UNITED STATES OF AMERICA

The Legation of the United States of America presents its compliments to the Grand Ducal Ministry of Foreign Affairs and has the honor to state that its Government has noticed the existence of a clerical error in the text of the Economic Cooperation Agreement between the United States of America and the Grand Duchy of Luxembourg.<sup>1</sup>

The error concerns the proviso at the end of subparagraph (b), paragraph 2, Article XII of the Agreement and is of such a nature as to make it appear that the proviso modifies only subparagraph (b).

As interpreted by the Government of the United States of America, the proviso in question applies to termination of the Agreement under both subparagraphs (a) and (b) of paragraph 2, Article XII, as was intended, and not only to termination under subparagraph (b).

The Legation would appreciate a similar note from the Ministry indicating a like interpretation on the part of the Government of Luxembourg.

G. L. W. JR.

*Luxembourg, November 17, 1948*

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### *The Ministry for Foreign Affairs to the American Legation*

[TRANSLATION]

MINISTRY  
OF FOREIGN AFFAIRS  
79/210

The Ministry of Foreign Affairs presents its compliments to the Legation of the United States of America and has the honor to inform it of its agree-

<sup>1</sup> TIAS 1790, *ante*, p. 722.

ment to the correction suggested in its courteous note No. 45 of November 17, 1948.

Consequently, Article XII, paragraph 2, of the Agreement signed on July 3, 1948, between the Governments of the United States of America and Luxembourg will have the following form:

*“Article XII*

1. . . . .

2. If, during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumptions underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragr. 3 of this Article, this Agreement shall terminate either:

- (a) Six months after the date of such notice of intention to terminate, or
- (b) After such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of Luxembourg are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice;

provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.”

The Ministry of Foreign Affairs hastens to inform the Legation of the United States that it has taken the necessary steps in order that this correction be taken into account in the official texts.

*Luxembourg, December 22, 1948*

*Legation of the United States of America  
Luxembourg*

GRAND DUCHY OF  
LUXEMBOURG, MINISTRY OF  
FOREIGN AFFAIRS

# Madagascar<sup>1</sup>

## COMMERCE

*Treaty signed at Antananarivo February 14, 1867*

*Senate advice and consent to ratification January 20, 1868*

*Ratified by the President of the United States January 24, 1868*

*Ratified by Madagascar July 7, 1868*

*Ratifications exchanged at Antananarivo July 7, 1868*

*Entered into force July 7, 1868*

*Proclaimed by the President of the United States October 1, 1868*

*Superseded March 12, 1883, by treaty of May 13, 1881<sup>2</sup>*

15 Stat. 491; Treaty Series 197

### TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND OF HER MAJESTY THE QUEEN OF MADAGASCAR

Between Rainimaharavo, chief secretary of state, 16 vtra., Adriantsitohaina, 16 vtra., Rafaralahibemalo, head of the civilians, on the part of the government of her Majesty the Queen of Madagascar, and Major John P. Finkemeier, the commercial agent of the U.S. for Madagascar, on the part of the government of the U.S. of America, all duly authorized to that effect by their respective governments, the following articles of a commercial treaty have this day been drawn up and signed by mutual agreement:

#### ARTICLE I

Her Majesty Rasoherina Manjaka, Queen of Madagascar, and his Excellency Andrew Johnson, President of the United States of America, both desirous, for the good and welfare of their respective countries, to enter into a more close commercial relation and friendship between the subjects of her Majesty and the people of the United States, hereby solemnly declare that

<sup>1</sup> Certain agreements between the United States and France were, or are, applicable also to Madagascar; See *ante*, vol. 7, p. 763, FRANCE.

<sup>2</sup> TS 198, *post*, p. 746.

peace and good friendship shall exist between them and their respective heirs and successors forever without war.

## ARTICLE II

The dominions of each contracting party, as well as the right of domicile of their inhabitants, are sacred, and no forcible possession of territory shall ever take place in either of them by the other party, nor any domiciliary visits or forcible entries be made to the houses of either party against the will of the occupants. But whenever it is known for certain, or suspected, that transgressors against the laws of the kingdom are in certain premises, they may be entered in concert with the United States consul, or, in his absence, by a duly authorized officer, to look after the offender.

The right of sovereignty shall in all cases be respected in the dominions of one government by the subjects or citizens of the other. Citizens of the United States of America shall, while in Madagascar, enjoy the privilege of free and unmolested exercise of the Christian religion and its customs. New places of worship, however, shall not be builded by them without the permission of the government.

They shall enjoy full and complete protection and security for themselves and their property, equally with the subjects of Madagascar; the right to lease or rent land, houses, or storehouses for a term of months or years mutually agreed upon between the owners and American citizens; build houses and magazines, on land leased by them, in accordance with the laws of Madagascar for buildings; hire laborers not soldiers, and if slaves, not without permission of their masters.

Should the Queen, however, require the services of such laborers, or if they should desire, on their own account, to leave, they shall be at liberty to do so, and be paid up to the time of leaving, on giving previous notice.

Contracts for renting or leasing land or houses or hiring laborers may be executed by deeds signed before the United States consul and the local authorities. They also shall be permitted to trade or pass with their merchandise through all parts of Madagascar which are under the control of a governor, duly appointed by her Majesty, with the exception of Ambohimanga, Ambohimambola, and Amparafaravato, which places foreigners are not permitted to enter, and, in fact, be entitled to all privileges of commerce granted to other favored nations.

The subjects of her Majesty the Queen of Madagascar shall enjoy the same privileges in the United States of America.

## ARTICLE III

Commerce between the people of America and Madagascar shall be perfectly free, with all the privileges under which the most favored nations are now or may hereafter be trading. Citizens of America shall, however, pay a

duty, not exceeding ten per cent., on both exports and imports in Madagascar, to be regulated by a tariff mutually agreed upon, with the following exceptions: Munition of war, to be imported by the Queen of Madagascar into her dominions, or by her order. Prohibited from export by the laws of Madagascar are munition of war, timber, and cows. No other duties, such as tonnage, pilotage, quarantine, light-house dues, shall be imposed in ports of either country on the vessels of the other to which national vessels or vessels of the most favored nations shall not equally be liable.

Ports of Madagascar where there is no military station under the control of a governor must not be entered by United States vessels.

#### ARTICLE IV

Each contracting party may appoint consuls, to reside in the dominions of each other, who shall enjoy all privileges granted to consuls of the most favored nations, to be witness of the good relationship existing between both nations, and to regulate and protect commerce.

#### ARTICLE V

Citizens of the United States who enter Madagascar, and subjects of her Majesty the Queen of Madagascar while sojourning in America, are subject to the laws of trade and commerce in the respective countries. In regard to civil rights, however, whether of person or property, of American citizens, or in cases of criminal offences, they shall be under the exclusive civil and criminal jurisdiction of their own consul only, duly invested with the necessary powers.

But should any American citizen be guilty of a serious criminal offence against the laws of Madagascar, he shall be liable to banishment from the country.

All disputes and differences arising within the dominions of her Majesty, between citizens of the United States and subjects of Madagascar, shall be decided before the United States consul, and an officer, duly authorized by her Majesty's government, who shall afford mutual assistance and every facility to each other in recovering debts.

#### ARTICLE VI

No American vessel shall have communication with the shore before receiving pratique from the local authorities of Madagascar; nor shall any subject of her Majesty the Queen be permitted to embark on board an American vessel without a passport from her Majesty's government.

In cases of mutiny or desertion, the local authorities shall, on application, render all necessary assistance to the American consul to bring back the deserters and to re-establish discipline, if possible, among the crew of a merchant vessel.

## ARTICLE VII

In case of a shipwreck of an American vessel on the coast of Madagascar, or if any such vessel should be attacked or plundered in the waters of Madagascar adjacent to any military station, her Majesty engages to order the governor to grant every assistance in his power to secure the property and to restore it to the owner or to the United States consul, if this be not impossible.

## ARTICLE VIII

The above articles of treaty, made in good faith, shall be submitted to both the government of the United States of America and her Majesty the Queen of Madagascar for ratification, and such ratifications be exchanged within six months from date of ratification, at Antananarivo.

Should it, at any future time, seem desirable, in the interest of either of the contracting parties, to alter or add to the present treaty, such alterations or additions shall be effected with the consent of both parties.

Duplicate originals of this treaty, with corresponding text in the English and Malagasy languages, which shall be both of equal authority, have been signed and sealed at Antananarivo this day.

## SUPPLEMENTARY ARTICLE TO § II

P. S.—Should there be any business of the Queen requiring the services of such laborers, they shall be permitted to leave without giving previous notice. The sentence in article II, stating that previous notice must be given, refers only to laborers leaving on their own account.

J. P. FINKELMEIER [SEAL]

RAINIMAHARAVO [SEAL]

*Chief Secretary of State 16 vtra.*

ANDRIANTSITOHAINA 16 vtra.

RAFARALAHIBEMALO

*Head of the Civilians*

ANTANANARIVO, 14th February, 1867.

## PEACE, FRIENDSHIP, AND COMMERCE

*Treaty signed at Antananarivo May 13, 1881*

*Senate advice and consent to ratification February 27, 1883*

*Ratified by the President of the United States March 10, 1883*

*Ratified by Madagascar March 12, 1883*

*Ratifications exchanged at Washington March 12, 1883*

*Entered into force March 12, 1883*

*Proclaimed by the President of the United States March 13, 1883*

*Terminated July 22, 1896<sup>1</sup>*

22 Stat. 952; Treaty Series 198

Whereas a treaty of friendship and commerce between the Government of Madagascar and the Government of the United States of America was concluded on the fourteenth of February, 1867,<sup>2</sup> at Antananarivo, the capital of Madagascar, under which the most friendly relations between the two have existed up to the present time; and whereas Her Majesty Ranavalomanjaka, Queen of Madagascar, and his Excellency James A. Garfield, President of the United States of America, are both desirous, for the good and welfare of their respective countries, to maintain the present friendly relations, and to expand the commerce between the two countries; to prevent as far as possible complications and disputes between their respective subjects and citizens, and to provide more definitely the manner of executing the obligations of the treaty and the adjustments of disputes that may arise in the future, the following articles of revision and addition to the treaty of the fourteenth of February, 1867, have been mutually agreed to and signed by Ravoninahitriniarivo 15th Honor, Officer of the Palace, Chief Secretary of State for Foreign Affairs, on the part of the Government of Madagascar; and W. W. Robinson, United States Consul for Madagascar, on the part of the Government of the United States of America, on the thirteenth day of May (seventeenth of Alakaosy), eighteen hundred and eighty-one.

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<sup>1</sup> Date of notification by France that Madagascar had been declared a French colony, that treaties with the Madagascar Government had been abrogated, and that conventions between the United States and France had been substituted therefor.

<sup>2</sup> TS 197, *ante*, p. 742.

## ARTICLE I

The high contracting parties solemnly declare that there shall continue to be a firm, inviolate peace, and a true and sincere friendship existing between them and their respective heirs and successors forever without war.

## ARTICLE II

1. The dominions of each contracting party as well as the right of domicile of their inhabitants are sacred, and no forcible possession of territory shall ever take place in either of them by the other party, nor any domiciliary visits nor forcible entries be made to, or espionage of, the houses of either party against the will of the occupants, except as hereinafter provided in Article VI, sections 4 and 23.

2. The right of sovereignty shall in all cases be respected in the dominions of one government by the subjects or citizens of the other.

3. Citizens and protégés of the United States of America will respect the government of Ranavalomanjaka, and that of her heirs and successors, and will not interfere with the institutions of the country, nor meddle with affairs of Her Majesty's Government, unless employed by Her Majesty.

4. The dominions of Her Majesty the Queen of Madagascar shall be understood to mean the whole extent of Madagascar; and United States vessels and citizens shall not aid Her Majesty's subjects in rebellion, nor sell munitions of war to them, nor bring them help in warfare, or teach the art of war to them; and the same shall apply to rebels against the heirs and successors of Her Majesty within the dominions of Madagascar.

5. Citizens and protégés of the United States of America, while in Madagascar, shall enjoy the privilege of free and unmolested exercise of their respective Christian religious opinions and customs; new places of worship, however, shall not be built by them without permission of the Government of Madagascar.

6. Citizens and protégés of the United States of America while in Madagascar shall enjoy full and complete protection and security for themselves and their property equally with the subjects of Madagascar.

## ARTICLE III

1. According to the laws of Madagascar from all time, Malagasy lands cannot be sold to foreigners, and, therefore, citizens and protégés of the United States of America are prohibited from purchasing lands in Madagascar; but still they shall be permitted to lease or rent lands, houses, or store-houses for a term of months or years, mutually agreed upon between the owners and United States citizens, not exceeding twenty-five years for one term; but the lessee, or owner of the lease, at the expiration of a term, may, if he should wish to do so, and can agree with the lessor (proprietor of the land), renew the lease by periods not exceeding twenty-five years for any

one term; and the conditions agreed upon by the parties for such renewals are to be inserted in the lease.

However, every renewal must be acknowledged at the time of making it before the proper authorities, as hereinafter provided in section 9 of this article for executing leases for lands and houses; and the same fee may be exacted.

2. United States citizens and protegés shall be permitted to build houses and magazines, of any material desired, on land leased by them, according to the agreement made with the owner; and when the lease contains a condition permitting the lessee to remove the buildings and fixtures so constructed by him, the same shall be removed within three months after the final expiration of the lease; otherwise they shall become the property of the owner of the land.

3. This privilege of leasing lands and building thereon by United States citizens and protegés shall not be construed as a right to build fortifications of whatever nature, nor to mine on the lands; and should any minerals be accidentally found on such lands, they are to be left to the disposition of Her Majesty's Government, and no agreement will be valid made between parties to avoid this clause relative to minerals.

4. United States citizens and protegés who wish to lease tracts of unappropriated lands in Madagascar may lease of the Malagasy Government, under the same rules as provided above in this article, sections 1-3, for leasing lands of Her Majesty's subjects.

5. United States citizens and protegés shall be allowed to hire laborers, not soldiers, and, if slaves, not without the permission of their masters. And if such hired laborers should desire to leave, they shall be at liberty to do so, and be paid up to the time of leaving on giving one month's previous notice.

6. This notice, however, shall not be required from the Government of Madagascar, when Her Majesty the Queen shall have immediate and unexpected need of the services of such laborers; but the officers of the Government in taking such laborers for government service will avoid taking the skilled laborers—those who have become habituated to the special avocations in which they are employed—and the permanently employed servants, when the circumstances will admit. And the Queen calling such laborers for soldiers or other pressing government service, shall be considered as the circumstances under which they may be taken without the notice, and paid up to the time of leaving.

The above restriction is intended to prevent the local authorities from taking such permanent laborers from their employers, but not to interfere with the right of Her Majesty the Queen of Madagascar to call them to government service when needed.

7. Mail carriers, and bearers of dispatches, and bearers of freight, as well as the servants and bearers of travelers employed by United States citizens

and protégés, and provided with passports from the Malagasy Government, will not be taken away while en route, but must be permitted to finish their journeys. Nevertheless, such persons if transgressing the law, will not be exempt from arrest even while on the journey.

8. Slaves shall be allowed to engage themselves with United States citizens and protégés for short periods, where their masters are far away, or where it is not known whether they are slaves or not, but if they are demanded by their masters they shall be allowed to leave, and be paid up to the time of leaving, without giving the one month's previous notice.

9. Contracts for renting or leasing lands or houses, or hiring laborers, shall be executed by leases for lands and contracts for labor in writing which shall be executed before the United States consular officer and the governor of the district where such consular officer resides, or instead of said governor such officer as he may delegate for such duty, who, when satisfied that the parties have the right to make the contract, shall approve it in writing signed by them, and sealed with their official government seals.

10. And for such service a fee not exceeding two dollars (\$2) may be exacted for each official seal. But when the period contracted for, for labor does exceed six months, procuring this official approval shall be optional with the parties.

11. And the United States consular officer, as well as the governor of the district where such officer resides, or any other local officer that may be designated by the governor for that purpose, shall approve the same without delay, unless it be in the case of some unavoidable preventing circumstances, or on a day when official business is stayed by the Queen of Madagascar.

12. On lands so leased by American citizens and protégés, the American lessee shall pay to Her Majesty an annual tax of two cents per English square acre upon lands for cultivation, and on town lands an annual tax of one-fourth cent per English square yard.

13. This tax shall not be considered as payment in whole or in part of other taxes which may be levied on such United States citizens and protégés, or the citizens and subjects of other nations residing in Madagascar and Malagasy subjects, not of any part of the export duty upon the productions of such lands, but as a special land tax.

14. This tax shall be paid once each year in the month which shall be fixed by the government for its payment; and the officer who shall be designated to receive such, shall upon reception of each tax give a receipt therefor, over his signature and official seal, mentioning the day, month and year on which it was received, and describing the land upon which the tax is paid, and for what year, as a proof of payment.

15. Such leases may be transferred; in which cases notice must be given to the government authority of Madagascar.

16. Citizens and protégés of the United States of America who come

to Madagascar must present a passport from their government, or from some consul, certifying their nationality; otherwise they are liable to be prohibited from residing in Madagascar.

17. But after producing such passport, they shall be permitted to follow any occupation they wish; to print books or newspapers of a moral character, or any books or periodicals on literary, commercial, or scientific subjects, provided they are not of an unlawful character; but shall not be permitted to publish seditious criticisms upon Her Majesty's Government.

18. United States citizens and protegés shall be permitted to pass with or without merchandise, with their bearers, baggage, carriers, and servants, through all parts of Madagascar which are under the control of a governor duly appointed by Her Majesty the Queen of Madagascar, with the exception of Ambohimanga, and Ambohimambola, and Amparafaravato, which places foreigners are not permitted to enter; and, in fact, be entitled to all privileges of commerce or other business, calling or profession granted to the most favored nation, so long as they do not infringe the laws of Madagascar.

19. The subjects of Her Majesty the Queen of Madagascar shall enjoy the same privileges in the United States of America.

#### ARTICLE IV

1. Commerce between the people of the United States of America and Madagascar shall be perfectly free, with all the privileges under which the most favored nations are now, or may hereafter be trading.

2. Citizens of the United States of America shall, however, pay a duty not exceeding ten per cent, on both exports and imports in Madagascar, to be regulated by a tariff to be mutually agreed upon.

3. No other duties, such as tonnage, pilotage, quarantine, or lighthouse dues shall be imposed in ports of either country on the vessels of the other, to which national vessels, or vessels of the most favored nations, shall not equally be liable.

4. Until Her Majesty the Queen shall decide to collect all duties in money, the import duty on American goods may be paid in money or in kind, on each kind of goods, at the option of the owner or consignee, and according to a tariff that shall be agreed upon, not exceeding ten per cent.

5. This tariff of customs dues shall be drawn up by the United States consul and an officer delegated by Her Majesty's Government for the purpose, within three months after the exchange of the ratification of this treaty, and shall be submitted to the two governments for approval; and the same shall be published within one year from the date of the exchange of the ratification of this treaty. And this tariff may be revised in the same way, in whole or upon any article or articles, at any time, upon the application of either gov-

ernment, should it be found rated too high or too low, in whole or upon any one article or articles of merchandise.

6. In case any article of import or export should be inadvertently omitted from such tariff, the duty levied on such article shall be ten per cent ad valorem until the proper tariff on the same shall be agreed upon.

7. United States citizens and protegés are not allowed to import munitions of war into Madagascar, except on orders from Her Majesty the Queen of Madagascar.

8. In regard to alcoholic liquors, the Malagasy Government may regulate the importation according to its pleasure; or prohibit the importation altogether; or limit the importation as required; may levy as high a duty as it may see fit or make it a misdemeanor to sell or give such liquors to certain classes of its subjects.

9. And should it be found at any time that any other articles of an injurious nature, tending to the injury of the health or morals of Her Majesty's subjects, are being imported, Her Majesty's Government shall have the right to control, restrict or prohibit the importation in like manner, after giving due notice to the United States Government.

10. Prohibited from export by the laws of Madagascar are timber and cows. Timber, however, may be exported by Her Majesty the Queen of Madagascar, or by her order.

11. Ports of Madagascar, where there is no military station under the control of a governor duly appointed by Her Majesty the Queen of Madagascar, must not be entered by United States vessels for purposes of trade; should they do so, they will be treated as smugglers.

12. And Her Majesty's Government will not be responsible for damage by robbery of, or other malfeasance to United States citizens or protegés in districts where there are no governors, nor other officers or soldiers duly appointed by Her Majesty's Government, should such United States citizens go into such districts without special permits.

13. Goods which have been duly entered and duties paid thereon at a regular port of entry, may be carried to other ports in United States coasting vessels and landed without further payment, on presentation of invoices of the same, duly certified by the chief collector of customs at the port of entry, showing that the duties have been paid.

14. Vessels entering Malagasy ports which are not ports of entry for the purpose of trade, will be seized; the masters and crews will be treated as smugglers, and the vessel and cargo will be confiscated.

15. It is further agreed between the high contracting parties that the offering of a forged passport or one surreptitiously obtained, for entry of goods at any of Her Majesty's ports, or being in any manner knowingly concerned in such fraudulent passports or invoices, either by making, or buying, or

selling the same, or by offering to enter goods by means of the same, shall be considered a felony, and the person or persons found guilty of such an offense, whether American or Malagasy, shall be punished by imprisonment or fine or both according to the aggravation of the offence, as hereinafter provided by Article VI; and this in addition to the penalty for smuggling when goods have been smuggled, or attempt has been made to smuggle, by means of such fraudulent passports or invoice.

16. United States vessels of war shall be permitted to enter freely into the military ports, rivers, and creeks situated in the dominions of Her Majesty the Queen of Madagascar, to make repairs and to provide themselves, at a fair and moderate price, such supplies, stores and provisions as they may from time to time need, including timber for necessary repairs, without payment of duty.

17. On account of Her Majesty the Queen of Madagascar's desire to facilitate communications between the United States and Madagascar and thereby to advance commerce between the two countries, the United States Government and United States private steamship companies are hereby granted the privilege to land and deposit coal for the use of United States Government and private steamers at Tamatave or Mojanga, or both, on land designated by the governor for that purpose, and to take the same away again from time to time for the use of such steamers, without payment of duties or harbor charges of any kind; but a nominal rent for five cents a ton shall be paid per annum as rent for the land on which it may be stored. This privilege shall continue until coal of Madagascar production in sufficient quantity for such steamers can be bought. But should any of the vessels bringing such coal, or any of the steamers taking the same away, bring goods to sell at such port, or take goods from the same, such vessel must pay the same duty and harbor charges as other merchant vessels except on the coal. And should any of such coal be sold in Madagascar, duty must be paid on the quantity so sold.

#### ARTICLE V

1. The contracting parties may appoint consular officers of any or of all grades to reside in the dominions of the other, and such consular officers shall be granted all the rights and privileges granted to functionaries of like grades of the most favored nations, as witnesses of the good relations existing between the two nations, and to regulate and protect commerce.

2. The President of the United States of America may send a diplomatic officer of any grade to reside in Madagascar who shall enjoy the rights and privileges provided by international law for his grade.

3. The Queen of Madagascar shall have the like privilege of sending a diplomatic officer of any grade to the United States of America, and he shall enjoy there likewise all the rights and privileges of his grade established by international law.

## ARTICLE VI

1. Citizens and protégés of the United States of America, who enter Madagascar, and subjects of Her Majesty the Queen of Madagascar, while sojourning in the United States of America, are subject to the laws of trade and commerce in the respective countries.

2. In regard to civil rights, whether of person or property, of citizens and protégés of the United States of America, where disputes or differences shall arise between them, or in cases of criminal offences committed by them upon each other, they shall be under the exclusive civil and criminal jurisdiction of their own consuls, duly invested with the necessary powers.

3. Neither shall the Malagasy authorities interfere in differences or disputes between United States citizens and protégés and the citizens or subjects of any third power in Madagascar.

4. But the Malagasy police may, whenever a United States citizen or protégé shall be discovered in the act of committing a crime against any person, of whatever nationality, or breach of the peace in any manner, whether by making unlawful disturbance in the streets and public places, or in any manner breaking the published laws of Madagascar, arrest such offender without process and take him immediately before the proper United States consular officer, who will take such action in the case as the circumstances, the laws of the two countries, and the stipulations of this treaty require.

5. The Malagasy Government will supply to each United States consular officer residing in Madagascar, within six months after the exchange of the ratification of this treaty, one or more printed copies of all laws, decrees, or customs having the force of law which affect in any way, directly or indirectly, foreigners sojourning in Madagascar, in their rights and privileges, either of person or property, for the information of United States citizens sojourning in Madagascar.

6. And in like manner, whenever any change shall be made in such laws or decrees, or new ones be promulgated, touching the interests of such persons, a like printed copy of the same shall be furnished to each said United States consular officers, at least one month before such change, or new law, or decree shall take effect; and when any such change, or new law, or decree, touches or changes the regulations of the custom-house, or duties to be paid, or the laws in regard to exports and imports, the said copies of such new laws and decrees shall be so furnished at least six months before taking effect against United States citizens.

7. All disputes and differences arising between citizens and protégés of the United States of America and subjects of Madagascar, and all criminal offences committed by such citizens and protégés against said subjects of Madagascar, and all criminal offences committed by the subjects of Madagascar against the citizens and protégés of the United States of America, as well as all infringement of the laws of Madagascar by the United States

citizens and protegés, shall be investigated, tried, and adjudged by "mixed courts," as follows:

8. The chief United States diplomatic officer, when there shall be one in Madagascar, or when there is no such officer residing in the kingdom, the chief or senior United States consular officer, and a Malagasy officer, duly appointed by Her Majesty the Queen of Madagascar for that purpose, shall constitute a "mixed superior court," which shall be "a court of record," and may hold its sittings at Antananarivo, the capital of Madagascar, or at Tamatave, according as the circumstances of the business of the court may require.

9. This superior court shall have both original and appellate jurisdiction; that is, actions may be commenced and decided in it, and it may also try cases appealed from the inferior courts herein provided for, as follows:

10. There shall be one inferior mixed court in each United States consular and each United States consular agent's district in Madagascar. Such courts shall consist of the United States consular officer of the district and a Malagasy officer appointed by Her Majesty's Government for the purpose, for each district.

11. The inferior courts shall have original jurisdiction of civil cases where the sum claimed does not exceed five hundred dollars (\$500) or imprisonment for more than one year, or both, as will be more fully explained in the "Code of Rules" of proceedings for the mixed courts, hereinafter provided for.

12. Appeals from the superior mixed courts may be taken to either of the two governments, at the option of the party appealing, in the manner provided in said "Code of Rules."

13. In the trial of actions in these courts, the native judge shall preside and have the prevailing voice in the decisions when United States citizens or protegés are the plaintiffs, and vice versa when they are defendants, that is, when subjects of the Queen are the plaintiffs the United States (consular or diplomatic) officer, as the case may be, shall preside and have the prevailing voice in the decisions.

14. But the presiding judge shall in every case counsel with and give due weight to the opinions of the associate judge before giving decisions.

15. It is agreed by the high contracting parties that any attempt to influence the decision of these judges, or any one of them, in a case on trial, or to be decided by them, except by arguments in open court, shall be considered a misdemeanor; and that the offering a bribe to any one of them in money or other object of value or favor, for the purpose of influencing his decision, shall be considered a felony, and that the person proved guilty of either of these offences shall be punished by the government to which he belongs, according to the grade of his crime. And if it shall be proved that a judge of these courts, of either nationality, shall have received a bribe to influence his decision in any case, he shall be dismissed from his office of judge, and otherwise punished according to the laws of his own nation for such malfeasance.

16. It is further agreed that within six months after the exchange of the ratification of this treaty, that the chief diplomatic or consular officer of the United States, who shall be at the time residing in Madagascar, and one or more officers to be selected by Her Majesty's Government, shall meet and together draw up a "Code of Rules" of proceedings for these mixed courts, which code, when so drawn and signed by said officers, shall be forwarded by them to their respective governments for approval; and when approved by both governments shall be considered a part of this treaty, duly ratified as such. And this treaty, including said code of rules, together with international law, and the laws of the United States of America and of Madagascar, in so far as the latter can be made to harmonize, shall govern proceedings in these courts.

17. It is agreed that the said "Code of Rules" shall follow, in so far as the laws and present status of things in Madagascar will admit, the rules of proceedings in United States consular courts in Madagascar; that all attestations in the proceedings shall be made under the judicial oath or affirmation of civilized nations; and that the said code of rules shall define how actions shall be commenced and be conducted, the grades of offences and their punishments, under what circumstances arrests may be made, and the amount and manner of bail to be taken, the disposition to be made of fines collected, when, how, and to whom appeals may be taken, and all other matters necessary for the intelligent working of such courts. And shall also contain forms for writs and other processes, and a tariff of fees.

18. In all cases of arrest permitted by this treaty now, and to be provided for by the "Code of Rules", the prisoners shall be, during their detention, treated with all the humanity consonant with the laws of civilized nations. Her Majesty's Government will see that they are supplied with wholesome food and drink in sufficient quantity, and detained in healthy quarters, and that they are brought to trial in the shortest time possible consonant with the convenience of the prisoner.

19. In cases of arrest of American citizens or protégés in the absence of a United States consular officer, or where no such officer resides, the authority causing the arrest shall immediately inform the nearest United States consular officer of the fact and of the circumstance of the case, and also cause the prisoner to be taken as soon as possible before the mixed court of which that nearest consular officer is a judge.

20. It shall be the duty of the court to encourage the settlement of controversies of a civil character by mutual agreement, or to submit the same to the decision of referees agreed upon by the parties. And in criminal cases, which are not of a heinous character, it shall be lawful for the parties aggrieved or concerned therein, with the assent of the court, to adjust the same among themselves upon pecuniary or other considerations.

21. Her Majesty's Government will render all assistance in its power to United States citizens and protégés toward collecting their legal claims against Her Majesty's subjects; and United States consular officers will likewise render every assistance in collecting legal claims against United States citizens and protégés.

22. Whenever it is known, or there is reason to believe, that transgressors against the laws, fugitives from justice, are on the premises of United States citizens or protégés, such premises may be entered by the Malagasy police with the consent of the occupants, or against their consent in company with a United States Consular officer, or with his written order. In case of absence of such United States officers, or in places where no such officers reside, the police may make such entry by the order of the local authority, to look for the offender or stolen property; and the offender, if found, may be arrested, and all stolen property seized.

23. Murder and insurrection or rebellion against the Government of Madagascar with intent to subvert the same, shall be capital offence, and not bailable; and when a United States citizen shall be convicted by this court of either of those crimes he shall be banished the country and sent to the United States of America for a review of his trial and approval of his sentence and punishment. If a Malagasy subject be convicted by the court of the murder of a United States citizen or protégé he shall suffer such punishment as the Malagasy law awards for such crime when Her Majesty, the Queen of Madagascar, shall have approved the judgment of the court.

24. When a United States citizen shall have been convicted of several minor offences, showing him to be a turbulent and intractable person, he shall, upon the request of the Government of Her Majesty the Queen, be banished the country.

#### ARTICLE VII

1. No United States vessel shall have communication with the shore before receiving pratique from the local authorities of Madagascar and producing a "bill of health" from the port sailed from, signed by the Malagasy consul if there be one at that port; if none, then by the person duly authorized to give such bills of health.

2. Malagasy subjects shall not be permitted to embark on United States vessels without a passport from Her Majesty's Government.

3. In cases of mutiny on United States merchant vessels, or in cases of desertion from United States national or private vessels, the local authorities shall, on application, render all necessary assistance as far as is possible to the United States consular officer to bring back the deserter or to restore discipline on board merchant vessels.

4. When a United States consular officer shall ask the local authorities to arrest a deserter from a vessel, the police shall be directed to do their utmost to arrest promptly such deserter in the district. And if the consular

officer suggest other places where the deserter may have secreted himself, the authorities shall give a written notice to the governor of such district pointed out, who shall in his turn do his utmost to find and arrest the deserter. And the result of such efforts, whether successful or otherwise, shall be promptly reported to the governor, who shall report to the consular officer.

5. For the services required by this article for arresting deserters, if such deserters be arrested, a fee of three dollars (\$3) may be exacted for each deserter arrested, and five cents per English mile for the distance actually travelled by the police, and also such necessary expenses as may be incurred for food, ferrying, and imprisonment of the deserter.

6. And if discovered that such police did not do their utmost they shall be punished by the governor; and if such police have done their utmost but without success, they will be none the less entitled to the expenses above stated, but not to the fee of three dollars (\$3).

#### ARTICLE VIII

1. In case of a shipwreck of a United States vessel on the coast of Madagascar, or if any such vessel should be attacked or plundered in the waters of Madagascar, adjacent to any military station, the governor will do his utmost to urge the people to save life and to secure property and to restore it to the owners or to the United States consul, and if there be no consul nor owner in such district, an inventory of the goods rescued shall be made and the goods shall be delivered to the nearest United States consular officer, who shall give the governor a receipt for the same.

2. The governor of the district shall take the names of the people engaged in saving such vessel, and designate those who rescue lives and those who save goods.

3. And if such vessel be an abandoned one, then one-fourth of vessel and goods may be claimed for salvage.

4. And if a vessel be in distress, and the captain or crew demand help, such help shall be rewarded at the rate of twenty-five cents a day for soldiers and laborers, and one dollar a day for officers who superintend such help.

5. And if any vessel be wrecked or in distress, and the captain or crew do not demand assistance, being in a situation to do so, and consequently the Malagasy do not save anything, the governor and people will not be responsible.

6. However, in case the captain or crew demand assistance, or are in a situation where making such a demand is impossible, and it is known that the governor did not do his utmost to move the people to save such vessel and cargo, he shall be punished according to the laws of Madagascar.

7. The same protection shall be granted to Malagasy vessels attacked or plundered in the waters of the United States of America.

## ARTICLE IX

1. American goods may be landed in bond to be reshipped to other ports without payment of duties, under the following rules:

2. When it may be desired to so land goods to be reshipped to other ports, the owner of the goods, or the consignee, or master of the vessel, as the case may be, shall present to the local governor, or to the collector of customs, as the governor may direct, a correct invoice or manifest of the goods so landed, showing values by detail when there are goods of different kinds, or of different values, and quantities of each and the total value.

3. The Malagasy customs officers shall verify by inspection the goods when landed with the invoice or manifest; then the owner, consignee, or master of the vessel, as the case may be, shall execute a bond payable to the governor or collector of customs, as may be directed by the local authority, conditioned to pay the established duties on such goods, or on such part of them as shall not have been reshipped within the period agreed upon, which period shall be mentioned in the bond as the date of its maturity. Then such goods may be stored on the premises of their owner or consignee, or in magazines rented by him for that purpose.

4. When he reships the goods, he will notify the party to whom this bond has been given to be present and again verify the goods with the invoice or manifest, when, if none are lacking, he will be entitled to the return of his bond, or if the goods or any part of them are lacking, he must pay the duty as established by Article IV on such as are not found and reshipped, which will equally entitle him to receive back his bond.

## ARTICLE X

Her Majesty's Government desires the development of the dormant resources of the kingdom, and the advancement of all the useful mechanical and agricultural industries therein, and thereby to promote the best interests of commerce and Christian civilization by adoption and application of such modern improvements and appliances as shall be suitable for such purposes and best adapted to the condition of Madagascar, and for the best interests of Her Majesty's people; and toward the accomplishment of these objects, should any United States citizens or protegés of good character, and possessing the requisite qualifications for the special business proposed, desire to engage in such industries in Madagascar by investment of capital or labor, or in teaching the people how to apply the modern improvements in the prosecution of the industries, their applications to the government will be favorably received, and their propositions liberally entertained; and if they and the government can agree upon terms, they will be permitted to engage in such avocations by contracts, grants, commissions or salaries.

## ARTICLE XI

1. It is agreed between the high contracting parties that the levy of taxes on United States citizens, as hereinbefore provided for conditionally in Article III, section 13, shall never be at a higher rate than shall be levied upon Her Majesty's subjects for the same purposes and upon like values, except the special land tax hereinbefore provided for in Article III, section 12.

2. United States citizens and protegés shall not be deprived of any privileges relinquished by this treaty unless the same restrictions be placed upon the citizens and subjects of all other foreign nations residing in Madagascar, but shall enjoy all the privileges that may be granted to the most favored nations.

3. And Her Majesty's subjects while sojourning in the United States of America shall enjoy all the privileges conceded by the United States Government to the citizens or subjects of the most favored nation.

## ARTICLE XII

1. The above articles of treaty made in good faith shall be submitted to both the Government of the United States of America and Her Majesty, the Queen of Madagascar, for ratification; and such ratification be exchanged within one year from date of ratification at Antananarivo.

2. Should it at any future time seem desirable in the interests of either of the contracting parties to alter or add to the present treaty, such alterations or additions shall be effected with the consent of both parties.

3. Duplicate originals of this treaty, with corresponding text in the English and Malagasy languages, which shall be both of equal authority, have been signed and sealed at Antananarivo, Madagascar, on this thirteenth day of May (seventeenth of Alakaosy), one thousand eight hundred and eighty-one.

W. W. ROBINSON [SEAL]  
*United States Consul for Madagascar*

RAVONINAHITRINIARIVO [SEAL]  
 15 *Voninahitra*, Off. D. P.  
*Lehiben' ny Mpanao Raharaha  
 amy ny Vahiny*

# Mexico

## BOUNDARIES

*Treaty signed at México January 12, 1828; additional article signed at México April 5, 1831*

*Senate advice and consent to ratification of treaty April 28, 1828; of treaty and additional article April 4, 1832*

*Ratified by Mexico January 13, 1832*

*Ratified by the President of the United States April 5, 1832*

*Ratifications exchanged at Washington April 5, 1832*

*Entered into force April 5, 1832*

*Proclaimed by the President of the United States April 5, 1832*

*Third article revived by additional article of April 3, 1835*<sup>1</sup>

*Obsolete*<sup>2</sup>

8 Stat. 372; Treaty Series 202<sup>3</sup>

### TREATY OF LIMITS BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES

The limits of the United States of America with the bordering territories of Mexico having been fixed and designated by a solemn treaty<sup>4</sup> concluded and signed at Washington on the twenty-second day of February, in the year of our Lord one thousand eight hundred and nineteen, between the respective Plenipotentiaries of the government of the United States of America on the one part and of that of Spain on the other: And whereas, the said treaty having been sanctioned at a period when Mexico constituted a part of the Spanish Monarchy, it is deemed necessary now to confirm the validity of the aforesaid treaty of limits, regarding it as still in force and binding between the United States of America and the United Mexican States.

<sup>1</sup> TS 204, *post*, p. 781.

<sup>2</sup> Texas proclaimed its independence on Nov. 1, 1835. For a treaty with Texas signed Apr. 25, 1838, providing for establishment of the boundary, see TS 356, *post*, vol. 11, TEXAS.

<sup>3</sup> For a detailed study of this treaty, see 3 Miller 405.

<sup>4</sup> TS 327, *post*, vol. 11, SPAIN.

With this intention, the President of the United States of America has appointed Joel Roberts Poinsett their Plenipotentiary; and the President of the United Mexican States their Excellencies Sebastian Camacho and José Ygnacio Esteva:

And the said Plenipotentiaries having exchanged their full powers, have agreed upon and concluded the following articles:

#### ARTICLE FIRST

The dividing limits of the respective bordering territories of the United States of America and of the United Mexican States being the same as were agreed and fixed upon by the above-mentioned treaty of Washington concluded and signed on the twenty-second day of February in the year one thousand eight hundred and nineteen, the two high contracting parties will proceed forthwith to carry into full effect the third and fourth articles of said treaty, which are herein recited as follows:

#### ARTICLE SECOND

The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then, following the course of the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red River, and running thence, by a line due north, to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude, to the South Sea. The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818. But if the source of the Arkansas river shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence, along the said parallel, to the South Sea: All the islands in the Sabine, and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions to the territories described by the said line; that is to say: the United States hereby cede to His Catholic Majesty, and renounce forever, all their rights, claims, and pretensions to the territories lying west and south of the above described line; and, in like manner, His Catholic

Majesty cedes to the said United States, all his rights, claims, and pretensions to any territories east and north of the said line; and for himself, his heirs, and successors, renounces all claim to the said territories forever.

#### ARTICLE THIRD<sup>5</sup>

To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a Commissioner and a Surveyor, who shall meet, before the termination of one year from the date of the ratification of this treaty, at Natchitoches, on the Red River, and proceed to run and mark the said line, from the mouth of the Sabine to the Red River, and from the Red River to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is agreed upon and stipulated, and the line of latitude 42, to the South Sea: they shall make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

#### ARTICLE FOURTH

The present Treaty shall be ratified, and the ratifications shall be exchanged at Washington, within the term of four months, or sooner, if possible.<sup>6</sup>

In witness whereof, We, the respective Plenipotentiaries, have signed the same, and have hereunto affixed our respective seals.

Done at Mexico this twelfth day of January, in the Year of our Lord one thousand eight hundred and twenty eight, in the fifty-second year of the Independence of the United States of America, and in the eighth of that of the United Mexican States.

J. R. POINSETT [SEAL]

S. CAMACHO [SEAL]

J. Y. ESTEVA [SEAL]

#### ADDITIONAL ARTICLE TO THE TREATY OF LIMITS CONCLUDED BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES ON THE 12 DAY OF JANUARY 1828

The time having elapsed which was stipulated for the exchange of ratifications of the Treaty of Limits between the United Mexican States and the United States of America, signed in Mexico on the 12<sup>th</sup> of January 1828, and

<sup>5</sup> For additional article reviving the third article, see convention of Apr. 3, 1835 (TS 204), *post*, p. 781.

<sup>6</sup> For an extension of time for exchange of ratifications, see additional article below.

both Republics being desirous that it should be carried into full and complete effect with all due solemnity, the President of the United States of America has fully empowered on his part Anthony Butler a Citizen thereof and Chargé d’Affaires of the said States in Mexico. And the Vice-President of the United Mexican States, acting as President thereof, has in like manner fully empowered on his part their Excellencies Lucas Alaman, Secretary of State, and Foreign Relations, and Rafael Mangino, Secretary of the Treasury, who after having exchanged their mutual powers found to be ample and in form have agreed and do hereby agree on the following article.

The ratifications of the Treaty of Limits concluded on the 12<sup>th</sup> January 1828, shall be exchanged at the City of Washington within the term of one year counting from the date of this agreement and sooner should it be possible.

The present additional article shall have the same force and effect as if it had been inserted word for word in the aforesaid Treaty of the 12<sup>th</sup> of January of 1828, and shall be approved and ratified in the manner prescribed by the Constitutions of the respective States.

In faith of which the said Plenipotentiaries have hereunto set their hands and affixed their respective seals. Done in Mexico the fifth of April of the year one thousand eight hundred thirty one, the fifty fifth of the Independence of the United States of America, and the eleventh of that of the United Mexican States.

A. BUTLER [SEAL]

LUCAS ALAMAN [SEAL]

RAFAEL MANGINO [SEAL]

## AMITY, COMMERCE, AND NAVIGATION

*Treaty, with additional article, signed at México April 5, 1831; protocols signed at México September 17 and December 17, 1831, supplementing and amending the treaty*<sup>1</sup>

*Ratified by Mexico January 14, 1832*

*Senate advice and consent to ratification March 23, 1832*

*Ratified by the President of the United States April 4, 1832*

*Ratifications exchanged at Washington April 5, 1832*

*Entered into force April 5, 1832*

*Proclaimed by the President of the United States April 5, 1832*

*Revised (except additional article) by treaty of February 2, 1848*<sup>2</sup>

*Article 33 abrogated June 30, 1854, by treaty of December 30, 1853*<sup>3</sup>

*Terminated November 30, 1881*<sup>4</sup>

8 Stat. 410; Treaty Series 203<sup>5</sup>

The United States of America and the United Mexican States desiring to establish upon a firm basis the relations of friendship that so happily subsist between the two Republics have determined to fix in a clear and positive manner the rules which shall in future be religiously observed between both, by means of a Treaty of Amity, Commerce and Navigation. For which important object the President of the United States of America has appointed Anthony Butler a Citizen of the United States and Chargé d'Affaires of the United States of America near the United Mexican States with full powers. And the Vice President of the United Mexican States in the exercise of the Executive power having conferred like full powers on his Excellency Lucas Alaman Secretary of State for home and foreign Affairs, and his Excellency Raphael Mangino Secretary of the Treasury. And the aforesaid Plenipotentiaries after having compared and exchanged in due form their several powers as aforesaid have agreed upon the following Articles.

### ARTICLE 1<sup>st</sup>

There shall be a firm, inviolable and universal peace, and a true and sincere friendship between the United States of America and the United Mex-

<sup>1</sup> The text printed here is the amended text as proclaimed by the President.

<sup>2</sup> TS 207, *post*, p. 791.

<sup>3</sup> TS 208, *post*, p. 812.

<sup>4</sup> Pursuant to notice of termination given by Mexico Nov. 30, 1880.

<sup>5</sup> For a detailed study of this treaty, see 3 Miller 599.

ican States in all the extent of their possessions and Territories and between their people and Citizens respectively without distinction of persons or places.

#### ARTICLE 2<sup>nd</sup>

The United States of America and the United Mexican States desiring to take for the basis of their Agreement the most perfect equality and reciprocity engage mutually not to grant any particular favor to other Nations in respect of Commerce and Navigation which shall not immediately become common to the other party; who shall enjoy the same freely, if the concession was freely made, or upon the same conditions if the concession was conditional.

#### ARTICLE 3<sup>d</sup>

The Citizens of the two Countries respectively shall have liberty freely and securely to come with their vessels and cargoes to all such places ports and Rivers of the United States of America and of the United Mexican States to which other Foreigners are permitted to come; to enter into the same, and to remain and reside in any part of the said Territories respectively; also to hire and occupy houses and Warehouses for the purposes of their Commerce, and to trade therein, in all sorts of produce, manufactures and Merchandize,<sup>4</sup> and generally the Merchants and Traders of each nation shall enjoy the most complete protection and security for their Commerce.

And they shall not pay higher or other duties imposts or fees whatsoever than those which the most favored Nations are or may be obliged to pay, and shall enjoy all the rights, privileges and exemptions with respect to Navigation and Commerce which the Citizens of the most favored Nation do or may enjoy; but subject always to the Laws, usages, and Statutes of the two Countries respectively.

The liberty to enter and discharge the vessels of both Nations of which this article treats, shall not be understood to authorize the coasting trade, which is permitted to National vessels only.

#### ARTICLE 4<sup>th</sup>

No higher or other duties shall be imposed on the importation into the United Mexican States of any article the produce growth or manufacture of the United States of America, than those which the same or like articles the produce growth or manufacture of any other foreign Country do now or may hereafter pay, nor shall articles the produce growth or manufacture of the United Mexican States be subject on their introduction into the United States of America to higher or other duties, than those which the same or like articles of any other foreign country do now or may hereafter pay.

Higher duties shall not be imposed in the respective States on the exportation of any article to the States of the other contracting party, than those

<sup>4</sup> See also protocol of Sept. 17, 1831, p. 778.

which are now or may hereafter be paid on the exportation of the like articles to any other foreign Country; nor shall any prohibition be established on the exportation or importation of any article the produce, growth or manufacture of the United States of America or of the United Mexican States respectively, in either of them which shall not in like manner be established with respect to other foreign Countries.

ARTICLE 5<sup>th</sup> <sup>7</sup>

No higher or other duties or charges on account of tonnage, light or harbor dues, pilotage, salvage, in case of damage or Shipwreck, or any other local charges shall be imposed, in any of the Ports of Mexico on Vessels of the United States of America, than those payable in the same ports by Mexican Vessels; nor in the ports of the United States of America on Mexican Vessels than shall be payable in the same ports on Vessels of the United States of America.

ARTICLE 6<sup>th</sup> <sup>7</sup>

The same duties shall be paid on the importation into the United Mexican States of any article the growth, produce or manufacture of the United States of America, whether such importation shall be in Mexican Vessels or in Vessels of the United States of America; and the same duties shall be paid on the importation into the United States of America, of any article the growth produce or manufacture of Mexico, whether such importation shall be in Vessels of the United States of America or in Mexican Vessels. The same duties shall be paid, and the same bounties and drawbacks allowed on the exportation to Mexico, of any articles the growth, produce or manufacture of the United States of America, whether such exportation shall be in Mexican Vessels or in Vessels of the United States of America; and the same duties shall be paid, and the same bounties and drawbacks allowed on the exportation on any articles the growth produce or manufacture of Mexico to the United States of America whether such exportation shall be in Vessels of the United States of America or in Mexican Vessels.

ARTICLE 7<sup>th</sup> <sup>8</sup>

All merchants, Captains, or Commanders of Vessels, and other Citizens of the United States of America shall have full liberty in the United Mexican States, to direct or manage themselves their own affairs, or to commit them to the management of whomsoever they may think proper, either as broker, factor, agent or interpreter; nor shall they be obliged to employ for the aforesaid purposes any other persons than those employed by Mexicans, nor to pay them higher salaries, or remuneration than such as are in like cases paid by Mexicans: and absolute freedom shall be allowed in all cases to the buyer

<sup>7</sup> See also additional article, p. 777.

<sup>8</sup> See also protocol of Sept. 17, 1831, p. 778.

and seller to bargain and fix the prices of any goods wares or Merchandize imported into or exported from the United Mexican States as they may think proper; observing the Laws usages and customs of the Country. The Citizens of Mexico shall enjoy the same privileges in the States and Territories of the United States of America, being subject to the same conditions.

ARTICLE 8<sup>th</sup>

The Citizens of neither of the contracting parties shall be liable to any embargo, nor shall their Vessels, cargoes, Merchandize or effects, be detained for any Military expedition nor for any public or private purpose whatsoever without a corresponding compensation.

ARTICLE 9<sup>th</sup>

The Citizens of both Countries respectively shall be exempt from compulsory service in the Army or Navy; nor shall they be subjected to any other charges or contributions or Taxes than such as are paid by the Citizens of the States in which they reside.

ARTICLE 10<sup>th</sup>

Whenever the Citizens of either of the Contracting parties shall be forced to seek refuge or asylum in the Rivers, bays ports or dominions of the other with their Vessels, whether Merchant or of War, public or private, through stress of weather, pursuit of pirates or enemies they shall be received and treated with humanity, with the precautions which may be deemed expedient on the part of the respective governments in order to avoid fraud giving to them all favor and protection for repairing their Vessels, procuring provisions and placing themselves in a situation to continue their Voyage without obstacle or hindrance of any kind.

ARTICLE 11<sup>th</sup>

All vessels, Merchandize or effects belonging to the Citizens of one of the Contracting parties which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried into or found in the Rivers, bays, ports or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent Tribunal; it being well understood that the claim shall be made within one year counting from the Capture of said Vessels or Merchandize by the parties themselves or their Attornies, or by the Agents of the respective Governments.

ARTICLE 12<sup>th</sup>

When any Vessel belonging to the Citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the Coasts

or within the dominions of the other, there shall be given to it all the assistance and protection in the same manner which is usual and customary with the Vessels of the Nation where the damage happens permitting them to unload the said Vessel if necessary, of its merchandize and effects, with the precautions which may be deemed expedient on the part of the respective Governments in order to avoid fraud, without exacting for it any duty impost or contribution whatever untill they be exported.

#### ARTICLE 13<sup>th</sup> °

In whatever relates to the succession of Estates either by Will or *ab intestato* disposal of such property of whatever sort or denomination it may be, by sale, donation exchange or testament or in any other manner whatsoever the Citizens of the two contracting parties shall enjoy in their respective States and territories the same privileges, exemptions, liberties and rights, as native citizens, and shall not be charged in any of these respects, with other or higher duties or imposts than those which are now or may hereafter be paid by the Citizens of the power in whose territories they may reside.

#### ARTICLE 14<sup>th</sup>

Both the contracting parties promise and engage to give their special protection to the persons and property of the Citizens of each other of all occupations who may be in their territories, subject to the jurisdiction of the one or of the other, transient or dwelling therein, leaving open and free to them the tribunals of Justice for their Judicial recourse, on the same terms which are usual, and customary with the natives or Citizens of the Country in which they may be; for which they may employ in defence of their rights such advocates, Solicitors, Notaries, Agents and Factors as they may judge proper, in all their trials at Law; and the Citizens of either party, or their Agents shall enjoy in every respect the same rights and privileges either in prosecuting or defending their rights of person or of property, as the Citizens of the Country where the cause may be tried.

#### ARTICLE 15<sup>th</sup>

The Citizens of the United States of America, residing in the United Mexican States shall enjoy in their houses persons and properties the protection of the Government, with the most perfect security and liberty of conscience: they shall not be disturbed or molested, in any manner on account of their religion so long as they respect the Constitution, the laws and established usages of the Country where they reside; and they shall also enjoy the privilege of burying the dead in places which now are, or may hereafter be assigned for that purpose, nor shall the funerals or sepulchres of the dead be disturbed in any manner nor under any pretext. The Citizens of the United Mexican States shall enjoy throughout all the States and Territories of the

° See also protocol of Sept. 17, 1831, p. 778.

United States of America, the same protection: and shall be allowed, the free exercise of their religion in public or in private, either within their own houses, or in the Chapels or places of worship set apart for that purpose.

#### ARTICLE 16<sup>th</sup>

It shall be lawful for the Citizens of the United States of America, and of the United Mexican States respectively to sail with their Vessels with all manner of security and liberty, no distinction being made who are the owners of the Merchandize laden thereon, from any port to the places of those who now are, or may hereafter be at enmity, with the United States of America or with the United Mexican States. It shall likewise be lawful for the aforesaid Citizens respectively to sail with their Vessels and Merchandize, beforementioned and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party without any opposition or disturbance whatsoever, not only directly from the places, of the enemy beforementioned to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the Jurisdiction of the same Government or under several; and it is hereby stipulated that free ships shall also give freedom to goods, and that every thing shall be deemed free and exempt, which shall be found on board the Vessels belonging to the Citizens of either of the contracting parties, although the whole lading or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed that the same liberty be extended to persons who are on board a free Vessel, so that although they be enemies to either party they shall not be made prisoners or taken out of that free Vessel, unless they are Soldiers and in the actual service of the enemy. By the stipulation that the flag shall cover the property the two contracting parties agree that this shall be so understood, with respect to those powers who recognize this principle; but if either of the two contracting parties shall be at War with a third party and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle and not of others.

#### ARTICLE 17<sup>th</sup>

It is likewise agreed that in the case where the Neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation it shall always be understood, that the neutral property found on board such enemies vessels shall be held and considered as enemies property, and as such shall be liable to detention, and confiscation, except such property as was put on board such vessel before the declaration of War, or even afterwards if it were done without the knowledge of it: but the contracting parties agree that four months having elapsed after the decla-

ration their Citizens shall not plead ignorance thereof; On the contrary if the flag of the neutral does not protect the enemy's property in that case the goods and Merchandizes embarked in such Enemy's Vessel shall be free.

#### ARTICLE 18<sup>th</sup>

This liberty of Commerce and Navigation shall extend to all kinds of Merchandize excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended, first Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, Rifles, carbines, pistols, pikes, swords, Sabres, lances, spears, halberts; and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms: secondly buckles, helmets, breastplates, coats of mail, infantry belts, and clothes, made up in a military form and for a military use; thirdly cavalry belts and horses with their furniture; fourthly and generally, all kinds of arms, and instruments of iron, steel, brass and Copper or of any other materials manufactured, prepared and formed expressly to make War by Sea or Land.

#### ARTICLE 19<sup>th</sup>

All other Merchandize and things not comprehended in the articles of contraband expressly enumerated and classified as above, shall be held and considered as free and subjects of free and lawful Commerce, so that they may be carried and transported, in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in that particular it is declared that those places only are besieged or blockaded, which are actually besieged or blockaded by a belligerent force capable of preventing the entry of the Neutral.

#### ARTICLE 20<sup>th</sup>

The articles of contraband before enumerated and classified which may be found in a vessel bound for an enemy's port shall be subject to detention and confiscation, leaving free the rest of the Cargo and the vessel, that the owners may dispose of them as they see proper. No vessels of either of the two nations shall be detained on the high Seas on account of having on board articles of contraband whenever the Master Captain or Supercargo of said vessel will deliver up the articles of contraband to the Captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing vessel without great inconvenience; but in this and in all other cases of just detention the vessel detained shall be sent to the nearest convenient and safe port for trial and Judgement according to Law.

ARTICLE 21<sup>st</sup>

And whereas it frequently happens that Vessels, sail for a port or place belonging to an enemy without knowing that the same is besieged blockaded or invested, it is agreed that every Vessel so situated may be turned away from such port or place, but shall not be detained, nor shall any part of her Cargo if not contraband be confiscated, unless after warning of such blockade or investment from the commanding officer of the blockading force she should again attempt to enter the aforesaid port; but she shall be permitted to go to any other port or place she may think proper. Nor shall any Vessel of either of the contracting parties that may have entered into such port before the same was actually besieged, blockaded or invested by the other be restrained from quitting such place with her Cargo; nor if found therein after the surrender shall such Vessel or her Cargo be liable to confiscation, but she shall be restored to the owner thereof.

ARTICLE 22<sup>nd</sup>

In order to prevent all kinds of disorder in the visiting and examination of the Vessels and Cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a Vessel of War public or private should meet with a neutral Vessel of the other contracting party, the first shall remain out of cannon shot, and may send his boat with two or three men only in order to execute the said examination of the papers concerning the ownership and Cargo of the Vessel, without causing the least extortion violence or ill treatment for which the Commanders of the said Armed Vessels shall be responsible with their persons and property; and for this purpose the Commanders of said private armed Vessels shall before receiving their Commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed, that the neutral party shall in no case, be required to go on board the examining Vessel for the purpose of exhibiting his papers or for any other purpose whatsoever.

ARTICLE 23<sup>rd</sup>

To avoid all kinds of vexation and abuse in the examination of papers relating to the ownership of Vessels belonging to the Citizens of the two Contracting parties, they have agreed, and do agree, that in case one of them should be engaged in War, the Vessels belonging to the Citizens of the other, must be furnished with Sea letters or passports, expressing the name property and bulk of the Vessel, and also the name and place of habitation of the Master or Commander of said Vessel in order that it may thereby appear that the said Vessel really and truly belongs to the Citizens of one of the contracting parties; they have likewise agreed that such Vessels being laden, besides the said Sea letters or passports, shall also be provided with Certificates, containing the several particulars of the Cargo, and the place whence the vessel sailed, so that it may be known whether any forbidden or contraband goods be on board

the same: which Certificate shall be made out by the Officers of the place whence the Vessel sailed, in the accustomed form, without which requisites the said Vessel may be detained, to be adjudged by the competent Tribunal, and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent to the satisfaction of the competent Tribunal.

#### ARTICLE 24<sup>th</sup>

It is further agreed, that the stipulations above, expressed relative to visiting and examination of Vessels, shall apply only to those which sail without convoy, and when said Vessels are under convoy, the verbal declaration of the Commander of the Convoy or his word of honor that the Vessels under his protection belong to the Nation whose flag he carries, and when they are bound to an enemy's port that they have no Contraband goods on board shall be sufficient.

#### ARTICLE 25<sup>th</sup>

It is further agreed that in all cases the established Courts for prize causes, in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any Vessel, or goods, or property claimed by the Citizens of the other party, the sentence or decree shall mention, the reason or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree in conformity with the laws and usages of the Country, and of all the proceedings of the case shall if demanded be delivered to the Commander or Agent of said Vessel without any delay he paying the legal fees for the same.

#### ARTICLE 26<sup>th</sup>

For the greater security of the intercourse between the Citizens of the United States of America and of the United Mexican States it is agreed now for then, that if there should be at any time hereafter an interruption of the friendly relations which now exist, or a war unhappily break out between the two contracting parties, there shall be allowed the term of six months to the merchants, residing on the coast, and one year to those residing in the interior of the States and Territories of each other respectively to arrange their business, dispose of their effects or transport them wheresoever they may please, giving them a safe conduct to protect them to the port they may designate. Those Citizens who may be established in the States and Territories aforesaid exercising any other occupation or trade, shall be permitted to remain in the uninterrupted enjoyment of their liberty and property, so long as they conduct themselves peaceably, and do not commit any offence against the laws, and their goods and effects of whatever class and condition they may be, shall not be subject to any embargo or sequestration whatever nor to any charge nor tax other than may be established upon similar goods and effects belonging to the Citizens of the State in which they reside respectively;

nor shall the debts between individuals, nor monies in the public funds, or in public or private banks nor shares in Companies, be confiscated embargoed or detained.

#### ARTICLE 27<sup>th</sup>

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse have agreed and do agree to grant to the Envoys, Ministers, and other public Agents, the same favors, immunities and exemptions which those of the most favored nation do or may enjoy; it being understood that whatever favors immunities or privileges the United States of America or the United Mexican States may find proper to give to the Ministers and public agents of any other power shall by the same Act be extended to those of each of the contracting parties.

#### ARTICLE 28<sup>th</sup>

In order that the Consuls and Vice Consuls of the two contracting parties may enjoy the rights prerogatives and immunities which belong to them by their character they shall before entering upon the exercise of their functions, exhibit their Commission or patent in due form to the Government to which they are accredited; And having obtained their Exequatur they shall be held and considered as such by all the authorities magistrates and inhabitants of the Consular district in which they reside. It is agreed likewise to receive and admit Consuls and Vice Consuls in all the ports and places open to foreign Commerce, who shall enjoy therein all the rights prerogatives and immunities of the Consuls and Vice Consuls of the most favored Nation, each of the contracting parties remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice Consuls may not seem expedient.

#### ARTICLE 29<sup>th</sup>

It is likewise agreed that the Consuls, Vice Consuls their Secretaries officers and persons attached to the service of Consuls they not being Citizens of the Country in which the Consul resides, shall be exempt from all compulsory public service, and also from all kinds of taxes, imposts and contributions levied specially on them except those which they shall be obliged to pay on account of Commerce, or their property to which the Citizens and inhabitants native and foreign of the Country in which they reside are subject; being in every thing besides subject, to the Laws of their respective States. The archives and papers of the Consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

#### ARTICLE 30<sup>th</sup>

The said Consuls shall have power to require the assistance of the authori-

ties of the country for the arrest detention and custody of deserters from the public and private vessels of their Country; and for that purpose they shall address themselves to the Courts, Judges and Officers competent, and shall demand the said deserters in writing, proving by an exhibition of the register of the vessel, or Ships roll, or other public documents, that the man or men demanded were part of said Crews; and on this demand so proved (saving always where the contrary is proved) the delivery shall not be refused. Such deserters when arrested shall be placed at the disposal of the said Consuls, and may be put in the public prisons at the request and expence of those who reclaim them, to be sent to the Vessels to which they belonged, or to others of the same Nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty and shall not be again arrested for the same cause.

#### ARTICLE 31<sup>st</sup>

For the purpose of more effectually protecting their Commerce and Navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a Consular Convention, which shall declare specially the powers and immunities of the Consuls and Vice Consuls of the respective parties.

#### ARTICLE 32<sup>d</sup>

For the purpose of regulating the interior Commerce between the frontier territories of both Republics it is agreed, that the Executive of each shall have power by mutual agreement of determining on the route and establishing the roads by which such Commerce shall be conducted; and in all cases where the Caravans employed in such commerce may require convoy and protection by military escort, the Supreme Executive of each nation shall by mutual agreement in like manner fix on the period of departure for such Caravans and the point at which the military escort of the two nations shall be exchanged. And it is further agreed that untill the regulations for governing this interior commerce between the two nations shall be established, that the Commercial intercourse between the State of Missouri of the United States of America and New Mexico in the United Mexican States shall be conducted as heretofore, each Government affording the necessary protection to the Citizens of the other.

#### ARTICLE 33<sup>rd</sup> <sup>10</sup>

It is likewise agreed that the two contracting parties shall by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the lands adjacent to the lines and Rivers which form the boundaries of the two countries; and the better to attain this object both parties bind themselves expressly to restrain by force all hostilities and incur-

<sup>10</sup> Art. 33 abrogated by treaty of Dec. 30, 1853 (TS 208, *post*, p. 812).

sions on the part of the Indian nations living within their respective boundaries so that the United States of America will not suffer their Indians to attack the Citizens of the United Mexican States, nor the Indians inhabiting their Territory; nor will the United Mexican States permit the Indians residing within their Territories to commit hostilities against the Citizens of the United States of America, nor against the Indians residing within the limits of the United States, in any manner whatever.

And in the event of any person or persons captured by the Indians who inhabit the Territory of either of the contracting parties, being or having been carried into the Territories of the other, both Governments engage and bind themselves in the most solemn manner to return them to their country as soon as they know of their being within their respective Territories, or to deliver them up to the Agent or Representative of the Government that claims them, giving to each other reciprocally timely notice, and the claimant paying the expences incurred in the transmission and maintenance of such person or persons who in the mean time shall be treated with the utmost hospitality by the local authorities of the place where they may be. Nor shall it be lawful under any pretext whatever for the Citizens of either of the contracting parties, to purchase or hold captive prisoners made by the Indians, inhabiting the Territories of the other.

#### ARTICLE 34<sup>th</sup> 11

The United States of America and the United Mexican States desiring to

<sup>11</sup> Pursuant to protocol of Dec. 17, 1831 (for text, see p. 779), art. 34 of the treaty as signed was deleted and art. 35 renumbered 34. The original art. 34 reads as follows:

"It is likewise agreed that in the case of any slave or Slaves escaping from their owners residing in the states or territories of one of the contracting parties and passing over into the States and territories of the other, it shall be lawful for the owner or owners of such slave or slaves or their lawful agents to require the assistance of the authorities of the country where such slave or slaves may be found for their arrest detention and custody; and for that purpose the proprietors or their agents shall address themselves to the nearest magistrate or competent officer. On such demand being made it shall be the duty of the Magistrate or Competent Officer to cause the said slaves to be arrested and detained; and if it shall appear that such slave or slaves be actually the property of the claimant the Magistrate or competent Officer shall, surrender he she or them to the proprietor or proprietors his her or their Agents to be conveyed back to the Country from whence the slave or slaves had escaped, the claimant or claimants paying the expences incurred in the arrest, detention and custody of such slave or slaves and none other. And it is further agreed by the contracting parties that on mutual requisitions by them, respectively or by their respective Ministers or Officers authorised to make the same, they will deliver up to justice all persons who being charged with murder or forgery committed within the jurisdiction of either shall seek an asylum within any of the Territories of the other; provided that this shall be done only on such evidence of criminality, as according to the laws of the place where the fugitive or person so charged, shall be found would justify his apprehension or commitment for trial, if the offence had been there committed. The expense of such apprehension and delivery shall be defrayed by those who make the requisition and receive the Fugitive.

"And it is hereby agreed that the demand allowed by this article for fugitive slaves and malefactors shall in all cases be made within the period of one year from the date of such slave or malefactor having taken refuge within the Jurisdiction of the other party, after which time they will be entirely free."

make as durable as circumstances will permit, the relations which are to be established between the two parties by virtue of this Treaty or General convention of Amity commerce and Navigation have declared solemnly and do agree to the following points.

First. The present Treaty shall remain and be of force for eight years from the day of the exchange of the ratifications and untill the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; Each of the Contracting parties reserving to itself the right of giving such notice to the other, at the end of said term of Eight years; and it is hereby agreed between them, that on the expiration of one year after such notice shall have been received by either of the parties from the other party, this Treaty in all its parts, relating to Commerce and Navigation shall altogether cease and determine, and in all those parts which relate to peace and friendship it shall be permanently and perpetually binding on both the Contracting parties.

Secondly. If any one or more of the Citizens of either party shall infringe any of the articles of this Treaty, such Citizens shall be held personally responsible for the same; and the harmony and good correspondence between the two Nations shall not be interrupted thereby: each party engaging in no way to protect the offender or sanction such violation.

Thirdly. If (what indeed cannot be expected) any of the articles contained in the present Treaty shall be violated or infringed in any manner whatever, it is stipulated that neither of the contracting parties will order or authorise any acts of reprisal nor declare War against the other on complaints of injuries or damages, untill the said party considering itself offended, shall first have presented to the other a statement of such injuries or damages verified by competent proofs, and demanded justice and satisfaction and the same shall have been either refused or unreasonably delayed.

Fourthly. Nothing in this Treaty contained shall however be construed to operate contrary to former and existing public Treaties with other Sovereigns or States. The present Treaty of Amity, Commerce, and Navigation shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Vice President of the United Mexican States with the consent and approbation of the Congress thereof; and the ratifications shall be exchanged in the City of Washington, within the term of one year to be counted from the date of the signature hereof or sooner if possible.

In witness whereof we the Plenipotentiaries of the United States of America and of the United Mexican States have signed and sealed these presents. Done in the City of Mexico on the fifth day of April in the year of our Lord

One thousand eight hundred and thirty one, in the fifty fifth year of the Independence of the United States of America, and in the eleventh of that of the United Mexican States.

A. BUTLER [SEAL]

LUCAS ALAMAN [SEAL]

RAFAEL MANGINO

ADDITIONAL ARTICLE <sup>12</sup>

1<sup>st</sup>

Whereas in the present state of the Mexican Shipping it would not be possible for Mexico to receive the full advantage of the reciprocity established in the fifth and sixth articles of the Treaty signed this day, it is agreed that for the term of six years the stipulations contained in the said articles shall be suspended; and in lieu thereof it is hereby agreed, that untill the expiration of the said term of six years American Vessels entering into the ports of Mexico, and all articles the produce growth or manufacture of the United States of America imported in such Vessels shall pay no other or higher duties, than are or may hereafter be payable in the said ports by the Vessels and the like articles the growth produce or manufacture of the most favored nation; and reciprocally it is agreed that Mexican Vessels entering into the ports of the United States of America and all articles the growth produce or manufacture of the United Mexican States imported in such Vessels shall pay no other or higher duties than are or may hereafter be payable in the said ports by the Vessels and the like articles, the growth produce or manufacture of the most favored nation; and that no higher duties shall be paid or bounties or drawbacks allowed on the exportation of any article the growth produce or manufacture of either country in the Vessels of the other than upon the exportation of the like articles in the Vessels of any other foreign Country.

The present additional article shall have the same force and value as if it had been inserted word for word in the Treaty signed this day. It shall be ratified and the ratification shall be exchanged at the same time.

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<sup>12</sup> Pursuant to protocol of Dec. 17, 1831 (for text, see p. 779), the second additional article contained in the treaty as signed was deleted. It reads as follows:

“For the purpose of giving an equal share of the reciprocal advantages mentioned in this Treaty to the Mexican Shipping, it is agreed that all Vessels shall be considered as Mexican Vessels, that are *bona fide* the property of a Mexican Citizen, and whose Commander and half the Crew are Mexicans, without regard to the place or Country in which such Vessel may have been built.”

In witness whereof we the respective Plenipotentiaries have signed and Sealed the same. Done at Mexico on the fifth day of April One thousand Eight hundred and thirty One.

A. BUTLER [SEAL]

LUCAS ALAMAN [SEAL]

RAFAEL MANGINO

PROTOCOL OF A CONFERENCE HAD ON THE 17<sup>th</sup> OF SEPTEMBER 1831. BETWEEN ANTHONY BUTLER, PLENIPOTENTIARY ON THE PART OF THE UNITED STATES OF AMERICA, AND THEIR EXCELLENCY'S LUCAS ALAMAN AND RAPHAEL MANGINO, PLENIPOTENTIARIES FOR THE UNITED MEXICAN STATES.

The Undersigned Plenipotentiaries having assembled in the Office of the Secretary of State for foreign affairs proceeded to consider the articles 7th and 13th of the Treaty of Amity, commerce and navigation concluded by the undersigned Plenipotentiaries, and also that part of the 3d article of the said Treaty contained in the following words, "to trade therein in all sorts of produce, manufactures and merchandize"; These articles 7th and 13th and that part of the 3d abovementioned having been suspended by the Chamber of Deputies of the Congress of the United Mexican States, untill the undersigned shall have determined upon the construction which the said articles shall receive in regard to the rights of Commerce that may be enjoyed by the citizens of each of the high contracting parties. After free and mature deliberation, the undersigned have agreed that the construction to be given to the above mention<sup>d</sup> articles, shall in no manner restrain the power possessed by each nation respectively of regulating sales by retail of goods, wares and merchandize within their respective States and Territories. And to remove all doubts as to the object designed to be effected by the said Treaty in regard to the several branches which it embraces, The Plenipotentiaries agree that the abovementioned articles so far as they relate to the Commercial intercourse conduct<sup>d</sup> by the citizens of their respective Countries, it shall be reciprocal and equal reserving however to the United States of America, and to the United Mexican States, full power and entire liberty to regulate commerce of retail, by means of their respective Legislatures in conformity with what each party may consider as the interest of their own citizens, without being restrained by any stipulation contained in the abovementioned Treaty of Amity, Commerce, and Navigation, provided that the Measures adopted by the Legislature of either party, shall be general in their operations and extend equally to the subjects and Citizens of all other nations who maintain Commercial relations with the high contracting parties in conformity with the principle of "*the most favoured Nation*" establish<sup>d</sup> as a reciprocal basis in the Treaty of amity, commerce and navigation concluded by the under-

signed Plenipotentiaries and signed on the 5th April of the present year, and of which Treaty the abovemention<sup>d</sup> articles 3d, 7th and 13. form a part.

In testimony of which the undersign<sup>d</sup> have subscribed the present protocol in Mexico on the 17th Sept<sup>er</sup> in the year 1831.

A. BUTLER

LUCAS ALAMAN

RAFAEL MANGINO

PROTOCOL OF A CONFERENCE HELD BY THEIR EXCELLENCIES THE SECRETARIES OF STATE FOR HOME AND FOREIGN AFFAIRS, AND OF THE TREASURY, AND ANTHONY BUTLER, CHARGÉ D'AFFAIRES OF THE UNITED STATES OF AMERICA, PLENIPOTENTIARIES RESPECTIVELY OF THESE STATES AND OF THOSE; FOR THE CELEBRATION OF TREATIES OF AMITY, COMMERCE NAVIGATION AND BOUNDARY BETWEEN BOTH REPUBLICS, THE 17<sup>th</sup> OF DECB<sup>R</sup> 1831

On the 17<sup>th</sup> of Decb<sup>r</sup> 1831, their Excellencies, Lucas Alaman, Secretary of State for Home and Foreign Affairs, and Raphael Mangino, Secretary of the Treasury, Plenipotentiaries appointed by the Vice President, in exercise of the executive power of these States, for the celebration of Treaties of Amity, Commerce and Navigation, and for the adjustment of a boundary with the United States of America, and Anthony Butler, Chargé d'Affaires of the said States, and Plenipotentiary appointed, for the same object, by the President of the said States, having met in the Office of the Secretary for Home and Foreign Affairs, the two former set forth, that the Treaty of Amity, Commerce and navigation, celebrated in this Capital by the undersigned Plenipotentiaries on the fifth of April of the present year, being approved by both Chambers of the General Congress of these States, with the exception of the 34th article, on the approval of which difficulties have occurred, that have caused the deliberation respecting it to be suspended and of the second additional article, which has been disapproved, having been considered unnecessary; and the additional article of the Treaty of Boundary, celebrated the 5th of April last, being also approved, the extraordinary Sessions of Congress had been closed, without a communication to the Executive of the decree of approbation withheld solely by the difficulties which have occurred only with respect to the said 34th article; and the Plenipotentiaries, having conferred at large upon the particular, desirous on the one part and on the other, that no hindrance should be put to the conclusion of treaties, which, drawing closer the friendly relations that happily unite the two Republics, are equally beneficial to both, they agreed that, to remove every obstacle which might embarrass the attainment of this desired end, the before mentioned 34th article ought to be separated from the Treaty of

Amity, Commerce and Navigation, it not having any necessary Connection with the other Stipulations of the said Treaty, and, in the place of it, ought to be substituted the 35th article, which would then become, by numerical order, the 34th and the last; and that, besides, in the copy which should be made for the exchange of ratifications and the publication of the Treaty, the second additional article which has been disapproved by the Congress of these States, should be suppressed.

And it having been thus agreed and settled, for the due and suitable proof of the same, it was equally settled that this Protocol should be written in duplicate, and be signed by the plenipotentiaries; which they did accordingly in the day, month and year already mentioned.

A. BUTLER

LUCAS ALAMAN

RAFAEL MANGINO

## BOUNDARIES

*Additional article signed at México April 3, 1835, reviving third article of treaty of January 12, 1828*

*Ratified by Mexico April 7, 1835*

*Senate advice and consent to ratification January 26, 1836*

*Ratified by the President of the United States February 2, 1836*

*Ratifications exchanged at Washington April 20, 1836*

*Entered into force April 20, 1836*

*Proclaimed by the President of the United States April 21, 1836*

*Obsolete*<sup>1</sup>

8 Stat. 464; Treaty Series 204<sup>2</sup>

A Treaty having been concluded and signed in the City of Mexico on the 12th day of January 1828<sup>3</sup> between the United States of America and the Mexican United States for the purpose of establishing the true dividing line and boundary between the two Nations the 3d article of which Treaty is as follows "To fix this line with more precision and to place the land marks which shall designate exactly the limits of both Nations each of the contracting parties shall appoint a Commissioner and a Surveyor who shall meet before the termination of one year from the date of the ratification of this Treaty at Natchitoches on the Red River, and proceed to run and mark said line from the Mouth of the Sabine to the Red River and from the Red River to the River Arkansas and to ascertain the latitude of the source of said River Arkansas in conformity to what is agreed upon and stipulated and the line of Latitude 42 to the South Sea. They shall make out plans and keep journals of their proceedings and the result agreed upon by them shall be considered as part of this Treaty and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons and also as to their respective escorts should such be deemed necessary": And the ratifications of said Treaty having been exchanged in the City of Washington on the 5th day of April in the year of 1832 but from various causes the contracting parties have been unable to perform the stipulations contained in the abovementioned 3d Article, and the period within which the said stipulations could have been

<sup>1</sup> Texas proclaimed its independence on Nov. 1, 1835. For a treaty with Texas signed Apr. 25, 1838, providing for establishment of the boundary, see TS 356, *post*, vol. 11, TEXAS.

<sup>2</sup> For a detailed study of this additional article, see 3 Miller 823.

<sup>3</sup> TS 202, *ante*, p. 760.

executed has elapsed:—and both Republics being desirous that the said Treaty should be carried into effect with all due solemnity; The President of the United States of America has for that purpose fully empowered on his part Anthony Butler a Citizen thereof and chargé d’Affaires of said States in Mexico, and the acting President of the United Mexican States having in like manner fully empowered on his part their Excellency’s José Maria Gutierrez de Estrada Secretary of State for home and Foreign Affairs and José Mariano Blasco Secretary of the Treasury; and the said Plenipotentiaries after having mutually exchanged their full powers, found to be ample and in form, they have agreed and do hereby agree to the following second additional article to the said Treaty.

Within the space of one year to be estimated from the date of the exchange of the ratifications of this said additional article, there shall be appointed by the Government of the United States of America and of the Mexican United States each a Commissioner and Surveyor, for the purpose of fixing with more precision the dividing line, and for establishing the Land marks of boundary and limits between the two Nations, with the exactness stipulated by the 3d Article of the Treaty of limits concluded and signed in Mexico on the 12th day of January 1828 and the Ratifications of which were exchanged in Washington City on the 5th day of April 1832. And the present additional article shall have the same force and effect as if it had been inserted word for word in the abovementioned Treaty of the 12th of January 1828, and shall be approved and ratified in the manner prescribed by the Constitutions of the respective States.

In faith of which the said Plenipotentiaries have hereunto set their hands and affixed their respective seals. Done in the City of Mexico on the third day of April in the year of our Lord one thousand Eight hundred and thirty five in the fifty ninth year of the Independence of the United States of America and of the fifteenth of that of the United Mexican States.

A. BUTLER	[SEAL]
J. M. GUTIERREZ DE ESTRADA	[SEAL]
JOSÉ MARIANO BLASCO	[SEAL]

## CLAIMS

*Convention signed at Washington April 11, 1839*

*Ratified by Mexico January 11, 1840*

*Senate advice and consent to ratification March 17, 1840*

*Ratified by the President of the United States April 6, 1840*

*Ratifications exchanged at Washington April 7, 1840*

*Entered into force April 7, 1840*

*Proclaimed by the President of the United States April 8, 1840*

*Supplemented by convention of January 30, 1843<sup>1</sup>*

*Terminated by treaty of February 2, 1848<sup>2</sup>*

8 Stat. 526; Treaty Series 205<sup>3</sup>

Whereas a convention for the adjustment of claims of citizens of the United States upon the Government of the Mexican Republic was concluded and signed at Washington on the 10th day of September, 1838,<sup>4</sup> which convention was not ratified on the part of the Mexican Government, on the alleged ground that the consent of His Majesty the King of Prussia to provide an arbitrator to act in the case provided by said convention could not be obtained;

And whereas the parties to said convention are still, and equally, desirous of terminating the discussions which have taken place between them in respect to said claims, arising from injuries to the persons and property of citizens of the United States by Mexican authorities, in a manner equally advantageous to the citizens of the United States, by whom said injuries have been sustained, and more convenient to Mexico than that provided by said convention:

The President of the United States has named for this purpose, and furnished with full powers, John Forsyth, Secretary of State of the said United States; and the President of the Mexican Republic has named His Excellency Señor Don Francisco Pizarro Martinez, accredited as Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic to the United States, and has furnished him with full powers for the same purpose;

<sup>1</sup> TS 206, *post*, p. 788.

<sup>2</sup> TS 207, *post*, p. 791. The 1848 treaty provides in art. XIII for payment of the awards rendered under the treaties of 1839 and 1843.

<sup>3</sup> For a detailed study of this convention, see 4 Miller 189.

<sup>4</sup> Unperfected; for text, see 4 Miller 200.

And the said Plenipotentiaries have agreed upon and concluded the following articles:

#### ARTICLE I

It is agreed that all claims of citizens of the United States upon the Mexican Government, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State or to the diplomatic agent of the United States at Mexico until the signature of this convention, shall be referred to four commissioners, who shall form a board, and be appointed in the following manner, namely: two commissioners shall be appointed by the President of the United States, by and with the advice and consent of the Senate thereof, and two commissioners by the President of the Mexican Republic. The said commissioners, so appointed, shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of the United States and the Mexican Republic respectively.

#### ARTICLE II

The said board shall have two secretaries, versed in the English and Spanish languages; one to be appointed by the President of the United States, by and with the advice and consent of the Senate thereof, and the other by the President of the Mexican Republic. And the said Secretaries shall be sworn faithfully to discharge their duty in that capacity.

#### ARTICLE III

The said board shall meet in the city of Washington within three months after the exchange of the ratifications of this convention, and within eighteen months from the time of its meeting shall terminate its duties. The Secretary of State of the United States shall, immediately after the exchange of the ratifications of this convention, give notice of the time of the meeting of the said board, to be published in two newspapers in Washington, and in such other papers as he may think proper.

#### ARTICLE IV

All documents which now are in, or hereafter, during the continuance of the commission constituted by this convention, may come into the possession of the Department of State of the United States, in relation to the aforesaid claims, shall be delivered to the board. The Mexican Government shall furnish all such documents and explanations as may be in their possession, for the adjustment of the said claims according to the principles of justice, the law of nations, and the stipulations of the treaty of amity and commerce between the United States and Mexico of the 5th of April, 1831; <sup>5</sup> the said documents to be specified when demanded at the instance of the said commissioners.

<sup>5</sup> TS 203, *ante*, p. 764.

## ARTICLE V

The said commissioners shall, by a report under their hands and seals, decide upon the justice of the said claims and the amount of compensation, if any, due from the Mexican Government in each case.

## ARTICLE VI

It is agreed that if it should not be convenient for the Mexican Government to pay at once the amount so found due, it shall be at liberty, immediately after the decisions in the several cases shall have taken place, to issue Treasury notes, receivable at the maritime custom-houses of the Republic in payment of any duties which may be due or imposed at said custom-houses upon goods entered for importation or exportation; said Treasury notes to bear interest at the rate of eight per centum per annum from the date of the award on the claim in payment of which said Treasury notes shall have been issued until that of their receipt at the Mexican custom-houses. But as the presentation and receipt of said Treasury notes at said custom-houses in large amounts might be inconvenient to the Mexican Government, it is further agreed that, in such case, the obligation of said Government to receive them in payment of duties, as above stated, may be limited to one-half the amount of said duties.

## ARTICLE VII

It is further agreed that in the event of the commissioners differing in relation to the aforesaid claims, they shall, jointly or severally, draw up a report, stating, in detail, the points on which they differ, and the grounds upon which their respective opinions have been formed. And it is agreed that the said report or reports, with authenticated copies of all documents upon which they may be founded, shall be referred to the decision of His Majesty the King of Prussia. But as the documents relating to the aforesaid claims are so voluminous that it cannot be expected His Prussian Majesty would be willing or able personally to investigate them, it is agreed that he shall appoint a person to act as an arbiter in his behalf; that the person so appointed shall proceed to Washington; that his travelling expenses to that city and from thence on his return to his place of residence in Prussia, shall be defrayed, one-half by the United States and one-half by the Mexican Republic; and that he shall receive as a compensation for his services a sum equal to one-half the compensation that may be allowed by the United States to one of the commissioners to be appointed by them, added to one-half the compensation that may be allowed by the Mexican Government to one of the commissioners to be appointed by it. And the compensation of such arbiter shall be paid, one-half by the United States and one-half by the Mexican Government.

## ARTICLE VIII

Immediately after the signature of this convention, the Plenipotentiaries of the contracting parties (both being thereunto competently authorized) shall, by a joint note, addressed to the Minister for Foreign Affairs of His Majesty the King of Prussia, to be delivered by the Minister of the United States at Berlin, invite the said monarch to appoint an umpire to act in his behalf in the manner above mentioned, in case this convention shall be ratified respectively by the Governments of the United States and Mexico.

## ARTICLE IX

It is agreed that, in the event of His Prussian Majesty's declining to appoint an umpire to act in his behalf, as aforesaid, the contracting parties, on being informed thereof, shall, without delay, invite Her Britannic Majesty, and in case of her declining, His Majesty the King of the Netherlands, to appoint an umpire to act in their behalf, respectively, as above provided.

## ARTICLE X

And the contracting parties further engage to consider the decision of such umpire to be final and conclusive on all the matters so referred.

## ARTICLE XI

For any sums of money which the umpire shall find due to citizens of the United States by the Mexican Government, Treasury notes shall be issued in the manner aforementioned.

## ARTICLE XII

And the United States agree forever to exonerate the Mexican Government from any further accountability for claims which shall either be rejected by the board or the arbiter aforesaid, or which, being allowed by either, shall be provided for by the said Government in the manner before mentioned.

## ARTICLE XIII

And it is agreed that each Government shall provide compensation for the commissioners and secretary to be appointed by it; and that the contingent expenses of the board shall be defrayed, one moiety by the United States and one moiety by the Mexican Republic.

## ARTICLE XIV

This convention shall be ratified, and the ratifications shall be exchanged at Washington within twelve months from the signature hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Mexican Republic, have signed and sealed these presents.

Done in the city of Washington on the eleventh day of April, in the year of our Lord one thousand eight hundred and thirty-nine, in the sixty-third year of the Independence of the United States of America, and the nineteenth of that of the Mexican Republic.

JOHN FORSYTH [SEAL]

FRAN. PIZARRO MARTINEZ [SEAL]

## CLAIMS

*Convention signed at México January 30, 1843, supplementing convention of April 11, 1839*

*Ratified by Mexico February 7, 1843*

*Senate advice and consent to ratification March 2, 1843*

*Ratified by the President of the United States March 13, 1843*

*Ratifications exchanged at Washington March 29, 1843*

*Entered into force March 29, 1843*

*Proclaimed by the President of the United States March 30, 1843*

*Terminated by treaty of February 2, 1848*<sup>1</sup>

8 Stat. 578; Treaty Series 206<sup>2</sup>

### CONVENTION FURTHER TO PROVIDE FOR THE PAYMENT OF AWARDS IN FAVOR OF CLAIMANTS UNDER THE CONVENTION BETWEEN THE UNITED STATES AND THE MEXICAN REPUBLIC OF THE 11<sup>th</sup> APRIL 1839

Whereas by the Convention between the United States and the Mexican Republic of the 11<sup>th</sup> of April 1839,<sup>3</sup> it is stipulated that if it should not be convenient to the Mexican Government to pay at once the sums found to be due to the Claimants under that Convention,—that Government shall be at liberty to issue Treasury notes in satisfaction of those sums;—and whereas the Government of Mexico anxious to comply with the terms of said Convention and to pay those awards in full, but finds it inconvenient either to pay them in money or to issue the said Treasury notes, The President of the United States has, for the purpose of carrying into full effect the intentions of the said parties, conferred full powers on Waddy Thompson, Envoy Extraordinary and Minister of the United States to the Mexican Government, and the President of the Mexican Republic has conferred full powers on José M<sup>a</sup> de Bocanegra, Minister of Foreign Relations and Government, and Manuel Eduardo de Gorostiza, Minister of Finances;

And the said Plenipotentiaries after having exchanged their full powers,—found to be in due form,—have agreed to and concluded the following articles.

<sup>1</sup> TS 207, *post*, p. 791. The 1848 treaty provides in art. XIII for payment of the awards rendered under the treaties of 1839 and 1843.

<sup>2</sup> For a detailed study of this convention, see 4 Miller 479.

<sup>3</sup> TS 205, *ante*, p. 783.

ARTICLE 1<sup>st</sup>

On the 30<sup>th</sup> day of April 1843, the Mexican Government shall pay all the interest which may then be due on the awards in favor of claimants under the Convention of the 11<sup>th</sup> of April 1839, in gold or silver money, in the city of Mexico.

ARTICLE 2<sup>d</sup>

The principal of the said awards and the interest accruing thereon, shall be paid in five years in equal instalments every three months, the said term of five years to commence on the 30<sup>th</sup> day of April 1843 aforesaid.

ARTICLE 3<sup>d</sup>

The payments aforesaid shall be made in the city of Mexico to such person as the United States may authorize to receive them in gold or silver money. But no circulation, export nor other duties shall be charged thereon, and the Mexican Government takes the risk, charges and expenses of the transportation of the money to the city of Veracruz.

ARTICLE 4<sup>th</sup>

The Mexican Government hereby solemnly pledges the proceeds of the direct taxes of the Mexican Republic for the payment of the instalments and interest aforesaid; but it is understood that whilst no other fund is thus specifically hypothecated that the Government of the United States by accepting this pledge does not incur any obligation to look for payment of those instalments and interest to that fund alone.

ARTICLE 5<sup>th</sup>

As this new arrangement which is entered into for the accommodation of Mexico, will involve additional charges of freight, commissions &c., the Government of Mexico hereby agrees to add two and a half per centum to each of the aforesaid payments on account of said charges.

ARTICLE 6<sup>th</sup>

A new Convention shall be entered into for the settlement of all claims of the Government and Citizens of the United States against the Republic of Mexico, which were not finally decided by the late Commission which met in the city of Washington, and of all claims of the Government and citizens of Mexico against the U. States.

ARTICLE 7<sup>th</sup>

The ratifications of this Convention shall be exchanged at Washington within three months after the date thereof provided it shall arrive at Washington before the adjournment of the present Session of Congress,—and if not

then within one month after the meeting of the next Congress of the United States.

In faith whereof we the Plenipotentiaries of the United States of America, and of the Mexican Republic have signed and sealed these presents.

Done at the city of Mexico on the thirtieth day of January one thousand eight hundred and forty three, and in the sixty seventh year of the Independence of the United States of America, and in the twenty third of that of the Mexican Republic.

WADDY THOMPSON [SEAL]

J. M<sup>a</sup> DE BOCANEGRA [SEAL]

M. E. DE GOROSTIZA [SEAL]

# PEACE, FRIENDSHIP, LIMITS, AND SETTLEMENT (TREATY OF GUADALUPE HIDALGO)

*Treaty signed at Guadalupe Hidalgo February 2, 1848*

*Senate advice and consent to ratification, with amendments, March 10, 1848*<sup>1</sup>

*Ratified by the President of the United States, with amendments, March 16, 1848*<sup>1</sup>

*Ratified by Mexico May 30, 1848*

*Ratifications exchanged at Querétaro May 30, 1848*

*Entered into force May 30, 1848*

*Proclaimed by the President of the United States July 4, 1848*

*Articles V, VI, and VII amended and article XI abrogated by treaty of December 30, 1853*<sup>2</sup>

*Article XXI continued in effect by convention of March 24, 1908*<sup>3</sup>

*Articles II–IV, XII–XV, and XVII–XX terminated upon fulfillment of terms*

9 Stat. 922; Treaty Series 207<sup>4</sup>

In the name of Almighty God:

The United States of America, and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily

<sup>1</sup> For United States amendments to arts. III, IX–XII, and XXIII, see footnotes to those articles. An additional and secret article was stricken out pursuant to the Senate resolution. It reads as follows:

#### “ADDITIONAL AND SECRET ARTICLE

“Of the Treaty of Peace, Friendship, Limits and Settlement between the United States of America and the Mexican Republic, signed this day by their respective Plenipotentiaries.

“In view of the possibility that the exchange of the ratifications of this treaty may, by the circumstances in which the Mexican Republic is placed, be delayed longer than the term of four months fixed by its twenty-third Article for the exchange of ratifications of the same; it is hereby agreed that such delay shall not, in any manner, affect the force and validity of this Treaty, unless it should exceed the term of eight months, counted from the date of the signature thereof.

“This Article is to have the same force and virtue as if inserted in the treaty to which it is an Addition.

“In faith whereof, we, the respective Plenipotentiaries have signed this Additional and Secret Article, and have hereunto affixed our seals respectively. Done in Quintuplicate at the City of Guadalupe Hidalgo on the second day of February, in the year of Our Lord one thousand eight hundred and forty-eight.

“N. P. TRIST	[SEAL]
LUIS G. CUEVAS	[SEAL]
BERNARDO COUTO	[SEAL]
MIG <sup>1</sup> ATRISTAIN	[SEAL]”

The text printed here is the amended text as proclaimed by the President.

<sup>2</sup> TS 208, *post*, p. 812.

<sup>3</sup> TS 500, *post*, p. 927.

<sup>4</sup> For a detailed study of this treaty, see 5 Miller 207.

exists between the two Republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony and mutual confidence, wherein the two Peoples should live, as good Neighbours, have for that purpose appointed their respective Plenipotentiaries: that is to say, the President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican Republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Couto, and Don Miguel Atristain, citizens of the said Republic; who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of Peace, arranged, agreed upon, and signed the following

TREATY OF PEACE, FRIENDSHIP, LIMITS AND SETTLEMENT BETWEEN  
THE UNITED STATES OF AMERICA AND THE MEXICAN REPUBLIC

ARTICLE I

There shall be firm and universal peace between the United States of America and the Mexican Republic, and between their respective Countries, territories, cities, towns and people, without exception of places or persons.

ARTICLE II

Immediately upon the signature of this Treaty, a convention shall be entered into between a Commissioner or Commissioners appointed by the General in Chief of the forces of the United States, and such as may be appointed by the Mexican Government, to the end that a provisional suspension of hostilities shall take place, and that, in the places occupied by the said forces, constitutional order may be reestablished, as regards the political, administrative and judicial branches, so far as this shall be permitted by the circumstances of military occupation.<sup>5</sup>

ARTICLE III

Immediately upon the ratification of the present treaty by the Government of the United States, orders shall be transmitted to the Commanders of their land and naval forces, requiring the latter, (provided this Treaty shall then have been ratified by the Government of the Mexican Republic and the ratifications exchanged)<sup>6</sup> immediately to desist from blockading any Mexican ports; and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing all troops of the United States then in the interior of the Mexican Republic, to points, that shall be selected by common agreement, at a distance from the sea-ports, not exceed-

<sup>5</sup> For text of military convention signed Feb. 29, 1848, see *post*, p. 807.

<sup>6</sup> The phrase "and the ratifications exchanged" was added by the United States amendments.

ing thirty leagues; and such evacuation of the interior of the Republic shall be completed with the least possible delay: the Mexican Government hereby binding itself to afford every facility in it's power for rendering the same convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner, orders shall be despatched to the persons in charge of the custom houses at all ports occupied by the forces of the United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican Government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports, collected at such Custom Houses, or elsewhere in Mexico, by authority of the United States, from and after the day of ratification of this Treaty by the Government of the Mexican Republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican Government, at the City of Mexico, within three months after the exchange of ratifications.

The evacuation of the Capital of the Mexican Republic by the Troops of the United States, in virtue of the above stipulation, shall be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

#### ARTICLE IV

Immediately after the exchange of ratifications of the present treaty, all castles, forts, territories, places and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican Republic, as about to be established by the following Article, shall be definitively restored to the said Republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the Government of the Mexican Republic. To this end, immediately upon the signature of this treaty, orders shall be despatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulations, as regards the restoration of artillery, apparatus of war, &c.

The final evacuation of the territory of the Mexican Republic, by the forces of the United States, shall be completed in three months from the said exchange of ratifications, or sooner, if possible: the Mexican Government hereby engaging, as in the foregoing Article, to use all means in it's power

for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

If, however, the ratification of this treaty by both parties should not take place in time to allow the embarkation of the troops of the United States to be completed before the commencement of the sickly season, at the Mexican ports on the Gulf of Mexico; in such case a friendly arrangement shall be entered into between the General in Chief of the said troops and the Mexican Government, whereby healthy and otherwise suitable places at a distance from the ports not exceeding thirty leagues shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to, as comprehending the sickly season, shall be understood to extend from the first day of May to the first day of November.

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following Article, the Government of the said United States will exact the release of such captives, and cause them to be restored to their country.

#### ARTICLE V <sup>7</sup>

The Boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence, up the middle of that river, following the deepest channel, where it has more than one to the point where it strikes the Southern boundary of New Mexico; thence, westwardly along the whole Southern Boundary of New Mexico (which runs north of the town called *Paso*) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila; (or if it should not intersect any branch of that river, then, to the point on the said line nearest to such branch, and thence in a direct line to the same;) thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence, across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

The southern and western limits of New Mexico, mentioned in this Article, are those laid down in the Map, entitled "*Map of the United Mexican States, as organized and defined by various acts of the Congress of said Republic, and constructed according to the best authorities. Revised edition. Published at New York in 1847 by J. Disturnell.*" Of which Map a Copy is added to

<sup>7</sup> For an amendment to art. V, see treaty of Dec. 30, 1853 (TS 208), *post*, p. 812.

this Treaty,<sup>8</sup> bearing the signatures and seals of the Undersigned Plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line, drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the Coast of the Pacific Ocean, distant one marine league due south of the southernmost point of the Port of San Diego, according to the plan of said port, made in the year 1782, by Don Juan Pantoja, second sailing-Master of the Spanish fleet, and published at Madrid in the year 1802, in the Atlas to the voyage of the schooners *Sutil* and *Mexicana*: of which plan a Copy is hereunto added,<sup>9</sup> signed and sealed by the respective Plenipotentiaries.

In order to designate the Boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both Republics, as described in the present Article, the two Governments shall each appoint a Commissioner and a Surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the Port of San Diego, and proceed to run and mark the said Boundary in it's whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result, agreed upon by them, shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

The Boundary line established by this Article shall be religiously respected by each of the two Republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the General Government of each, in conformity with it's own constitution.

#### ARTICLE VI<sup>10</sup>

The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the Gulf of California, and by the river Colorado below it's confluence with the Gila, to and from their possessions situated north of the Boundary line defined in the preceding Article: it being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal or railway, which should, in whole or in part, run upon the river Gila, or upon it's right or it's

<sup>8</sup> For a reproduction of the Disturnell map, see 5 Miller (inside back cover).

<sup>9</sup> For a reproduction of the plan of the Port of San Diego, see 5 Miller (opposite p. 236).

<sup>10</sup> For amendments to arts. VI and VII, see treaty of Dec. 30, 1853 (TS 208), *post*, p. 814.

left bank, within the space of one marine league from either margin of the river, the Governments of both Republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

#### ARTICLE VII

The river Gila, and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being, agreeably to the fifth Article, divided in the middle between the two Republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right: not even for the purpose of favoring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both Governments.

The stipulations contained in the present Article shall not impair the territorial rights of either Republic, within its established limits.

#### ARTICLE VIII

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present Treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof and removing the proceeds wherever they please; without their being subjected, on this account, to any contribution, tax or charge whatever.

Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But, they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty: and those who shall remain in the said territories, after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it, guaranties equally ample as if the same belonged to citizens of the United States.

ARTICLE IX<sup>11</sup>

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted, at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

ARTICLE X<sup>12</sup>

<sup>11</sup> The United States amendment of art. IX substituted a new text. The text of art. IX as signed reads as follows:

"The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding Article, shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights of citizens of the United States. In the mean time, they shall be maintained and protected in the enjoyment of their liberty, their property, and the civil rights now vested in them according to the Mexican laws. With respect to political rights, their condition shall be on an equality with that of the inhabitants of the other territories of the United States; and at least equally good as that of the inhabitants of Louisiana and the Floridas, when these provinces, by transfer from the French Republic and the Crown of Spain, became territories of the United States.

"The same most ample guaranty shall be enjoyed by all ecclesiastics and religious corporations or communities, as well in the discharge of the offices of their ministry, as in the enjoyment of their property of every kind, whether individual or corporate. This guaranty shall embrace all temples, houses and edifices dedicated to the Roman Catholic worship; as well as all property destined to it's support, or to that of schools, hospitals and other foundations for charitable or beneficent purposes. No property of this nature shall be considered as having become the property of the American Government, or as subject to be, by it, disposed of or diverted to other uses.

"Finally, the relations and communication between the Catholics living in the territories aforesaid, and their respective ecclesiastical authorities, shall be open, free and exempt from all hindrance whatever, even although such authorities should reside within the limits of the Mexican Republic, as defined by this treaty; and this freedom shall continue, so long as a new demarcation of ecclesiastical districts shall not have been made, conformably with the laws of the Roman Catholic Church."

<sup>12</sup> Art. X, stricken out by the United States amendments, reads as follows:

"All grants of land made by the Mexican Government or by the competent authorities, in territories previously appertaining to Mexico, and remaining for the future within the limits of the United States, shall be respected as valid, to the same extent that the same grants would be valid, if the said territories had remained within the limits of Mexico. But the grantees of lands in Texas, put in possession thereof, who, by reason of the circumstances of the country since the beginning of the troubles between Texas and the Mexican Government, may have been prevented from fulfilling all the conditions of their grants, shall be under the obligation to fulfill the said conditions within the periods limited in the same respectively; such periods to be now counted from the date of the exchange of ratifications of this treaty: in default of which the said grants shall not be obligatory upon the State of Texas, in virtue of the stipulations contained in this Article.

Footnote continued on following page.

ARTICLE XI <sup>13</sup>

Considering that a great part of the territories which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the Government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme; it is solemnly agreed that all such incursions shall be forcibly restrained by the Government of the United States, whensoever this may be necessary; and that when they cannot be prevented, they shall be punished by the said Government, and satisfaction for the same shall be exacted: all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within it's own territory against it's own citizens.

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States, to purchase or acquire any Mexican or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two Republics; nor to purchase or acquire horses, mules, cattle or property of any kind, stolen within Mexican territory by such Indians; <sup>14</sup>

And, in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the United States, the Government of the latter engages and binds itself, in the most solemn manner, so soon as it shall know of such captives being within it's territory, and shall be able so to do, through the faithful exercise of it's influence and power, to rescue them, and return them to their country, or deliver them to the agent or representative of the Mexican Government. The Mexican Authorities will, as far as practicable, give to the Government of the United States notice of such captures; and it's agent shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the mean time, shall be treated with the utmost hospitality by the American Authorities at the place where they may be. But if the Government of the United States, before receiving such notice from Mexico, should obtain intelligence through any other channel, of the existence of Mexican captives

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Footnote continued from previous page.

"The foregoing stipulation in regard to grantees of land in Texas, is extended to all grantees of land in the territories aforesaid, elsewhere than in Texas, put in possession under such grants; and, in default of the fulfilment of the conditions of any such grant, within the new period, which, as is above stipulated, begins with the day of the exchange of ratifications of this treaty, the same shall be null and void.

"The Mexican Government declares that no grant whatever of lands in Texas has been made since the second day of March one thousand eight hundred and thirty six; and that no grant whatever of lands in any of the territories aforesaid has been made since the thirteenth day of May one thousand eight hundred and forty-six."

<sup>13</sup> Abrogated by treaty of Dec. 30, 1853 (TS 208), *post*, p. 814.

<sup>14</sup> The United States amendments called for deletion, at the end of this paragraph, of the phrase "nor to provide such Indians with fire-arms or ammunition by sale or otherwise".

within it's territory, it will proceed forthwith to effect their release and delivery to the Mexican agent, as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the Government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And finally, the sacredness of this obligation shall never be lost sight of by the said Government, when providing for the removal of the Indians from any portion of the said territories, or for it's being settled by citizens of the United States; but on the contrary, special care shall then be taken not to place it's Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.

## ARTICLE XII

In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth Article of the present treaty, the Government of the United States engages to pay to that of the Mexican Republic the sum of fifteen Millions of Dollars.<sup>15</sup>

Immediately after this Treaty shall have been duly ratified by the Government of the Mexican Republic, the sum of three Millions of Dollars shall be paid to the said Government by that of the United States at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve Millions of Dollars shall be paid at the same place, and in the same coin, in annual instalments of three Millions of Dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions, from the day of the ratification of the present treaty by the Mexican Government, and the first of the

<sup>15</sup> The following words were deleted at this place in accordance with the United States amendments:

. . . , "in the one or the other of the two modes below specified. The Mexican Government shall, at the time of ratifying this treaty, declare which of these two modes of payment it prefers; and the mode so elected by it shall be conformed to by that of the United States.

"First mode of payment: Immediately after this treaty shall have been duly ratified by the Government of the Mexican Republic, the sum of three Millions of Dollars shall be paid to the said Government by that of the United States at the city of Mexico, in the gold or silver coin of Mexico. For the remaining twelve millions of dollars, the United States shall create a stock, bearing an interest of six per centum per annum, commencing on the day of the ratification of this Treaty by the Government of the Mexican Republic, and payable annually at the city of Washington: the principal of said stock to be redeemable there, at the pleasure of the Government of the United States, at any time after two years from the exchange of ratifications of this treaty; six months public notice of the intention to redeem the same being previously given. Certificates of such stock, in proper form, for such sums as shall be specified by the Mexican Government, and transferable by the said Government, shall be delivered to the same by that of the United States.

"Second mode of payment:"

instalments shall be paid at the expiration of one year from the same day. Together with each annual instalment, as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid.<sup>16</sup>

### ARTICLE XIII

The United States engage moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims already liquidated and decided against the Mexican Republic, under the conventions between the two Republics, severally concluded on the eleventh day of April eighteen hundred and thirty-nine,<sup>17</sup> and on the thirtieth day of January eighteen hundred and forty three:<sup>18</sup> so that the Mexican Republic shall be absolutely exempt for the future, from all expense whatever on account of the said claims.

### ARTICLE XIV

The United States do furthermore discharge the Mexican Republic from all claims of citizens of the United States, not heretofore decided against the Mexican Government, which may have arisen previously to the date of the signature of this treaty: which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the Board of Commissioners provided for in the following Article, and whatever shall be the total amount of those allowed.

### ARTICLE XV

The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding Article, and considering them entirely and forever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one quarter millions of dollars. To ascertain the validity and amount of those claims, a Board of Commissioners shall be established by the Government of the United States, whose awards shall be final and conclusive: provided that in deciding upon the validity of each claim, the board shall be guided and governed by the principles and rules of decision described by the first and fifth Articles of the unratified convention, concluded at the city of Mexico on the twentieth day of November one thousand eight hundred and forty-three; and in no case shall an award be made in favor of any claim not embraced by these principles and rules.

If, in the opinion of the said Board of Commissioners, or of the claimants, any books, records or documents in the possession or power of the Govern-

<sup>16</sup> The following concluding sentence was deleted from this paragraph in accordance with the United States amendments: "Certificates in proper form, for the said instalments respectively, in such sums as shall be desired by the Mexican Government, and transferable by it, shall be delivered to the said Government by that of the United States."

<sup>17</sup> TS 205, *ante*, p. 783.

<sup>18</sup> TS 206, *ante*, p. 788.

ment of the Mexican Republic, shall be deemed necessary to the just decision of any claim, the Commissioners or the claimants, through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican Minister for Foreign Affairs, to be transmitted by the Secretary of State of the United States; and the Mexican Government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records or documents, so specified, which shall be in their possession or power, (or authenticated copies or extracts of the same) to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said Board of Commissioners: *Provided* That no such application shall be made, by, or at the instance of, any claimant, until the facts which it is expected to prove by such books, records or documents, shall have been stated under oath or affirmation.

#### ARTICLE XVI

Each of the contracting parties reserves to itself the entire right to fortify whatever point within its territory, it may judge proper so to fortify, for its security.

#### ARTICLE XVII

The Treaty of Amity, Commerce and Navigation, concluded at the city of Mexico on the fifth day of April A.D. 1831,<sup>19</sup> between the United States of America and the United Mexican States, except the additional Article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

#### ARTICLE XVIII

All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops, previous to the final evacuation thereof, although subsequently to the restoration of the Custom Houses at such ports, shall be entirely exempt from duties and charges of any kind: the Government of the United States hereby engaging and pledging its faith to establish and vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles, other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end, it shall be the duty of all

<sup>19</sup> TS 203, *ante*, p. 764.

officers and agents of the United States to denounce to the Mexican Authorities at the respective ports, any attempts at a fraudulent abuse of this stipulation, which they may know of or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto: and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

#### ARTICLE XIX

With respect to all merchandise, effects and property whatsoever, imported into ports of Mexico, whilst in the occupation of the forces of the United States, whether by citizens of either republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:

I. All such merchandise, effects and property, if imported previously to the restoration of the Custom Houses to the Mexican Authorities, as stipulated for in the third Article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

II. The same perfect exemption shall be enjoyed by all such merchandise, effects and property, imported subsequently to the restoration of the Custom Houses, and previously to the sixty days fixed in the following Article for the coming into force of the Mexican tariff at such ports respectively: the said merchandise, effects and property being, however, at the time of their importation, subject to the payment of duties as provided for in the said following Article.

III. All merchandise, effects and property, described in the two rules foregoing, shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

IV. All merchandise, effects and property, described in the first and second rules, which shall have been removed to any place in the interior, whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

V. But if any merchandise, effects or property, described in the first and second rules, shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases, if they had been imported in time of peace through the Maritime Custom Houses, and had there paid the duties, conformably with the Mexican tariff.

VI. The owners of all merchandise, effects or property, described in the first and second rules, and existing in any port of Mexico, shall have the right to reship the same, exempt from all tax, impost or contribution whatever.

With respect to the metals, or other property, exported from any Mexican port, whilst in the occupation of the forces of the United States, and previously to the restoration of the Custom House at such port, no person shall be required by the Mexican Authorities, whether General or State, to pay any tax, duty or contribution upon any such exportation, or in any manner to account for the same to the said Authorities.

#### ARTICLE XX

Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the Custom Houses, conformably with the stipulation in the third Article, in such case, all merchandise, effects and property whatsoever, arriving at the Mexican ports after the restoration of the said Custom Houses, and previously to the expiration of sixty days after the day of the signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such Custom Houses at the time of the restoration of the same. And to all such merchandise, effects and property, the rules established by the preceding Article shall apply.

#### ARTICLE XXI

If unhappily any disagreement should hereafter arise between the Governments of the two Republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two Nations, the said Governments, in the name of those Nations, do promise to each other, that they will endeavour, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship, in which the two countries are now placing themselves: using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression or hostility of any kind, by the one Republic against the other, until the Government of that which deems itself aggrieved, shall have maturely considered, in the spirit of peace and good neighbourship, whether it would not be better that such difference should be settled by the arbitration of Commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other,

unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

## ARTICLE XXII

If (which is not to be expected, and which God forbid!) war should unhappily break out between the two Republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world, to observe the following rules: absolutely, where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible.

I. The merchants of either Republic, then residing in the other, shall be allowed to remain twelve months (for those dwelling in the interior) and six months (for those dwelling at the sea-ports) to collect their debts and settle their affairs; during which periods they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects, without molestation or hinderance: conforming therein to the same laws, which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, unmolested in their persons. Nor shall their houses or goods be burnt, or otherwise destroyed; nor their cattle taken, nor their fields wasted, by the armed force, into whose power, by the events of war, they may happen to fall; but if the necessity arise to take anything from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties and the pursuit of their vocations.

II. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldier shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in

barracks as roomy and good as are provided by the party in whose power they are for it's own troops. But, if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer or other prisoner, shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished by the party in whose power they are, with as many rations, and of the same articles as are allowed either in kind or by commutation, to officers of equal rank in it's own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in it's own service: the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other: which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretence that war dissolves all treaties, nor any other whatever shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided; and during which it's stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

#### ARTICLE XXIII

This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Mexican Republic, with the previous approbation of it's General Congress: and the ratifications shall be exchanged in the City of Washington, or at the seat of government of Mexico,<sup>20</sup> in four months from the date of the signature hereof, or sooner if practicable.

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<sup>20</sup> The phrase "or at the seat of government of Mexico" was added by the United States amendments.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty of Peace, Friendship, Limits and Settlement, and have hereunto affixed our seals respectively. Done in Quintuplicate, at the City of Guadalupe Hidalgo, on the second day of February in the year of Our Lord one thousand eight hundred and forty eight.

N. P. TRIST [SEAL]

LUIS G. CUEVAS [SEAL]

BERNARDO COUTO [SEAL]

MIG<sup>1</sup> ATRISTAIN [SEAL]

## SUSPENSION OF HOSTILITIES

*Military convention signed at México February 29, 1848*

*Ratified for Mexico March 4, 1848*

*Ratified for the United States March 5, 1848*

*Entered into force March 5, 1848*

*Terminated upon fulfillment of its terms*

5 Miller 407

### MILITARY CONVENTION FOR THE PROVISIONAL SUSPENSION OF HOSTILITIES

The undersigned met in the City of Mexico on the twenty ninth day of February 1848 for the purpose of complying with the 2nd Article of the treaty of peace which was signed at the town of Guadalupe Hidalgo on the 2nd instant,<sup>1</sup> in which it is agreed as follows:

“Immediately upon the signature of this treaty a convention shall be entered into between a Commissioner or Commissioners appointed by the General in Chief of the forces of the United States and such as may be appointed by the Mexican Government; to the end that a provisional suspension of hostilities shall take place, and that, in the places occupied by the said forces, constitutional order may be re-established, as regards the political, administrative and judicial branches, so far as this shall be permitted by the circumstances of Military occupation”.

When having mutually exhibited and examined their respective full powers which were found full and satisfactory they agreed upon the following Articles.

#### ARTICLE 1ST

There shall be an absolute and general suspension of Arms and hostilities throughout the whole republic of Mexico between the forces of the United States of America and those of the United Mexican States:—and consequently; immediately after the publication of this convention for the suspension of hostilities, in any place or district, no act of hostility of any kind shall be committed by the forces of either party;—and if any person or persons be guilty of any breach of this article, they shall be individually liable to be tried and condemned under the laws of War.

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<sup>1</sup> TS 207, *ante*, p. 791.

## ARTICLE 2ND

The troops of the United States shall not advance beyond the positions already occupied by them towards any part of the Mexican territory not now in their possession, nor extend in any manner the limits of their present occupation—nor shall the troops of the United Mexican States advance from the positions now occupied by them, but each party may move freely and peaceably as they find most convenient, within the limits of their occupation, neither passing through a territory occupied by the other.

## ARTICLE 3RD

All persons of either nation not belonging to the Army, may travel without molestation wherever their business may call them, subject to the laws of the country—But all persons belonging to the Army traveling from the posts of one, towards those of the other, shall be accompanied by a flag of truce or a Safe Conduct.

## ARTICLE 4TH

In the Federal District and in all States occupied by the American troops, the collection of all the contributions of war provided for by General Orders Nos. 376. & 395. of the Commander in Chief of said forces, due or becoming due for the months of February and March, shall be suspended until the expiration of this convention; and upon the ratification by the Mexican Government of the treaty of Peace signed on the second instant, all such contributions for the months of February and March, and afterwards shall be entirely remitted. But the tax on Gaming houses, liquor shops, and places of public amusement shall continue to be collected as now, in each place occupied by the American troops, until the exchange of the ratification of the treaty; without prejudice to the rights of the municipal authorities to collect taxes as heretofore.

## ARTICLE 5TH

With a view to the re-establishment of constitutional order as regards the political, administrative and judicial branches—it is agreed that in all the places occupied by the American forces, the citizens of the Mexican Republic shall be free to exercise all their political rights in Electing and installing the general, State and municipal authorities which belong to the Territorial division fixed by the Mexican laws and Constitution.

The American authorities will respect the exercise of those rights, and consider those as duly elected, who are held as such by the Mexican Government and in like manner will be considered those civil appointments made by the Mexican general or State government.

## ARTICLE 6TH

Whenever an election is to be held in any town or place, occupied by the American troops: upon due notice thereof being given to the commanding officer, he shall march the whole of his force out of the limits of such town or place and there remain with them, until after the hour at which such elections should be concluded, leaving within the town or place only the force necessary for the security of his barracks, hospitals, stores and quarters.

And no person belonging to the American Army, shall by any means or on any consideration attempt to obstruct or interfere with any election: in order that they may be conducted according to the Mexican laws.

In Vera Cruz, the troops shall retire within the walls of the fortifications, and there remain until the elections are concluded.

## ARTICLE 7TH

The Mexican authorities whether General, State or municipal shall have full liberty to establish and collect in the places occupied by the American troops all taxes and revenues in conformity with the laws of the country: to appoint all officers and agents necessary for the purpose, to dispose of such revenues as they may think fit, without any intervention on the part of the American troops: Excepting from this stipulation, all duties collected in the Custom houses, all internal duties on transit, and those collected on the precious metals in the places occupied.

But if the Mexican Government desire to re-establish the Tobacco monopoly, It shall give public notice of its intention, 60 days, to be counted from the date of this convention, in order that the holders of that article may have time to dispose of it. Nor shall any tax be laid upon any one belonging to the American Army nor on its necessary supplies.

## ARTICLE 8TH

In all places of the Mexican Republic the Revenue and administrations of the Post-office shall be re-established as they previously existed. All post houses, Post offices, public stages, horses, mules and other means of transportation shall receive the protection of the forces of both parties, and the whole shall be managed and conducted by the persons appointed in conformity with law, by the Mexican Government.

## ARTICLE 9TH

Should there be any stock or deposite of Tobacco, Stamped paper or Playing cards, or other articles of commerce belonging to the Mexican Government or to that of any of the States, in any place occupied by the American troops, and of which they have not taken possession; such articles may be

freely taken possession of by the Mexican Government and transported in such manner, and to such places as may suit its convenience.

#### ARTICLE 10TH

Immediately after the publication of this convention all public offices not in the occupation of the American troops, and all Archives, Utensils and furniture of such offices shall be delivered up to civil officers of the General or State Governments; and as soon as other convenient places can be provided for the troops and officers now occupying them, all Convents of Nuns, Colleges for Education, Public Hospitals and other buildings for charitable purposes—shall be immediately vacated and delivered up.

#### ARTICLE 11TH

In all places occupied by the American troops—The Federal and State courts of justice and civil tribunals of every grade may enter freely and without any interruption, upon the exercise of their appropriate functions in conformity with the Mexican laws.

Nor will the American Military tribunals or civil tribunals created by their authority, take cognizance of or interfere in any cause or matter, unless a person belonging to the American Army be originally a party or the interest of the American Government or Army be concerned, in which cases, the jurisdiction shall remain in them; and the Mexican tribunals recognized and to be respected by the American Army, shall be those designated as legal by the proper authority of the Mexican General or State Governments respectively.

#### ARTICLE 12TH

In the Federal District there may be organized and armed a force of 600 men of police or national guard to preserve order and maintain police—and in other places occupied by the American forces the Commanders thereof and the Mexican civil authorities shall agree upon the establishment of a convenient force for similar purposes.

#### ARTICLE 13TH

In future as heretofore—in all the places occupied, Mexicans or Foreigners resident in Mexico, shall enjoy the protection of person and property guaranteed by the constitution and Laws of the Republic—and, as has heretofore been done, all supplies taken for the American Army shall be paid for at fair prices.

#### ARTICLE 14TH

The commanding officers of the American forces on the northern frontier of Mexico shall use all their influence to prevent the incursions of savages into the Mexican territory, and the robbery and ill treatment of the inhabitants—

and the Mexican forces may assemble, oppose and pursue said Indians even within the lines occupied by the American troops, without being considered as infringing the provisions of this convention.

#### ARTICLE 15TH

The American Army will continue to respect as hitherto, the temples and free exercise of the religion of the people of the Mexican Republic, in public and private—and church property shall be subject only to such laws as were in existence, or may be passed by the Mexican Government.

#### ARTICLE 16TH

If any body of armed men be assembled in any part of the Mexican Republic with a view of committing hostilities not authorized by either government; It shall be the duty of either or both of the contracting parties to oppose and disperse such body, without considering those who compose it, as having forfeited the protection of the laws of nations, unless they have been guilty of robbery or murder.

The performance of this duty shall not be considered an infraction of this convention.

#### ARTICLE 17TH

This convention shall remain in force during the period fixed by the Treaty signed on the second instant at Guadalupe Hidalgo—or until one party shall give to the other, notice of its termination with the following additional delay, to wit: five days for all places within 60 leagues of the Capital, seven days for all places within 90 Leagues and twenty days for all other places.

The ratification of this convention shall be exchanged at Mexico within seven days from its signature.

In faith of which this convention has been signed in quadruplicate by the Commissioners the day month and Year first mentioned.

IGNACIO DE MORA Y VILLAMIL  
 BENITO QUIJANO  
 W. J. WORTH *Bt Major General*  
 PERSIFOR F. SMITH *Bt Brig. General*

Ratified by me as General in Chief of the Army of Operations in Querétaro with previous authorization of the Supreme Government and in conformity with its instructions. Querétaro, March fourth, one thousand eight hundred and forty-eight [translation].

MANUEL MAR<sup>a</sup> LOMBARDINI

Ratified by me, at the city of Mexico, March 5, 1848.

W. O. BUTLER *Maj. Gen. Comg.*

## BOUNDARIES (GADSDEN TREATY)

*Treaty signed at México December 30, 1853*

*Senate advice and consent to ratification, with amendments, April 25, 1854*<sup>1</sup>

*Ratified by Mexico May 31, 1854*

*Ratified by the President of the United States, with amendments, June 29, 1854*<sup>1</sup>

*Ratifications exchanged at Washington June 30, 1854*

*Entered into force June 30, 1854*

*Proclaimed by the President of the United States June 30, 1854*

*Article 8 terminated December 21, 1937, by treaty of April 13, 1937*<sup>2</sup>

10 Stat. 1031; Treaty Series 208

### In the Name of Almighty God

The Republic of Mexico and the United States of America desiring to remove every cause of disagreement, which might interfere in any manner with the better friendship and intercourse between the two Countries; and especially, in respect to the true limits which should be established, when notwithstanding what was covenanted in the Treaty of Guadalupe Hidalgo in the Year 1848,<sup>3</sup> opposite interpretations have been urged, which might give occasion to questions of serious moment: to avoid these, and to strengthen and more firmly maintain the peace, which happily prevails between the two Republics, the President of the United States has for this purpose, appointed James Gadsden Envoy Extraordinary and Minister Plenipotentiary of the same near the Mexican Government, and the President of Mexico has appointed as Plenipotentiary "ad hoc" His Excellency Don Manuel Diez de Bonilla Cavalier Grand Cross of the National and Distinguished Order of Guadalupe, and Secretary of State and of the Office of Foreign Relations, and Don Jose Salazar Ylarregui and General Mariano Monterde as Scientific Commissioners invested with Full powers for this Negotia-

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<sup>1</sup> As a result of the United States amendments, the terms of the treaty were radically altered: arts. 1 and 2 were rewritten; arts. 3 and 4 were rewritten and combined as art. 3; art. 8 was deleted; and there were several minor corrections of the text. For a detailed study of this treaty, and texts of the articles as signed, see 6 Miller 293.

The text printed here is the amended text as proclaimed by the President.

<sup>2</sup> TS 932, *post*, p. 1023.

<sup>3</sup> Treaty signed Feb. 2, 1848 (TS 207, *ante*, p. 791).

tion who having communicated their respective Full Powers, and finding them in due and proper form, have agreed upon the Articles following.

#### ARTICLE 1<sup>st</sup>

The Mexican Republic agrees to designate the following as her true limits with the United States for the future; Retaining the same dividing line between the two California's, as already defined and established according to the 5th Article of the Treaty of Guadalupe Hidalgo, the limits between the Two Republics shall be as follows: Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande as provided in the fifth article of the treaty of Guadalupe Hidalgo, thence as defined in the said article, up the middle of that river to the point where the parallel of  $31^{\circ} 47'$  north latitude crosses the same, thence due west one hundred miles, thence south to the parallel of  $31^{\circ} 20'$  north latitude, thence along the said parallel of  $31^{\circ} 20'$  to the 111th meridian of longitude west of Greenwich, thence in a straight line to a point on the Colorado river twenty english miles below the junction of the Gila and Colorado rivers, thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico.

For the performance of this portion of the Treaty each of the two Governments shall nominate one Commissioner to the end that, by common consent, the two thus nominated having met in the City of Paso del Norte, three months after the exchange of the ratifications of this Treaty may proceed to survey and mark out upon the land the dividing line stipulated by this article, where it shall not have already been surveyed and established by the Mixed Commission according to the Treaty of Guadalupe keeping a Journal and making proper plans of their operations. For this purpose if they should Judge it is necessary, the contracting Parties shall be at liberty each to unite to its respective Commissioner Scientific or other assistants, such as Astronomers and Surveyors whose concurrence shall not be considered necessary for the settlement and ratification of a true line of division between the two Republics; that line shall be alone established upon which the Commissioners may fix, their consent in this particular being considered decisive and an integral part of this Treaty, without necessity of ulterior ratification or approval, and without room for interpretation of any kind by either of the Parties contracting.

The dividing line thus established shall in all time be faithfully respected by the two Governments without any variation therein, unless of the express and free consent of the two, given in conformity to the principles of the Law of Nations, and in accordance with the Constitution of each country respectively.

In consequence, the stipulation in the 5th Article of the Treaty of Guadalupe upon the Boundary line therein described is no longer of any force, wherein it may conflict with that here established, the said line being

considered annulled and abolished wherever it may not coincide with the present, and in the same manner remaining in full force where in accordance with the same.

#### ARTICLE 2<sup>nd</sup>

The government of Mexico hereby releases the United States from all liability on account of the obligations contained in the eleventh article of the treaty of Guadalupe Hidalgo, and the said article and the thirty third article of the treaty of amity, commerce and navigation between the United States of America and the United Mexican States concluded at Mexico, on the fifth day of April, 1831,<sup>4</sup> are hereby abrogated.

#### ARTICLE 3<sup>rd</sup>

In consideration of the foregoing stipulations, the government of the United States agrees to pay to the government of Mexico, in the city of New York, the sum of ten millions of dollars, of which seven millions shall be paid immediately upon the exchange of the ratifications of this treaty, and the remaining three millions as soon as the boundary line shall be surveyed, marked, and established.

#### ARTICLE 4<sup>th</sup>

The Provisions of the 6th and 7th Articles of the Treaty of Guadalupe Hidalgo having been rendered nugatory for the most part by the Cession of Territory granted in the First Article of this Treaty, the said Articles are hereby abrogated and annulled and the provisions as herein expressed substituted therefor—The Vessels and Citizens of the United States shall in all Time have free and uninterrupted passage through the Gulf of California to and from their possessions situated North of the Boundary line of the Two Countries. It being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government, and precisely the same provisions, stipulations and restrictions in all respects are hereby agreed upon and adopted and shall be scrupulously observed and enforced by the Two Contracting Governments in reference to the Rio Colorado, so far and for such distance as the middle of that River is made their common Boundary Line, by the First Article of this Treaty.

The several Provisions, Stipulations and restrictions contained in the 7th Article of the Treaty of Guadalupe Hidalgo, shall remain in force only so far as regards the Rio Bravo del Norte below the initial of the said Boundary provided in the First Article of this Treaty That is to say below the intersection of the 31°47'30" parallel of Latitude with the Boundary Line established by the late Treaty dividing said river from its mouth upwards according to the 5th Article of the Treaty of Guadalupe.

<sup>4</sup> TS 203, *ante*, p. 764.

ARTICLE 5<sup>th</sup>

All the provisions of the Eighth and Ninth, Sixteenth and Seventeenth Articles of the Treaty of Guadalupe Hidalgo shall apply to the Territory ceded by the Mexican Republic in the First Article of the present Treaty and to all the rights of persons and property both civil and ecclesiastical within the same, as fully and as effectually as if the said Articles were herein again recited and set forth.

ARTICLE 6<sup>th</sup>

No Grants of Land within the Territory ceded by the First Article of This Treaty bearing date subsequent to the day Twenty fifth of September—when the Minister and Subscriber to this Treaty on the part of the United States proposed to the Government of Mexico to terminate the question of Boundary, will be considered valid or be recognized by the United States, or will any Grants made previously be respected or be considered as obligatory which have not been located and duly recorded in the Archives of Mexico.

ARTICLE 7<sup>th</sup>

Should there at any future period (which God forbid) occur any disagreement between the two Nations which might lead to a rupture of their relations and reciprocal peace, they bind themselves in like manner to procure by every possible method the adjustment of every difference, and should they still in this manner not succeed, never will they proceed to a declaration of War, without having previously paid attention to what has been set forth in Article 21 of the Treaty of Guadalupe for similar cases; which Article as well as the 22nd is here re-affirmed.

ARTICLE 8<sup>th</sup> <sup>5</sup>

The Mexican government having on the 5th of February 1853 authorized the early construction of a plank and railroad across the Isthmus of Tehuantepec, and to secure the stable benefits of said transit way to the persons and merchandise of the citizens of Mexico and the United States, it is stipulated that neither government will interpose any obstacle to the transit of persons and merchandise of both nations; and at no time shall higher charges be made on the transit of persons and property of citizens of the United States than may be made on the persons and property of other foreign nations, nor shall any interest in said transit way, nor in the proceeds thereof, be transferred to any foreign government.

The United States by its Agents shall have the right to transport across the Isthmus, in closed bags, the mails of the United States not intended for distribution along the line of communication; also the effects of the United States government and its citizens, which may be intended for transit, and

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<sup>5</sup> Art 8 terminated by treaty of Apr. 13, 1937 (TS 932, *post*, p. 1023).

not for distribution on the Isthmus, free of custom-house or other charges by the Mexican government. Neither passports nor letters of security will be required of persons crossing the Isthmus and not remaining in the country.

When the construction of the railroad shall be completed, the Mexican government agrees to open a port of entry in addition to the port of Vera Cruz, at or near the terminus of said road on the Gulf of Mexico.

The two governments will enter into arrangements for the prompt transit of troops and munitions of the United States, which that government may have occasion to send from one part of its territory to another, lying on opposite sides of the continent.

The Mexican government having agreed to protect with its whole power the prosecution, preservation and security of the work, the United States may extend its protection as it shall judge wise to it when it may feel sanctioned and warranted by the public or international law.

#### ARTICLE 9<sup>th</sup>

This Treaty shall be ratified, and the respective ratifications shall be exchanged at the City of Washington, within the exact period of six months from the date of its signature or sooner if possible

In testimony whereof, We the Plenipotentiaries of the contracting parties have hereunto affixed our hands and seals at Mexico the—Thirtieth (30th)—day of December in the Year of Our Lord one thousand eight hundred and fifty three, in the thirty third year of the Independence of the Mexican Republic, and the seventy eighth of that of the United States

JAMES GADSDEN	[SEAL]
MANUEL DIEZ DE BONILLA	[SEAL]
JOSÉ SALAZAR YLARREGUI	[SEAL]
J. MARIANO MONTERDE	[SEAL]

## EXTRADITION

*Treaty signed at México December 11, 1861*

*Senate advice and consent to ratification, with an amendment, April 9, 1862*<sup>1</sup>

*Ratified by the President of the United States, with an amendment, April 11, 1862*<sup>1</sup>

*Ratified by Mexico May 20, 1862*

*Ratifications exchanged at México May 20, 1862*

*Entered into force May 20, 1862*

*Proclaimed by the President of the United States June 20, 1862*

*Terminated January 24, 1899*<sup>2</sup>

12 Stat. 1199; Treaty Series 209<sup>3</sup>

### TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES FOR THE EXTRADITION OF CRIMINALS

The United States of America and the United Mexican States, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective territories and jurisdictions, that persons charged with the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a Treaty for this purpose, and have named as their respective Plenipotentiaries, that is to say:

The President of the United States of America has appointed Thomas Corwin, a citizen of the United States and their Envoy Extraordinary and Minister Plenipotentiary near the Mexican Government; and

The President of the United Mexican States has appointed Sebastian Lerdo de Tejada, a citizen of the said States and a Deputy of the Congress of the Union.

<sup>1</sup> The United States amendment reads as follows:

“Strike out of Article Third, the following words: ‘or embezzlement by any person or persons hired or salaried to the detriment of their employers.’”

The text printed here is the amended text as proclaimed by the President.

<sup>2</sup> Pursuant to notice of termination given by Mexico Jan. 24, 1898.

<sup>3</sup> For a detailed study of this treaty, see 8 Miller 647.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles.

#### ARTICLE I

It is agreed that the contracting parties shall, on requisitions made in their name, through the medium of their respective diplomatic agents, deliver up to justice persons who, being accused of the crimes enumerated in article third of the present Treaty, committed within the jurisdiction of the requiring party, shall seek an asylum or shall be found within the territories of the other.

Provided, that this shall be done only when the fact of the commission of the crime shall be so established, as that the laws of the country in which the fugitive or the person so accused shall be found would justify his or her apprehension and commitment for trial if the crime had been there committed.

#### ARTICLE II

In the case of crimes committed in the frontier States or Territories of the two contracting parties, requisitions may be made through their respective diplomatic agents, or through the chief civil authority of said States or Territories, or through such chief civil or judicial authority of the districts or counties bordering on the frontier as may for this purpose be duly authorized by the said chief civil authority of the said frontier States or Territories, or when from any cause the civil authority of such State or territory shall be suspended, through the chief military officer in command of such State or Territory.

#### ARTICLE III

Persons shall be so delivered up who shall be charged, according to the provisions of this Treaty, with any of the following crimes, whether as principals, accessories or accomplices, to wit: Murder (including assassination, parricide, infanticide and poisoning): assault with intent to commit murder: mutilation: piracy: arson: rape: kidnapping, defining the same to be the taking and carrying away of a free person by force or deception: forgery, including the forging or making, or knowingly passing, or putting in circulation counterfeit coin or bank notes, or other paper current as money with intent to defraud any person or persons: the introduction or making of instruments for the fabrication of counterfeit coin or bank notes, or other paper current as money: embezzlement of public moneys: robbery, defining the same to be the felonious and forcible taking from the person of another of goods or money to any value, by violence or putting him in fear: burglary, defining the same to be breaking and entering into the house of another with intent to commit felony; and the crime of larceny of cattle, or other goods and chattels, of the value of twenty five dollars, or more, when the same is committed within the frontier States or Territories of the contracting parties.

## ARTICLE IV

On the part of each country the surrender of fugitives from justice shall be made only by the authority of the Executive thereof, except in the case of crimes committed within the limits of the frontier States or Territories, in which latter case the surrender may be made by the chief civil authority thereof, or such chief civil or judicial authority of the districts or counties bordering on the frontier as may for this purpose be duly authorized by the said chief civil authority of the said frontier States or Territories, or if from any cause the civil authority of such State or Territory shall be suspended, then such surrender may be made by the chief military officer in command of such State or Territory.

## ARTICLE V

All expenses whatever of detention and delivery effected in virtue of the preceding provisions, shall be borne and defrayed by the Government, or authority of the frontier State or Territory, in whose name the requisition shall have been made.

## ARTICLE VI

The provisions of the present Treaty shall not be applied in any manner to any crime or offence of a purely political character; nor shall it embrace the return of fugitive slaves, nor the delivery of criminals who, when the offence was committed, shall have been held in the place where the offence was committed in the condition of slaves, the same being expressly forbidden by the Constitution of Mexico; nor shall the provisions of the present Treaty be applied in any manner to the crimes enumerated in the third article committed anterior to the date of the exchange of the ratifications hereof.

Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this Treaty.

## ARTICLE VII

This Treaty shall continue in force until it shall be abrogated by the contracting parties, or one of them; but it shall not be abrogated except by mutual consent, unless the party desiring to abrogate it shall give twelve months previous notice.

## ARTICLE VIII

The present Treaty shall be ratified in conformity with the Constitutions of the two countries, and the ratifications shall be exchanged at the City of Mexico within six months from the date hereof, or earlier if possible.

In witness whereof, we, the Plenipotentiaries of the United States of America and of the United Mexican States, have signed and sealed these presents.

Done in the City of Mexico on the eleventh day of December in the year of our Lord One Thousand Eight hundred and sixty one; the Eighty sixth of the Independence of the United States of America, and the forty first of that of the United Mexican States.

THOS. CORWIN [SEAL]

SEB<sup>n</sup> LERDO DE TEJADA [SEAL]

## POSTAL CONVENTION

*Signed at México December 11, 1861*

*Senate advice and consent to ratification February 10, 1862*

*Ratified by the President of the United States February 17, 1862*

*Ratified by Mexico May 20, 1862*

*Ratifications exchanged at México May 20, 1862*

*Entered into force May 20, 1862*

*Proclaimed by the President of the United States June 20, 1862*

*Terminated July 1, 1887, by convention of April 4, 1887*<sup>1</sup>

12 Stat. 1205; Treaty Series 211<sup>2</sup>

### POSTAL CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES

The United States of America and the United Mexican States, being desirous of drawing more closely the friendly relations existing between the two countries and of facilitating the prompt and regular transmission of correspondence between their respective territories, have resolved to conclude a Postal Convention, and have named as their Plenipotentiaries, that is to say: the President of the United States of America has appointed Thomas Corwin, a citizen of the United States and their Envoy Extraordinary and Minister Plenipotentiary near the Mexican Government, and the President of the United Mexican States has appointed Sebastian Lerdo de Tejada, a citizen of the said States and a deputy of the Congress of the Union, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE I

There shall be charged upon all letters, newspapers, reviews, or other periodical publications, printed pamphlets, or other printed matter, conveyed either by United States or by Mexican vessels, between a port in the United States of America and a port in Mexico, the following sea rates of postage, that is to say:

<sup>1</sup> 25 Stat. 1385.

<sup>2</sup> For a detailed study of this convention, see 8 Miller 661.

1. Upon all letters not exceeding half an ounce in weight, the rate of seven cents; and upon all letters weighing more than half an ounce, an additional rate of seven cents for each additional half ounce or fraction thereof.
2. Upon every newspaper, daily or other, the rate of one cent.
3. Upon reviews or other periodical publications, printed pamphlets, or other printed matter, the rate of one cent for every ounce or fraction of an ounce weight.

The said newspapers, reviews, or other periodical publications, printed pamphlets, or other printed matter, shall be sent in narrow bands or covers, open at the sides or ends, so that they may be easily examined, subject to the laws and regulations of each country, respectively.

## ARTICLE II

There shall be charged by the post office of the United States of America upon all letters, newspapers, printed pamphlets, or other printed matter mailed in the United States and forwarded to Mexico by sea, whether by United States or by Mexican vessels, such rates of inland postage as are now or may hereafter be established by the laws of the United States, and the rate of sea postage prescribed in article first, which inland and sea postage shall be combined into one rate and paid always in advance.

Such prepayment shall be certified by the appropriate stamps of the United States post office, and the postage so paid shall belong exclusively to the United States of America.

There shall be charged by the post office of the United Mexican States upon all letters, newspapers, printed pamphlets, or other printed matter mailed in Mexico and forwarded to the United States of America by sea, whether by Mexican or by United States vessels, such rates of inland postage as are now or may hereafter be established by the laws of Mexico, and the rate of sea postage prescribed in article first, which inland and sea postage shall be combined into one rate and paid always in advance.

Such prepayment shall be certified by the appropriate stamps of the post office of the United Mexican States, and the postage so paid shall belong exclusively to Mexico.

## ARTICLE III

Upon all letters, newspapers, printed pamphlets, or other printed matter received in the United States of America from Mexico by sea, there will be charged by the United States such rates of inland postage as are now, or may hereafter be, established by the laws of the United States, which shall be collected at the place of destination, and shall belong exclusively to the United States of America, and vice versa, upon all letters, newspapers, printed pamphlets, or other printed matter received in Mexico from the United States of America by sea, there will be charged by Mexico such rates of inland post-

age as are now, or may hereafter be, established by the laws of Mexico, which shall be collected at the place of destination, and shall belong exclusively to Mexico.

#### ARTICLE IV

All letters, newspapers, printed pamphlets, or other printed matter mailed in the United States of America, and addressed to any place in the United Mexican States, or vice versa, when not conveyed by sea, shall be charged with the rate of inland postage of the country from which such mail matter is sent, which shall be prepaid, and with the inland postage of the country receiving, which shall be collected at the place of destination.

Such postage shall belong respectively to the country collecting the same.

#### ARTICLE V

All letters, newspapers, printed pamphlets, or other printed matter mailed in the one country for the other, or received in the one country from the other, whether by land or sea conveyance, shall be free from any detention or inspection whatever, and shall in the one case be forwarded by the most speedy means to their destination, and in the other be promptly delivered to the respective persons to whom they are addressed, being subject in their transmission to the laws and regulations of each country, respectively.

#### ARTICLE VI

So soon as steam or other mail packets, under the flag of either of the contracting parties, shall have commenced running between their respective ports of entry, whether under subvention from the United States or from Mexico, the contracting parties agree to receive at those ports allailable matter, and to forward it as directed, the destination being to some regular post office of either country, charging thereupon only the rates established by the present convention.

Mails for the United States of America shall be made up at regular intervals by the Mexican post office, and dispatched to ports of the United States; and, in the same manner, mails for Mexico shall be made up at regular intervals by the United States post office, and dispatched to ports in Mexico.

#### ARTICLE VII

The United Mexican States engage to grant to the United States of America the transit, in closed mails, free from any postage, duties, imposts, detention, or examination whatever, through the United Mexican States, or any of their possessions or territories, of letters, newspapers, printed pamphlets, or other printed matter, forwarded from the United States of America, or any of their possessions or territories, to any other possession or territory of the United States of America, or to any foreign country, or from any foreign

country, or possession or territory of the United States of America, to the United States of America, their possessions or territories.

A mail agent of the United States of America shall be permitted to accompany the closed mails in their transit.

The United States of America, on their part, engage to grant to the United Mexican States the transit, in closed mails, free from any postage, duties, imposts, detention, or examination whatever, through the United States of America, or any of their possessions or territories, of letters, newspapers, printed pamphlets, or other printed matter, forwarded from the United Mexican States, or any of their possessions or territories, to any other Mexican possession or territory, or to any foreign country, or from any foreign country, or Mexican possession or territory, to the United Mexican States, their possessions or territories.

A mail agent of Mexico shall be permitted to accompany the closed mails in their transit.

#### ARTICLE VIII

The means of making the transit of closed mails, under the stipulations of article seventh of the present Convention, shall be arranged between the general post office department of the two countries, subject to the approbation of each Government, respectively.

#### ARTICLE IX

In case of the misfortune of war between the two nations, the mail service of the two post offices shall continue without impediment or molestation until six weeks after a notification shall have been made on the part of either of the two Governments and delivered to the other, that the service is to be discontinued; and in such case the mail packets of the two countries shall be permitted to return freely, and under special protection, to their respective ports.

#### ARTICLE X

The respective post office regulations and rates of postage of each of the contracting parties shall be communicated to, and all matters of detail arising out of the stipulations of this convention shall be settled between the General Post Office Departments of the two republics as soon as possible after the exchange of the ratifications of the present convention.

It is also agreed that the measures of detail referred to in this article may be modified by the two General Post Office Departments whenever, by mutual consent, those Departments shall have decided that such modifications would be beneficial to the post office service of the two countries; and Mexico proposes, as soon as her means of internal transportation will permit, to reduce her present rates of inland postage.

## ARTICLE XI

The present convention shall continue in force until it shall be abrogated by the mutual consent of the two contracting parties, or until one of them shall have given twelve months' previous notice to the other of a desire to abrogate it.

## ARTICLE XII

This convention shall be ratified in conformity with the Constitutions of the two countries, and the ratifications shall be exchanged at the city of Mexico within six months from the date hereof, or earlier if possible.

In witness whereof, we, the Plenipotentiaries of the United States of America and of the United Mexican States, have signed and sealed these presents.

Done in the city of Mexico on the eleventh day of December, in the year of our Lord one thousand eight hundred and sixty-one, in the eighty-sixth year of the independence of the United States of America, and in the forty-first of that of the United Mexican States.

THOMAS CORWIN [SEAL]

SEB<sup>a</sup> LERDO DE TEJADA [SEAL]

## CLAIMS

*Convention signed at Washington July 4, 1868*

*Senate advice and consent to ratification July 25, 1868*

*Ratified by Mexico December 26, 1868*

*Ratified by the President of the United States January 25, 1869*

*Ratifications exchanged at Washington February 1, 1869*

*Entered into force February 1, 1869*

*Proclaimed by the President of the United States February 1, 1869*

*Modified by conventions of April 19, 1871;<sup>1</sup> November 27, 1872;<sup>2</sup>*

*November 20, 1874;<sup>3</sup> and April 29, 1876<sup>4</sup>*

*Terminated upon fulfillment of its terms<sup>5</sup>*

15 Stat. 679; Treaty Series 212

Whereas it is desirable to maintain and increase the friendly feelings between the United States and the Mexican Republic, and so to strengthen the system and principles of Republican Government on the American Continent; and whereas since the signature of the Treaty of Guadalupe Hidalgo of the 2nd. of February 1848,<sup>6</sup> claims and complaints have been made by citizens of the United States on account of injuries to their persons and their property by authorities of that Republic, and similar claims and complaints have been made on account of injuries to the persons and property of Mexican citizens by authorities of the United States, the President of the United States of America and the President of the Mexican Republic have resolved to conclude a Convention for the adjustment of the said claims and complaints and have named as their Plenipotentiaries:

The President of the United States, William H. Seward, Secretary of State;

And the President of the Mexican Republic, Matias Romero, accredited as Envoy Extraordinary and Minister Plenipotentiary of the Mexican Re-

<sup>1</sup> TS 214, *post*, p. 834.

<sup>2</sup> TS 215, *post*, p. 836.

<sup>3</sup> TS 217, *post*, p. 838.

<sup>4</sup> TS 218, *post*, p. 841.

<sup>5</sup> The commissioners, having disposed of all claims submitted to them, held their last meeting Jan. 31, 1876. Decisions were rendered by the umpire on cases before him and he completed his work on Nov. 20, 1876 (see Moore, *International Arbitrations*, vol. II, p. 1287).

<sup>6</sup> TS 207, *ante*, p. 791

public to the United States, who, after having communicated to each other their respective full powers, found in good and due form, have agreed to the following Articles.

#### ARTICLE I

All claims on the part of corporations, companies or private individuals, citizens of the United States, upon the government of the Mexican Republic, arising from injuries to their persons or property by authorities of the Mexican Republic, and all claims on the part of corporations, companies or private individuals, citizens of the Mexican Republic, upon the government of the United States, arising from injuries to their persons or property by authorities of the United States, which may have been presented to either government for its interposition with the other since the signature of the Treaty of Guadalupe Hidalgo between the United States and the Mexican Republic of the 2nd. of February, 1848, and which yet remain unsettled, as well as any other such claims which may be presented within the time hereinafter specified, shall be referred to two commissioners, one to be appointed by the President of the United States by and with the advice and consent of the Senate, and one by the President of the Mexican Republic. In case of the death, absence or incapacity of either commissioner, or in the event of either commissioner omitting or ceasing to act as such, the President of the United States or the President of the Mexican Republic respectively shall forthwith name another person to act as commissioner in the place or stead of the commissioner originally named.

The Commissioners so named, shall meet at Washington within six months after the exchange of the ratifications of this Convention, and shall, before proceeding to business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to public law, justice and equity, without fear, favor or affection to their own country, upon all such claims above specified as shall be laid before them on the part of the Governments of the United States and of the Mexican Republic respectively; and such declaration shall be entered on the record of their proceedings.

The commissioners shall then name some third person to act as an umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person; and in each and every case in which the commissioners may differ in opinion as to the decision which they ought to give, it shall be determined by lot which of the two persons so named shall be umpire in that particular case. The person or persons so to be chosen to be umpire, shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence or incapacity

of such person or persons or of his or their omitting or declining or ceasing to act as such umpire, another and different person shall be named as aforesaid to act as such umpire in the place of the person so originally named as aforesaid, and shall make and subscribe such declaration as aforesaid.

## ARTICLE II

The commissioners shall then conjointly proceed to the investigation and decision of the claims which shall be presented to their notice in such order and in such manner as they may conjointly think proper, but upon such evidence or information only as shall be furnished by or on behalf of their respective governments. They shall be bound to receive and peruse all written documents or statements which may be presented to them by or on behalf of their respective governments in support of or in answer to any claim; and to hear, if required, one person on each side on behalf of each government on each and every separate claim. Should they fail to agree in opinion upon any individual claim, they shall call to their assistance the umpire whom they may have agreed to name or who may be determined by lot, as the case may be; and such umpire, after having examined the evidence adduced for and against the claim, and after having heard, if required, one person on each side as aforesaid and consulted with the commissioners, shall decide thereupon finally and without appeal. The decision of the commissioners and of the umpire shall be given upon each claim in writing, shall designate whether any sum which may be allowed shall be payable in gold or in the currency of the United States, and shall be signed by them respectively. It shall be competent for each government to name one person to attend the commissioners as agent on its behalf, to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

The President of the United States of America and the President of the Mexican Republic, hereby solemnly and sincerely engage to consider the decision of the commissioners conjointly or of the umpire, as the case may be, as absolutely final and conclusive upon each claim decided upon by them or him respectively, and to give full effect to such decisions without any objection, evasion or delay whatsoever.

It is agreed that no claim arising out of a transaction of a date prior to the 2nd of February, 1848, shall be admissible under this Convention.

## ARTICLE III

Every claim shall be presented to the Commissioners within eight months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the commissioners or of the umpire, in the event of the commissioners differing in opinion thereupon; and then

and in any such case, the period for presenting the claim may be extended to any time not exceeding three months longer.

The commissioners shall be bound to examine and decide upon every claim within two years and six months from the day of their first meeting.<sup>7</sup> It shall be competent for the commissioners conjointly or for the umpire if they differ, to decide in each case whether any claim has or has not been duly made, preferred and laid before them, either wholly, or to any and what extent, according to the true intent and meaning of this Convention.

#### ARTICLE IV

When decisions shall have been made by the commissioners and the arbiter in every case which shall have been laid before them, the total amount awarded in all the cases decided in favor of the citizens of the one party shall be deducted from the total amount awarded to the citizens of the other party, and the balance to the amount of three hundred thousand dollars, shall be paid, at the City of Mexico or at the City of Washington, in gold or its equivalent within twelve months from the close of the commission to the government in favor of whose citizens the greater amount may have been awarded, without interest or any other deduction than that specified in Article VI of this Convention. The residue of the said balance shall be paid in annual instalments to an amount not exceeding three hundred thousand dollars in gold or its equivalent in any one year until the whole shall have been paid.

#### ARTICLE V

The High Contracting Parties agree to consider the result of the proceedings of this commission as a full, perfect and final settlement of every claim upon either government arising out of any transaction of a date prior to the exchange of the ratifications of the present Convention; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred or laid before the said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled, barred and thenceforth inadmissible.

#### ARTICLE VI

The commissioners and the umpire shall keep an accurate record and correct minutes of their proceedings with the dates. For that purpose they shall appoint two Secretaries versed in the language of both countries to assist them in the transaction of the business of the commission.

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<sup>7</sup> For extensions of term of commission, see conventions of Apr. 19, 1871 (TS 214) *post*, p. 834; Nov. 27, 1872 (TS 215) *post*, p. 836; Nov. 20, 1874 (TS 217) *post*, p. 838; and Apr. 29, 1876 (TS 218) *post*, p. 841.

Each government shall pay to its commissioner an amount of salary not exceeding forty five hundred dollars a year in the currency of the United States, which amount shall be the same for both governments.

The amount of compensation to be paid to the umpire shall be determined by mutual consent at the close of the commission, but necessary and reasonable advances may be made by each government upon the joint recommendation of the commission.

The salary of the Secretaries shall not exceed the sum of twenty-five hundred dollars a year in the currency of the United States.

The whole expenses of the commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the commission; provided always that such deduction shall not exceed five per cent. on the sums so awarded.

The deficiency, if any, shall be defrayed in moieties by the two governments.

#### ARTICLE VII

The present Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Mexican Republic with the approbation of the Congress of that Republic, and the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner if possible.

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

Done at Washington the fourth day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

WILLIAM H. SEWARD [SEAL]

M. ROMERO [SEAL]

## NATURALIZATION

*Convention signed at Washington July 10, 1868*

*Senate advice and consent to ratification, with an amendment, July 25, 1868*<sup>1</sup>

*Ratified by Mexico December 26, 1868*

*Ratified by the President of the United States, with an amendment, January 27, 1869*<sup>1</sup>

*Ratifications exchanged at Washington February 1, 1869*

*Entered into force February 1, 1869*

*Proclaimed by the President of the United States February 1, 1869*

*Terminated February 15, 1882*<sup>2</sup>

15 Stat. 687; Treaty Series 213

The President of the United States of America and the President of the Republic of Mexico, being desirous of regulating the citizenship of persons who emigrate from Mexico to the United States of America, and from the United States of America to the Republic of Mexico, have decided to treat on this subject, and with this object have named as Plenipotentiaries, the President of the United States, William H. Seward, Secretary of State; and the President of Mexico, Matias Romero, accredited as Envoy Extraordinary and Minister Plenipotentiary of the Republic of Mexico near the Government of the United States, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

### ARTICLE I

Those citizens of the United States who have been made citizens of the Mexican Republic by naturalization, and have resided, without interruption, in Mexican territory five years, shall be held by the United States as citizens of the Mexican Republic, and shall be treated as such. Reciprocally, citizens of the Mexican Republic who have become citizens of the United States, and who have resided uninterruptedly in the territory of the United States for

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<sup>1</sup> The United States amendment reads as follows:

"At the end of Article 4 [IV], add the following words: *but this presumption may be rebutted by evidence to the contrary.*"

The text printed here is the amended text as proclaimed by the President.

<sup>2</sup> Pursuant to notice of termination given by Mexico Feb. 15, 1881.

five years, shall be held by the Republic of Mexico as citizens of the United States, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization. This article shall apply as well to those already naturalized in either of the countries contracting as to those hereafter naturalized.

#### ARTICLE II

Naturalized citizens of either of the contracting parties, on return to the territory of the other, remain liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration; saving always the limitations established by his original country.

#### ARTICLE III

The convention for the surrender in certain cases of criminals, fugitives from justice, concluded between the United States of America on the one part, and the Mexican Republic on the other part, on the eleventh day of December, one thousand eight hundred and sixty-one,<sup>3</sup> shall remain in full force without any alteration.

#### ARTICLE IV

If a citizen of the United States naturalized in Mexico renews his residence in the United States without the intent to return to Mexico, he shall be held to have renounced his naturalization in Mexico. Reciprocally, if a Mexican naturalized in the United States renews his residence in Mexico without the intent to return to the United States, he shall be held to have renounced his naturalization in the United States.

The intent not to return may be held to exist when the person naturalized in the one country resides in the other country more than two years, but this presumption may be rebutted by evidence to the contrary.

#### ARTICLE V

The present convention shall go into effect immediately on the exchange of ratifications, and it shall remain in full force for ten years. If neither of the contracting parties shall give notice to the other six months previously of its intention to terminate the same, it shall further remain in force until 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 the President of the United States, by and with the advice and consent of the Senate thereof, and by the

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<sup>3</sup> TS 209, *ante*, p. 817.

President of the Mexican Republic, with the approval of the Congress of that republic, and the ratifications shall be exchanged in Washington within nine months from the date hereof.

In faith whereof the Plenipotentiaries have signed and sealed this convention at the city of Washington, this tenth day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

WILLIAM H. SEWARD [SEAL]

M. ROMERO [SEAL]

## CLAIMS: DURATION OF JOINT COMMISSION

*Convention signed at México April 19, 1871, modifying convention of July 4, 1868*

*Senate advice and consent to ratification December 11, 1871*

*Ratified by the President of the United States December 15, 1871*

*Ratified by Mexico January 17, 1872*

*Ratifications exchanged at Washington February 8, 1872*

*Entered into force February 8, 1872*

*Proclaimed by the President of the United States February 8, 1872*

*Expired in accordance with its terms*

17 Stat. 861; Treaty Series 214

Whereas a convention was concluded on the 4th day of July, 1868,<sup>1</sup> between the United States of America and the United States of Mexico, for the settlement of outstanding claims that have originated since the signing of the treaty of Guadalupe Hidalgo, on the 2d of February, 1848,<sup>2</sup> by a mixed commission limited to endure for two years and six months from the day of the first meeting of the commissioners; and whereas doubts have arisen as to the practicability of the business of the said commission being concluded within the period assigned:

The President of the United States of America and the President of the United States of Mexico are desirous that the time originally fixed for the duration of the said commission should be extended, and to this end have named plenipotentiaries to agree upon the best mode of effecting this object, that is to say: The President of the United States of America, Thomas H. Nelson, accredited as Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Mexican Republic; and the President of the United States of Mexico, Manuel Azpiroz, Chief Clerk and in charge of the Ministry of Foreign Relations of the United States of Mexico; who, after having presented their respective powers, and finding them sufficient and in due form, have agreed upon the following articles:

### ARTICLE I

The high contracting parties agree that the term assigned in the convention of the 4th of July, 1868, above referred to, for the duration of the said com-

<sup>1</sup> TS 212, *ante*, p. 826.

<sup>2</sup> TS 207, *ante*, p. 791.

mission, shall be extended for a time not exceeding one year from the day when the functions of the said commission would terminate according to the convention referred to, or for a shorter time if it should be deemed sufficient by the commissioners, or the umpire, in case of their disagreement.

It is agreed that nothing contained in this article shall in any wise alter or extend the time originally fixed in the said convention for the presentation of claims to the mixed commission.

## ARTICLE II

The present convention shall be ratified, and the ratifications shall be exchanged at Washington, as soon as possible.

In witness whereof the above-mentioned plenipotentiaries have signed the same and affixed their respective seals.

Done in the city of Mexico the 19th day of April, in the year one thousand eight hundred and seventy-one.

THOMAS H. NELSON [SEAL]

MANUEL AZPÍROZ [SEAL]

## CLAIMS: DURATION OF JOINT COMMISSION

*Convention signed at Washington November 27, 1872, modifying convention of July 4, 1868, as modified*

*Senate advice and consent to ratification, with an amendment, March 9, 1873*<sup>1</sup>

*Ratified by the President of the United States, with an amendment, March 10, 1873*<sup>1</sup>

*Ratified by Mexico May 19, 1873*

*Ratifications exchanged at Washington July 17, 1873*<sup>2</sup>

*Entered into force July 17, 1873*

*Proclaimed by the President of the United States July 24, 1873*

*Expired in accordance with its terms*

18 Stat. 514; Treaty Series 215

Whereas, by the convention concluded between the United States and the Mexican Republic on the fourth day of July, 1868,<sup>3</sup> certain claims of citizens of the contracting parties were submitted to a joint commission, whose functions were to terminate within two years and six months, reckoning from the day of the first meeting of the commissioners; and whereas the functions of the aforesaid joint commission were extended, according to the convention concluded between the same parties on the nineteenth day of April, 1871,<sup>4</sup> for a term not exceeding one year from the day on which they were to terminate according to the first convention; and whereas the possibility of said commission's concluding its labors even within the period fixed by the aforesaid convention of April nineteenth, 1871, is doubtful:

Therefore, the President of the United States of America and the President of the United States of Mexico, desiring that the term of the aforementioned commission should be again extended, in order to attain this end, have appointed, the President of the United States Hamilton Fish, Secretary of State,

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<sup>1</sup> The United States amendment reads as follows:

“Article I, line 2, after the word ‘that’ insert the words: *the said commission be revived and that.*”

The text printed here is the amended text as proclaimed by the President.

<sup>2</sup> The two governments signed a protocol at Washington Jan. 31, 1873 (I Malloy 1135; TS 216), to provide for expenses for the commission during the interval pending exchange of ratifications.

<sup>3</sup> TS 212, *ante*, p. 826.

<sup>4</sup> TS 214, *ante*, p. 834.

and the President of the United States of Mexico Ignacio Mariscal, accredited to the Government of the United States as Envoy Extraordinary and Minister Plenipotentiary of said United States of Mexico, who, having exchanged their respective powers, which were found sufficient and in due form, have agreed upon the following articles:

#### ARTICLE I

The high contracting parties agree that the said commission be revived and that the time fixed by the convention of April nineteenth, 1871, for the duration of the commission aforesaid, shall be extended for a term not exceeding two years from the day on which the functions of the said commission would terminate according to that convention, or for a shorter time if it should be deemed sufficient by the commissioners or the umpire, in case of their disagreement.

It is agreed that nothing contained in this article shall in any wise alter or extend the time originally fixed in the said convention for the presentation of claims to the commission.

#### ARTICLE II

The present convention shall be ratified and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the above-named Plenipotentiaries have signed the same and affixed their respective seals.

Done in the city of Washington the twenty-seventh day of November, in the year one thousand eight hundred and seventy-two.

HAMILTON FISH [SEAL]

IGNO. MARISCAL [SEAL]

## CLAIMS: DURATION OF JOINT COMMISSION

*Convention signed at Washington November 20, 1874, modifying convention of July 4, 1868, as modified*

*Ratified by Mexico December 21, 1874*

*Senate advice and consent to ratification January 20, 1875*

*Ratified by the President of the United States January 22, 1875*

*Ratifications exchanged at Washington January 28, 1875*

*Entered into force January 28, 1875*

*Proclaimed by the President of the United States January 29, 1875*

*Expired in accordance with its terms*

18 Stat. 833; Treaty Series 217

### CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE MEXICAN REPUBLIC

Whereas, pursuant to the convention between the United States and the Mexican Republic of the 19th day of April, 1871,<sup>1</sup> the functions of the joint commission under the convention between the same parties of the 4th of July, 1868,<sup>2</sup> were extended for a term not exceeding one year from the day on which they were to terminate according to the convention last named;

And whereas, pursuant to the first article of the convention between the same parties, of the twenty-seventh day of November, one thousand eight hundred and seventy-two,<sup>3</sup> the joint commission above referred to was revived and again extended for a term not exceeding two years from the day on which the functions of the said commission would terminate pursuant to the said convention of the nineteenth day of April, 1871; but whereas the said extensions have not proved sufficient for the disposal of the business before the said commission, the said parties being equally animated by a desire that all that business should be closed, as originally contemplated, the President of the United States has for this purpose conferred full powers on Hamilton Fish, Secretary of State, and the President of the Mexican Republic has conferred like powers on Don Ignacio Mariscal, Envoy Extraordinary and Minister Plenipotentiary of that republic to the United States; and the said

<sup>1</sup> TS 214, *ante*, p. 834.

<sup>2</sup> TS 212, *ante*, p. 826.

<sup>3</sup> TS 215, *ante*, p. 836.

Plenipotentiaries having exchanged their full powers, which were found to be in due form, have agreed upon the following articles:

#### ARTICLE I

The high contracting parties agree that the said commission shall again be extended, and that the time now fixed for its duration shall be prolonged for one year from the time when it would have expired pursuant to the convention of the twenty-seventh of November, 1872; that is to say, until the thirty-first day of January, in the year one thousand eight hundred and seventy-six.

It is, however, agreed that nothing contained in this article shall in any wise alter or extend the time originally fixed by the convention of the 4th July, 1868, aforesaid, for the presentation of claims to the commission.

#### ARTICLE II

It is further agreed that, if at the expiration of the time when, pursuant to the first article of this convention, the functions of the commissioners will terminate, the umpire under the convention should not have decided all the cases which may then have been referred to him, he shall be allowed a further period of not more than six months for that purpose.

#### ARTICLE III

All cases which have been decided by the commissioners or by the umpire heretofore, or which shall be decided prior to the exchange of the ratifications of this convention, shall from the date of such exchange be regarded as definitively disposed of, and shall be considered and treated as finally settled, barred, and thenceforth inadmissible. And, pursuant to the stipulation contained in the fourth article of the convention of the fourth day of July, one thousand eight hundred and sixty-eight, the total amount awarded in cases already decided, and which may be decided before the exchange of ratifications of this convention, and in all cases which shall be decided within the times in this convention respectively named for that purpose, either by the commissioners or by the umpire, in favor of citizens of the one party shall be deducted from the total amount awarded to the citizens of the other party, and the balance, to the amount of three hundred thousand dollars, shall be paid at the city of Mexico, or at the city of Washington, in gold or its equivalent, within twelve months from the 31st day of January, one thousand eight hundred and seventy-six, to the government in favor of whose citizens the greater amount may have been awarded, without interest or any other deduction than that specified in article VI of that convention. The residue of the said balance shall be paid in annual instalments, to an amount not exceeding three hundred thousand dollars, in gold or its equivalent, in any one year, until the whole shall have been paid.

## ARTICLE IV

The present convention shall be ratified, and the ratifications shall be exchanged at Washington, as soon as possible.

In witness whereof the above-named Plenipotentiaries have signed the same and affixed thereto their respective seals.

Done in Washington the twentieth day of November, in the year one thousand eight hundred and seventy-four.

HAMILTON FISH      [SEAL]

IGNO. MARISCAL      [SEAL]

## CLAIMS: DURATION OF JOINT COMMISSION

*Convention signed at Washington April 29, 1876, modifying convention of July 4, 1868, as modified*

*Senate advice and consent to ratification May 24, 1876*

*Ratified by Mexico May 30, 1876*

*Ratified by the President of the United States June 27, 1876*

*Ratifications exchanged at Washington June 29, 1876*

*Entered into force June 29, 1876*

*Proclaimed by the President of the United States June 29, 1876*

*Expired in accordance with its terms*

19 Stat. 642; Treaty Series 218

### CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE MEXICAN REPUBLIC

Whereas, pursuant to the Convention between the United States and the Mexican Republic of the 19th. day of April, 1871,<sup>1</sup> the functions of the joint commission under the Convention between the same parties of the 4th. of July, 1868,<sup>2</sup> were extended for a term not exceeding one year from the day on which they were to terminate according to the Convention last named;

And whereas, pursuant to the first Article of the Convention between the same parties, of the twenty-seventh day of November, one thousand eight hundred and seventy-two,<sup>3</sup> the joint commission above referred to was revived and again extended for a term not exceeding two years from the day on which the functions of the said commission would terminate pursuant to the said Convention of the nineteenth day of April 1871;

And whereas pursuant to the Convention between the same parties, of the twentieth day of November one thousand eight hundred and seventy-four,<sup>4</sup> the said commission was again extended for one year from the time when it would have expired pursuant to the Convention of the twenty-seventh of November one thousand eight hundred and seventy-two, that is to say, until the thirty-first day of January one thousand eight hundred and seventy-six;

<sup>1</sup> TS 214, *ante*, p. 834.

<sup>2</sup> TS 212, *ante*, p. 826.

<sup>3</sup> TS 215, *ante*, p. 836.

<sup>4</sup> TS 217, *ante*, p. 838.

and it was provided that if at the expiration of that time, the Umpire under the Convention should not have decided all the cases which may then have been referred to him, he should be allowed a further period of not more than six months for that purpose;

And whereas, it is found to be impracticable for the Umpire appointed pursuant to the Convention adverted to, to decide all the cases referred to him, within the said period of six months prescribed by the Convention of the twentieth of November one thousand eight hundred and seventy four;

And the parties being still animated by a desire that all that business should be closed as originally contemplated, the President of the United States has for this purpose conferred full powers on Hamilton Fish, Secretary of State, and the President of the Mexican Republic has conferred like powers on Don Ignacio Mariscal, Envoy Extraordinary and Minister Plenipotentiary of that Republic to the United States; and the said Plenipotentiaries having exchanged their full powers, which were found to be in due form, have agreed upon the following articles:

#### ARTICLE I

The high contracting parties agree that if the Umpire appointed under the Convention above referred to, shall not, on or before the expiration of the six months allowed for the purpose by the second Article of the Convention of the twentieth of November one thousand eight hundred and seventy-four, have decided all the cases referred to him, he shall then be allowed a further period until the twentieth day of November one thousand eight hundred and seventy-six, for that purpose.

#### ARTICLE II

It is further agreed that so soon after the twentieth day of November one thousand eight hundred and seventy-six as may be practicable, the total amount awarded in all cases already decided, whether by the Commissioners or by the Umpire, and which may be decided before the said twentieth day of November, in favor of citizens of the one party shall be deducted from the total amount awarded to the citizens of the other party, and the balance, to the amount of three hundred thousand dollars, shall be paid at the city of Mexico, or at the city of Washington, in gold or its equivalent, on or before the thirty-first day of January one thousand eight hundred and seventy-seven, to the government in favor of whose citizens the greater amount may have been awarded, without interest or any other deduction than that specified in Article VI of the said Convention of July 1868. The residue of the said balance shall be paid in annual instalments on the thirty-first day of January in each year, to an amount not exceeding three hundred thousand dollars, in gold or its equivalent, in any one year, until the whole shall have been paid.

## ARTICLE III

The present Convention shall be ratified, and the ratifications shall be exchanged at Washington, as soon as possible.

In witness whereof the above-named Plenipotentiaries have signed the same and affixed thereto their respective seals.

Done in Washington the twenty-ninth day of April, in the year one thousand eight hundred and seventy-six.

HAMILTON FISH [SEAL]

IGNO. MARISCAL [SEAL]

## CLAIMS: ARBITRATION AWARD

*Protocol signed at Washington December 14, 1876*

*Entered into force December 14, 1876*

*Terminated upon fulfillment of its terms*

1876 For. Rel. 389; Treaty Series 219

### PROTOCOL

Whereas the commission for the adjustment of claims provided for by the convention between the United States and the Mexican Republic of the 4th of July, 1868,<sup>1</sup> stipulates in its sixth article that the compensation to be paid to the umpire shall be determined by mutual consent at the close of the convention;

And whereas the said commission, though continued from time to time by subsequent conventions,<sup>2</sup> has concluded its functions and come to a close;

And whereas the same article stipulates that the whole expenses of the commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by that commission: *Provided always*, That such deduction shall not exceed five per cent. on the sums so awarded, the deficiency, if any, to be defrayed in moieties by the two governments:

Now, therefore, the undersigned, Hamilton Fish, Secretary of State, and Don Ignacio Mariscal, accredited to the Government of the United States as envoy extraordinary and minister plenipotentiary of the Mexican Republic, have this day met for a consideration of these subjects, and have determined that the compensation of the umpire aforesaid shall be at the rate of six thousand dollars a year. Consequently, deducting the advances made by each government to Dr. Lieber during the time of his service as umpire, there remains the sum of eighteen thousand five hundred and fifty dollars (\$18,550) for compensation of the umpire, one-half payable by each government.

The advances and payments made to Dr. Lieber were six thousand one hundred and thirty-nine dollars and seventy-two cents (\$6,139.72) paid by each government, in all twelve thousand two hundred and seventy-nine dollars and forty-four cents (\$12,279.44).

<sup>1</sup> TS 212, *ante*, p. 826.

<sup>2</sup> TS 214, 215, 217, and 218, *ante*, pp. 834, 836, 838, and 841.

The expenses of the commission contemplated in Article VI of the convention, including the contingent expenses, have amounted to one hundred and seventy-eight thousand seven hundred and thirty-eight dollars and forty-six cents (\$178,738.46), equal to four per cent. and seventeen thousand nine hundred and ninety-two one hundred thousandths ( $4\frac{17,992}{100,000}$ ) of one per cent. on the total amount of awards on both sides.

The undersigned have also caused the account hereunto annexed to be stated, and have approved the same under their respective hands.

HAMILTON FISH,  
*Secretary of State*

IGNO. MARISCAL

WASHINGTON, *December 14, 1876.*

STATEMENT OF ACCOUNT OF UNITED STATES AND MEXICAN CLAIMS  
COMMISSION AWARDS AND EXPENSES OF COMMISSION

Awards against Mexico:

I. In Mexican gold dollars.	\$3, 296, 055 18
II. In U.S. gold coin.....	426, 624 98
III. In currency.....	402, 942 04

4, 125, 622 20 at a percentage of 4.17992, yields.\$172, 447 75

Awards against United States:

I. In Mexican gold dollars.	50, 528 57
II. In U.S. gold coin.....	10, 559 67
III. In currency.....	89, 410 17

150, 498 41 at a percentage of 4.17992, yields. 6, 290 71

Total..... 4, 276, 120 61 at a percentage of 4.17992, yields. 178, 738 46  
Expenses of commission, one-half to be borne by each government. .... 178, 738 46

Moiety of expenses..... 89, 369 23

Paid by Mexico:

Salary of commissioner from July 1, 1869, to January 31, 1876, 6 years and 7 months, @ \$4,500.....	\$29, 625 00
Salary of secretary from May 1, 1869 to December 31, 1876, 7 years and 6 months, @ \$2,500.....	18, 750 00
Umpire, Dr. Lieber, from September 6, 1869, to Octo- ber 1, 1872, @ \$3,000.....	\$6, 139 72
Umpire, Sir Edward Thornton, from October 17, 1873, to November 20, 1876, 3 years and 1 month..	9, 275 00
	<u>15, 414 72</u>

Total amount paid by Mexico..... 63, 789 72

Paid by United States:

For same services, same rates and time.....	63, 789 72
Also joint contingent expenses.....	51, 159 02

Total amount paid by United States..... 114, 948 74

Total amount of expenses paid as above..... \$178, 738

Moiety of same as above..... 89, 369 23

HAMILTON FISH  
*Secretary of State*

IGNO. MARISCAL

## BALANCE OF ACCOUNT

From sheet No. 1. Award against United States..	\$150,498 41	at 4.17992%	\$6,290 71
From sheet No. 1. Award against Mexico.....	4,125,622 20	at 4.17992%	172,447 75
			178,738 46
From sheet No. 1. Expenses paid by United States.....	114,948 74		
From sheet No. 1. Expenses paid by Mexico.....	63,789 72	Total expenses	178,738 46

*Account of the United States*

	DR.	CR.
To amount of percentage on award against Mexico.....	\$172,447 75	
By amount of disbursements on account of expenses.....		\$114,948 74
Balance.....		57,499 01
	172,447 75	172,447 75
Balance against the United States.....	57,499 01	

*Account of Mexico*

	DR:	CR.
To amount of percentage on award against United States.....	\$6,290 71	
By amount of disbursements on account of expenses.....		\$63,789 72
Balance.....	57,499 01	
	63,789 72	63,789 72
Balance in favor of Mexico.....		57,499 01

HAMILTON FISH  
Secretary of State

IGNO. MARISCAL

## RIGHT TO PURSUE INDIANS ACROSS BOUNDARY LINE

*Memorandum of agreement signed at Washington July 29, 1882*

*Entered into force August 18, 1882*

*Article VIII modified by protocol of agreement of September 21, 1882<sup>1</sup>*

*Extended by memorandum of agreement of June 28, 1883;<sup>2</sup> protocol of convention of October 31, 1884;<sup>3</sup> and memorandum of agreement of October 16, 1885<sup>4</sup>*

*Expired November 1, 1886*

22 Stat. 934; Treaty Series 221

MEMORANDUM OF AN AGREEMENT ENTERED INTO IN BEHALF OF THEIR RESPECTIVE GOVERNMENTS, BY FREDERICK T. FRELINGHUYSEN, SECRETARY OF STATE OF THE UNITED STATES OF AMERICA, AND MATIAS ROMERO, ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF THE REPUBLIC OF MEXICO, PROVIDING FOR THE RECIPROCAL CROSSING OF THE INTERNATIONAL BOUNDARY LINE BY THE TROOPS OF THE RESPECTIVE GOVERNMENTS IN PURSUIT OF SAVAGE INDIANS, UNDER THE CONDITIONS HEREINAFTER STATED

### ARTICLE I

It is agreed that the regular federal troops of the two Republics may reciprocally cross the boundary line of the two countries, when they are in close pursuit of a band of savage Indians, upon the conditions stated in the following articles.

### ARTICLE II

The reciprocal crossing agreed upon in Article I shall only occur in the unpopulated or desert parts of said boundary line. For the purposes of this agreement the unpopulated or desert parts are defined to be all those points which are at least two leagues distant from any encampment or town of either country.

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<sup>1</sup> TS 222, *post*, p. 854.

<sup>2</sup> 23 Stat. 734; TS 224.

<sup>3</sup> 23 Stat. 806; TS 225.

<sup>4</sup> I Malloy 1162; TS 228.

## ARTICLE III

No crossing of troops of either country shall take place from Capitan Leal, a town on the Mexican side of the Rio Bravo, twenty Mexican leagues (52 English miles) above Piedras Negras, to the mouth of the Rio Grande.

## ARTICLE IV

The Commander of the troops which cross the frontier in pursuit of Indians, shall, at the time of crossing or before if possible, give notice of his march to the nearest military commander or civil authority of the country whose territory he enters.

## ARTICLE V

The pursuing force shall retire to its own territory as soon as it shall have fought the band of which it is in pursuit or have lost its trail. In no case shall the forces of the two countries, respectively, establish themselves or remain in the foreign territory for any time longer than is necessary to make the pursuit of the band whose trail they follow.

## ARTICLE VI

The abuses which may be committed by the forces which cross into the territory of the other nation shall be punished by the Government to which the forces belong, according to the gravity of the offense and in conformity to its laws, as if the abuses had been committed in its own territory, the said Government being further under obligation to withdraw the guilty parties from the frontier.

## ARTICLE VII

In the case of offenses which may be committed by the inhabitants of the one country against the foreign forces which may be within its limits, the Government of said country shall only be responsible to the Government of the other for denial of justice in the punishment of the guilty.

ARTICLE VIII <sup>5</sup>

This agreement shall remain in force for two years, and may be terminated by either Government upon four months' notice to the other, to that effect.

## ARTICLE IX

As the Senate of the United States of Mexico has authorized the President of that Republic in accordance with paragraph III. letter B, Section III. of article 72nd of its Constitution as modified on the 6th of November, 1874, to allow the passing of Mexican troops into the United States and of United States troops into Mexico, and the Constitution of the United States em-

<sup>5</sup> For a modification of art. VIII, see protocol of Sept. 21, 1882 (TS 222), *post*, p. 854.

powers the President of the United States to allow the passage without the consent of the Senate, this agreement does not require the sanction of the Senate of either country and will begin to take effect twenty days after this date.

In testimony of which we have interchangeably signed this memorandum this 29th day of July, 1882.

FREDK. T. FRELINGHUYSEN [SEAL]

M. ROMERO [SEAL]

## BOUNDARY LINE WEST OF THE RIO GRANDE

*Convention signed at Washington July 29, 1882*

*Senate advice and consent to ratification August 8, 1882*

*Ratified by Mexico November 7, 1882*

*Ratified by the President of the United States January 29, 1883*

*Ratifications exchanged at Washington March 3, 1883*

*Entered into force March 3, 1883*

*Proclaimed by the President of the United States March 5, 1883*

*Extended by agreements of December 5, 1885;<sup>1</sup> February 18, 1889;<sup>2</sup>  
and August 24, 1894<sup>3</sup>*

*Expired October 11, 1896*

22 Stat. 986; Treaty Series 220

The President of the United States of America on the one hand and the President of the United States of Mexico on the other, being desirous of putting an end to whatever difficulties arise from the destruction or displacement of some of the monuments erected for the purpose of marking the boundary between the two countries, have thought proper to conclude a convention with the object of defining the manner in which the said monuments are to be restored to their proper places and new ones erected, if necessary; to which end they have appointed as their Plenipotentiaries, to wit:

The President of the United States of America, Frederick T. Frelinghuy- sen, Esquire, Secretary of State of the United States of America; and the President of the United States of Mexico, Señor Don Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico, in Washington;

Who, after reciprocal exhibition of their full powers, found in good and due form, have agreed upon the following articles:

### ARTICLE I

With the object of ascertaining the present condition of the monuments marking the boundary line between the United States of America and the

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<sup>1</sup> TS 229, *post*, p. 870.

<sup>2</sup> TS 231, *post*, p. 874.

<sup>3</sup> TS 235, *post*, p. 885.

United States of Mexico, established by the treaties of February 2nd, 1848,<sup>4</sup> and December 3rd [30th], 1853,<sup>5</sup> and for determining generally what monuments, if any, have been destroyed or removed and may require to be rebuilt or replaced, a preliminary reconnaissance of the frontier line shall be made by each government, within six months from the exchange of ratifications of this convention. These reconnaissances shall be made by parties under the control of officers of the regular army of the respective countries, and shall be effected in concert, in such manner as shall be agreed upon by the commanders of the respective parties. The expense of each reconnoitering party shall be borne by the government in whose behalf it operates.

These reconnaissance parties shall report to their respective governments, within eight months from the exchange of the ratifications of this convention:

- (a) the condition of the present boundary monuments;
- (b) the number of destroyed or displaced monuments;
- (c) the places, settled or capable of eventual settlement, where it may be advisable to set the monuments closer together along the line than at present;
- (d) the character of the new monuments required, whether of stone or iron; and their number, approximately, in each case.

## ARTICLE II

Pending the conclusion of the preliminary reconnaissances provided in Article I, each government shall appoint a surveying party, consisting of an Engineer-in-chief, two Associates, one of whom shall be a practical astronomer, and such number of assistant engineers and associates as it may deem proper. The two parties so appointed shall meet at El Paso del Norte, or at any other convenient place to be agreed upon, within six months from the exchange of the ratifications hereof, and shall form, when combined, an "International Boundary Commission."

## ARTICLE III

The International Boundary Commission shall be required and have the power and authority to set in their proper places along the boundary line between the United States and Mexico, from the Pacific Ocean to the Rio Grande, the monuments heretofore placed there under existing treaties, whenever such monuments shall have become displaced; to erect new monuments on the site of former monuments when these shall have been destroyed; and to set new monuments at such points as may be necessary, and be chosen by joint accord between the two Commissioner Engineers-in-Chief. In rebuilding and replacing the old monuments and in providing for new ones,

<sup>4</sup> TS 207, *ante*, p. 791.

<sup>5</sup> TS 208, *ante*, p. 812.

the respective reports of the reconnaissance parties, provided by Article I, may be consulted; provided, however, that the distance between two consecutive monuments shall never exceed eight thousand metres, and that this limit may be reduced on those parts of the line which are inhabited or capable of habitation.

#### ARTICLE IV

Where stone shall be found in sufficient abundance the monuments may be of stone; and in other localities shall be of iron, in the form of a simple tapering four-sided shaft with pediment, rising above the ground to a height of six feet, and bearing suitable inscriptions on its sides. These monuments shall be at least two centimeters in thickness, and weigh not less than five hundred pounds each.

The approximate number thereof to be required may be determined from the reports of the preliminary reconnaissance parties, and the monuments, properly cast and finished, may be sent forward from time to time to such spots as the commission may select, to be set in place at the sites determined upon as the work progresses.

#### ARTICLE V

The Engineers-in-Chief of both sections shall determine, by common consent, what scientific processes are to be adopted for the resetting of the old monuments and the erection of the new ones; and they shall be responsible for the proper performance of the work.

On commencing operations, each section shall report to its government the plan of operations upon which they shall have jointly agreed; and they shall from time to time submit reports of the progress made by them in the said operations; and finally they shall present a full report, accompanied by the necessary drawings, signed by the Engineer-in-Chief and the two Associate Engineers on each side, as the official record of the International Boundary Commission.

#### ARTICLE VI

The expenses of each section shall be defrayed by the government which appointed it; but the cost of the monuments and of their transportation shall be equally shared by both governments.

#### ARTICLE VII

Whenever the number of the monuments to be set up shall be approximately known as the result of the labors of the preliminary reconnaissance-parties, the Engineers-in-Chief shall prepare an estimate of their cost, conveyance and setting up; and when such estimate shall have been approved by both governments, the mode of making the payment of the part to be paid by Mexico shall be determined by a special arrangement between the two governments.

## ARTICLE VIII

The work of the International Boundary Commission shall be pushed forward with all expedition; and the two governments hereby agree to regard the present convention as continuing in force until the conclusion of said work, provided that such time does not exceed four years and four months from the date of the exchange of the ratifications hereof.<sup>6</sup>

## ARTICLE IX

The destruction or displacement of any of the monuments described herein, after the line shall have been located by the International Boundary Commission as aforesaid, is hereby declared to be a misdemeanor, punishable according to the justice of the country of the offender's nationality, if he be a citizen of either the United States or Mexico; and if the offender be of other nationality, then the misdemeanor shall be punishable according to the justice of either country where he may be apprehended.

This convention shall be ratified on both sides and the ratifications exchanged at Washington as soon as possible.

In testimony whereof we have signed this convention in duplicate, in the English and Spanish languages, and affixed hereunto the seals of our arms.

Done in the City of Washington this 29th day of July, in the year of our Lord one thousand eight hundred and eighty-two.

FREDK. T. FRELINGHUYSEN [SEAL]

M. ROMERO [SEAL]

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<sup>6</sup>For extensions of time for the work of the Commission, see agreements of Dec. 5, 1885 (TS 229), *post*, p. 870; Feb. 18, 1889 (TS 231), *post*, p. 874; and Aug. 24, 1894 (TS 235), *post*, p. 885.

## RIGHT TO PURSUE INDIANS ACROSS BOUNDARY LINE

*Protocol of an agreement signed at Washington September 21, 1882,  
modifying article VIII of memorandum of agreement of July 29,  
1882*

*Entered into force September 21, 1882*

22 Stat. 939; Treaty Series 222

PROTOCOL OF AN AGREEMENT ENTERED INTO IN BEHALF OF THEIR RESPECTIVE GOVERNMENTS, BY FREDERICK T. FRELINGHUYSEN, SECRETARY OF STATE OF THE UNITED STATES OF AMERICA, AND MATIAS ROMERO, ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF THE REPUBLIC OF MEXICO, MODIFYING ARTICLE VIII. OF THE AGREEMENT SIGNED IN WASHINGTON, ON THE 29TH OF JULY, 1882, PROVIDING FOR THE RECIPROCAL CROSSING, IN THE UNPOPULATED OR DESERT PARTS OF THE INTERNATIONAL BOUNDARY LINE, BY THE REGULAR FEDERAL TROOPS OF THE RESPECTIVE GOVERNMENTS, IN PURSUIT OF SAVAGE HOSTILE INDIANS

### ONLY ARTICLE

Article VIII. of the agreement signed in the city of Washington by the representatives of the United States of America and the United States of Mexico on the 29th of July, 1882,<sup>1</sup> providing for the reciprocal crossing, in the unpopulated or desert parts of the international boundary line, by the regular federal troops of the respective Governments, in pursuit of savage hostile Indians, under the conditions stated in said agreement, is hereby modified in the following terms:

“ARTICLE VIII.—This agreement shall remain in force for a year from the 18th of August, 1882, and may be terminated by either Government, at any time upon four months’ notice to the other to that effect.”

In testimony of which we have interchangeably signed this protocol this 21st day of September, 1882.

FREDK. T. FRELINGHUYSEN [SEAL]

M. ROMERO [SEAL]

<sup>1</sup> TS 221, *ante*, p. 847.

## COMMERCE

*Convention signed at Washington January 20, 1883, with protocols of January 15, 16, and 20, 1883, and January 17, February 11, and May 20 and 26, 1884*<sup>1 2</sup>

*Senate advice and consent to ratification, with amendments, March 11, 1884*<sup>3</sup>

*Ratified by Mexico May 14, 1884*

*Ratified by the President of the United States, with amendments, May 20, 1884*<sup>3</sup>

*Ratifications exchanged at Washington May 20, 1884*

*Entered into force May 20, 1884*<sup>1</sup>

*Proclaimed by the President of the United States June 2, 1884*

*Supplemented by additional articles of February 25, 1885,<sup>4</sup> and May 14, 1886*<sup>5</sup>

24 Stat. 975; Treaty Series 223

The United States of America and the United States of Mexico, equally animated by the desire to strengthen and perpetuate the friendly relations, happily existing between them, and to establish such commercial intercourse between them as shall encourage and develop trade and good will between their respective citizens, have resolved to enter into a commercial convention. For this purpose the President of the United States of America has conferred full powers on Ulysses S. Grant and William H. Trescot, citizens of the United States of America, and the President of the United States of Mexico has conferred like powers on Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of Mexico at Washington, and on Estanislao Cañedo, citizens of the United States of Mexico;

And said Plenipotentiaries, after having exchanged their respective full powers, which were found to be in due form, have agreed to the following articles:

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<sup>1</sup> The convention was never operative since the legislation required by art. VIII was not adopted by the United States.

<sup>2</sup> For schedules appended to arts. I and II, see 24 Stat. 976 and 978 or pp. 2 and 4 of TS 223.

<sup>3</sup> For text of United States amendments, see protocol 6, p. 863.

<sup>4</sup> TS 227, *post*, p. 868.

<sup>5</sup> TS 230, *post*, p. 872.

## ARTICLE I

For and in consideration of the rights granted by the United States of Mexico to the United States of America, in article second of this convention, and as an equivalent therefor, the United States of America hereby agree to admit, free of import duties whether Federal or local, all the articles named in the following schedule,<sup>6</sup> into all the ports of the United States of America, and into such places on their frontier with Mexico, as may be established now or hereafter as ports of entry by the United States of America, provided that the same be the growth and manufacture or produce of the United States of Mexico.

## ARTICLE II

For and in consideration of the rights granted by the United States of America in the preceding article of this convention, and as an equivalent therefor, the United States of Mexico hereby agree to admit free of duties whether Federal or local, all the articles named in the following schedule,<sup>6</sup> the same being the growth, manufacture, or produce of the United States of America, into all the ports of the United States of Mexico and into such places on their frontier with the United States of America as may be established now or hereafter as ports of entry by the United States of Mexico.

## ARTICLE III

The Government of the United States of Mexico, shall have the power to issue such laws, rules, regulations, instructions and orders, as it may deem proper to protect its revenues and prevent fraud in order to prove that the merchandise included in the above schedule annexed to article second of this convention, are produced or manufactured in the United States of America, and therefore are entitled to importation free of duty, into the Mexican ports or such places on the frontier between Mexico and the United States of America, as are previously established as ports of entry by the Government of Mexico.

The Government of the United States of Mexico shall have moreover the power to amend, modify, or amplify the laws and regulations issued in exercising the power conferred by this article, whenever it deems proper to do so in order to protect its revenues and prevent fraud.

## ARTICLE IV

The Government of the United States of America shall have the power to issue such laws, rules, regulations, instructions and orders as it may deem proper to protect its revenues and prevent fraud, in order to prove that the merchandise included in the above schedule attached to the first article of

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<sup>6</sup> See footnote 2, p. 855.

this convention are produced or manufactured in the United States of Mexico, and therefore are entitled to importation, free of duty, into the ports of the United States of America or such places on the frontier between the United States of America and the United States of Mexico as are previously established as ports of entry by the Government of the United States of America.

The Government of the United States of America shall have moreover the power to amend, modify or amplify the laws and regulations issued in exercising the power conferred by this article, whenever it may deem proper to do so in order to protect its revenues and prevent fraud.

#### ARTICLE V

The stipulations contained in the first and second articles of this convention will not prevent either of the contracting parties from making such changes in their import duties as their respective interests may require, granting to other nations the same liberty of rights in regard to one or more of the articles of merchandise named in the schedules annexed to the first and second articles, either by legislation or by means of treaties with other Governments. But in case such changes are made, the party affected by the same may denounce this convention even before the term specified in Article IX., and the present convention will be terminated at the end of six months, from the day on which such notification may be made by the respective country.

#### ARTICLE VI

It is further agreed by the contracting parties that neither of them shall charge any duty for the transit of the above said articles of merchandise through its own territory, provided that they are intended to be consumed in the same territory.

#### ARTICLE VII

Notwithstanding, either of the contracting parties may impose duties of transit upon any kind of merchandise, passing through its territory and destined to be consumed in the territory of another country.

#### ARTICLE VIII <sup>7</sup>

The present convention shall take effect as soon as it has been approved and ratified by both contracting parties, according to their respective constitutions; but not until the laws and regulations that each shall deem necessary to carry it into operation, shall have been passed both by the Government of the United States of America and by the Government of the United Mexican

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<sup>7</sup> For amendments to arts. VIII and X, see protocol 6, p. 863.

States, which shall take place within twelve months from the date of the exchange of ratifications to which Article X. refers.

#### ARTICLE IX

Upon the present convention taking effect, it shall remain in force for six years from the date in which it may come into operation, according to the foregoing article, and shall remain in force until either of the contracting parties shall give notice to the other of its wish to terminate the same, and until the expiration of twelve months from the date of said notification. Each of the contracting parties is at liberty to give such notice to the other at the end of said term of six years, or any time thereafter, or before as provided in Article V. of this convention.

#### ARTICLE X <sup>7</sup>

The ratifications of the present convention shall be duly exchanged at the city of Washington within twelve months from the date hereof, or earlier if possible.<sup>8</sup>

In faith whereof the respective plenipotentiaries of the high contracting parties have signed the present convention and have affixed thereto their respective seals.

Done in duplicate at the city of Washington this twentieth day of January A. D. one thousand eight hundred and eighty-three.

U. S. GRANT [SEAL]

WM. HENRY TRESBOT [SEAL]

M. ROMERO [SEAL]

E. CAÑEDO [SEAL]

#### PROTOCOL 1

WASHINGTON, *Saturday, January 20, 1883*

The Commissioners met, and upon further discussion the United States Commissioners consented to accept Article V. as submitted by the Mexican Commissioners.

The remaining articles of the treaty were considered and, the treaty signed, with the following agreement:

Whereas the Mexican Commissioners state that although in their instructions the word steel (*acero*) is omitted from the item No. (35) 66 of the list of merchandise of the United States to be admitted into Mexico, free of duty, appended to article 2 of the said treaty, which reads as follows: "Tools and instruments of iron, brass, or wood, or composed of these articles, for

<sup>8</sup> For an extension of time for exchange of ratifications, see protocol 2, p. 859.

artisans," they doubt whether this omission is intentional or casual, and have consulted about it by the cable with their Government; and

Whereas the United States Commissioners assert that if tools wholly or partly of steel for the use of artisans be excluded from the benefits of the treaty, the item in question is practically of no value as a concession to the United States.

Therefore, the Commissioners hereby agree that the treaty is signed by them subject to the correction in the aforesaid item of the word "steel," so that "tools of iron, steel, brass, or wood," &c., shall be specified, if it shall be found that the omission was unintentional on the part of Mexico; and further, that if the omission be found to have been intentional the right shall be, and hereby is, reserved to the President of the United States of America to withhold the said treaty from the Senate, and to regard the same as not representing a true agreement between the respective Commissioners.

U. S. GRANT

WM. HENRY TRESBOT

M. ROMERO

E. CAÑEDO

## PROTOCOL 2

*Agreement signed the 17th day of January, 1884, between Frederick T. Frelinghuysen, Secretary of State of the United States of America, and Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico*

Whereas, pursuant to the tenth article of the Treaty between the United States of America and the United States of Mexico of the 20th of January, 1883, it was stipulated that the ratifications of that Treaty should be exchanged at the City of Washington within twelve months from the date thereof or earlier, if possible;

And whereas, it may be impossible to exchange the ratifications within the time so fixed, the President of the United States of America has invested Frederick T. Frelinghuysen, Secretary of State of the United States of America with full power; and the President of the United States of Mexico has invested Matias Romero, Envoy Extraordinary and Minister Plenipotentiary, at Washington, with like power, who having met and examined their respective powers, which were found to be in proper form, have agreed upon the following:

### ADDITIONAL ARTICLE

It is agreed that the time limited in the tenth article of the Treaty between the United States of America and the United States of Mexico, of January 20, 1883, for the exchange of the ratifications of that instrument, shall

be and is hereby extended to the 20th day of May next. The present additional article shall be ratified, and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof we the respective Plenipotentiaries have signed the same, and have hereunto affixed our respective seals.

Done in duplicate at the City of Washington, the 17th day of January in the year of our Lord one thousand eight hundred and eighty-four.

FREDK. T. FRELINGHUYSEN	[SEAL]
M. ROMERO	[SEAL]

### PROTOCOL 3

*Protocol of an Agreement signed this 11th day of February 1884, between Frederick T. Frelinghuysen, Secretary of State of the United States of America and Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico*

The undersigned, duly authorized thereto by their respective Governments, and with the purpose of correcting an error of translation in the text of the Commercial Convention between the United States of America and the United States of Mexico signed in the city of Washington on the 20th day of January 1883, hereby agree and declare:

That the English word *berries*, found in the 18th (24th) item of the schedule of Mexican articles to be admitted duty free into the United States of America contained in Article I. of said Convention, shall be held to have its equivalent in fact, for all purposes of the execution of said convention in the Spanish word *bayas* instead of the Spanish word *cerezas* which appears by error in the Spanish text of said Convention as signed.

This agreement shall be attached to and proclaimed with said Convention.

In witness whereof we have subscribed and sealed this Agreement, in the English and Spanish languages, in the city of Washington this 11th day of February, 1884.

FREDK. T. FRELINGHUYSEN	[SEAL]
M. ROMERO	[SEAL]

### PROTOCOL 4

The Commissioners, Ulysses S. Grant and William H. Trescot, on the part of the United States, and Matias Romero and Estanislao Cañedo, on the part of Mexico, met at the State Department at 1 o'clock, January 15, 1883.

Upon submitting to each other their respective powers, the Commissioners of the United States called to the attention of the Commissioners of Mexico that while the powers of the former were full, the powers of the latter were confined to the execution of such a Treaty as was prescribed in their instructions, and as these instructions were unknown to the United States Commissioners, the powers could scarcely be considered "like and equal."

The Mexican Commissioners said they proposed to communicate their instructions, and, at the request of the United States Commissioners, consented to attach them to their powers as part thereof.

As these instructions referred to a draft of a treaty in possession of the Mexican Commissioners as representing the views of the Mexican Government, it was agreed that the treaty should be read.

It was accordingly read, article by article.

Upon the reading of the first article, the United States Commissioners stated that complaints had been made that merchandise going from the United States into Mexico and subject to duty was not only so taxed at the port of entry, but was subject to extra taxation imposed upon the border line of every State of the Mexican Republic through which it might pass. They wished to know whether the condition of Mexican law, taken in connection with the language of this article, exempting goods on the free list from all "taxation whether Federal or local", was such as to secure these goods from local taxation.

The Mexican Commissioners said:

"That section I. of article 112 of the Federal Constitution of the United States of Mexico provides that the States cannot levy any tax upon tonnage or any other port duty, or upon imports and exports unless they are authorized to do so by the Federal Congress. That the Federal Congress has not authorized the States to levy any tax upon imports and exports, and could not give any such authority if this project became a treaty, so far as the articles embraced in Article 2 of the treaty are concerned.

"That, therefore, if any State should attempt to collect any tax on said articles, or any other foreign articles, in Mexico, the interested parties could apply to the proper courts and have the wrong remedied in accordance with the Mexican laws."

Having considered Articles 1 and 2, with the respective free lists, the Commission adjourned to meet on Tuesday, the 16th instant, at 10 o'clock.

U. S. GRANT

WM. HENRY TRESBOT

M. ROMERO

E. CAÑEDO

## PROTOCOL 5

WASHINGTON, *Tuesday, January 16, 1883*

The Commissioners met at 10 o'clock.

The reading of the articles of the treaty draft was renewed.

In connection with Articles 3 and 4, the United States Commissioners suggested that, without making any alteration in the substance of the articles, it would be desirable if some concert could be had in the establishment of such customs regulations as might be found necessary for proof of the character of the merchandise made free under the provisions of the Treaty; and they considered it important that the official examination of such merchandise once made at the port of original entry should be sufficient to carry such goods to their point of destination without further examination.

The Mexican Commissioners said that the Mexican Government was now endeavoring to modify its customs regulations; that a Commissioner was appointed to come to the United States to examine the customs regulations between the United States and Canada, who has reported favorably upon the adoption of that system, and that a Commission was now sitting in Mexico for the revision of the tariff, and would probably adopt that system; that the introduction and development of railroads would require a change in the present system, and that they had no doubt some plan would be devised by which goods could be carried under bond to their point of final destination; that, as they had explained before, no separate State had the right to levy taxes upon imports without the consent of the Federal Congress, and that goods declared free, having once passed the custom house of original entry, or having arrived at the place of destination, if the bond system was adopted, would not need any further justification.

The remaining articles of the draft, with the exception of Article 5, were then read, and in some respects modified.

Article V. was then read.

The United States Commissioners submitted a modification by which the free lists were made the exclusive privilege of the contracting parties during the term of the existence of the treaty—six years.

After a very full discussion, the Mexican Commissioners said that they were not authorized to accept the modification; and the United States Commissioners replied that under their instructions they were not authorized to accept the article without some modification.

The subject was referred for further discussion to the next meeting.

The Commission then adjourned to meet on Wednesday, January 17, at 11 o'clock.

U. S. GRANT

WM. HENRY TRESBOT

M. ROMERO

E. CAÑEDO

#### PROTOCOL 6

*Protocol of a Conference held at the Department of State in the city of Washington the 20th day of May 1884, between Frederick T. Frelinghuysen, Secretary of State of the United States of America and Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico*

Whereas a Treaty of Commerce was concluded between the United States of America and the United Mexican States and signed by their respective Plenipotentiaries at Washington on the 20th day of January 1883;

And whereas, the Senate of the United States by their Resolution of the 11th of March 1884 (two-thirds of the Senators present concurring) did advise and consent to the ratification of the said Treaty and the Protocols thereto with the following amendments:

Amend Article eight so as to read as follows:

“The present convention shall take effect as soon as it has been approved and ratified by both contracting parties, according to their respective constitutions; but not until laws necessary to carry it into operation, shall have been passed both by the Congress of the United States and the Government of the United Mexican States, and regulations provided accordingly, which shall take place within twelve months from the date of the exchange of ratifications to which Article ten refers.”

Article ten, line three, strike out the word “twelve” and insert in lieu thereof the word “sixteen.”

And whereas the said Treaty with acceptance of said amendment was ratified by the Senate of the United States of Mexico on the 14th day May, 1884.

And whereas the Treaty has been ratified by both Governments, but the Mexican exchange copy, although on its way to Washington, has not yet arrived, it is agreed that this Protocol shall have the effect of an exchange of ratifications when complemented by a formal exchange to take place upon

the arrival of the Mexican copy, and this Protocol to take effect only on the arrival of the Mexican copy of the Treaty, and then, as of to-day, when another Protocol shall be signed reciting the substance of this.

In witness whereof we have hereunto set our hands and seals.

FREDK. T. FRELINGHUYSEN [SEAL]

M. ROMERO [SEAL]

#### PROTOCOL 7

Whereas, upon the 20th day of May, 1884, a protocol of a Conference held at the Department of State in the City of Washington, was signed, which provided that as the Treaty between the United States of America and the United Mexican States, signed at Washington on the 20th day of January, 1883, had been ratified by both Governments; but the Mexican Exchange Copy, although on its way to Washington had not then arrived, it was agreed that the protocol should have the effect of an exchange of ratifications when complemented by a formal exchange, to take place upon the arrival of the Mexican copy, the protocol to take effect only on the arrival of the Mexican copy of the Treaty, and then as of its date, when another protocol should be signed citing the substance of the protocol of May 20;

And whereas the Mexican copy of the Treaty has now arrived, and the respective ratifications of said Treaty have been carefully compared and found conformable, the undersigned ratify and confirm the Protocol of May 20th, hereinbefore referred to.

In testimony whereof they have hereunto set their hands and affixed their seals at Washington this twenty-sixth day of May in the year one thousand eight hundred and eighty-four.

FREDK. T. FRELINGHUYSEN [SEAL]

M. ROMERO [SEAL]

## BOUNDARY WATERS: RIO GRANDE AND RIO COLORADO

*Convention signed at Washington November 12, 1884*

*Senate advice and consent to ratification June 23, 1886*

*Ratified by the President of the United States July 10, 1886*

*Ratified by Mexico August 11, 1886*

*Ratifications exchanged at Washington September 13, 1886*

*Entered into force September 13, 1886*

*Proclaimed by the President of the United States September 14, 1886*

24 Stat. 1011; Treaty Series 226

### CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED STATES OF MEXICO, TOUCHING THE BOUNDARY-LINE BETWEEN THE TWO COUNTRIES WHERE IT FOLLOWS THE BED OF THE RIO GRANDE AND THE RIO COLORADO

Whereas, in virtue of the 5th article of the Treaty of Guadalupe Hidalgo between the United States of America and the United States of Mexico, concluded February 2, 1848,<sup>1</sup> and of the first article of that of December 30, 1853,<sup>2</sup> certain parts of the dividing line between the two countries follow the middle of the channel of the Rio Grande and the Rio Colorado, to avoid difficulties which may arise through the changes of channel to which those rivers are subject through the operation of natural forces, the Government of the United States of America and the Government of the United States of Mexico have resolved to conclude a convention which shall lay down rules for the determination of such questions, and have appointed as their Plenipotentiaries:

The President of the United States of America, Frederick T. Frelinghuysen, Secretary of State of the United States; and the President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United Mexican States;

Who, after exhibiting their respective Full Powers, found in good and due form, have agreed upon the following articles:

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<sup>1</sup> TS 207, *ante*, p. 791.

<sup>2</sup> TS 208, *ante*, p. 812.

## ARTICLE I

The dividing line shall forever be that described in the aforesaid Treaty and follow the centre of the normal channel of the rivers named, notwithstanding any alterations in the banks or in the course of those rivers, provided that such alterations be effected by natural causes through the slow and gradual erosion and deposit of alluvium and not by the abandonment of an existing river bed and the opening of a new one.

## ARTICLE II

Any other change, wrought by the force of the current, whether by the cutting of a new bed, or when there is more than one channel by the deepening of another channel than that which marked the boundary at the time of the survey made under the aforesaid Treaty, shall produce no change in the dividing line as fixed by the surveys of the International Boundary Commissions in 1852; but the line then fixed shall continue to follow the middle of the original channel bed, even though this should become wholly dry or be obstructed by deposits.

## ARTICLE III

No artificial change in the navigable course of the river, by building jetties, piers, or obstructions which may tend to deflect the current or produce deposits of alluvium, or by dredging to deepen another than the original channel under the Treaty when there is more than one channel, or by cutting waterways to shorten the navigable distance, shall be permitted to affect or alter the dividing line as determined by the aforesaid commissions in 1852 or as determined by Article I. hereof and under the reservation therein contained; but the protection of the banks on either side from erosion by revetments of stone or other material not unduly projecting into the current of the river shall not be deemed an artificial change.

## ARTICLE IV

If any international bridge have been or shall be built across either of the rivers named, the point on such bridge exactly over the middle of the main channel as herein determined shall be marked by a suitable monument, which shall denote the dividing line for all the purposes of such bridge, notwithstanding any change in the channel which may thereafter supervene. But any rights other than in the bridge itself and in the ground on which it is built shall in event of any such subsequent change be determined in accordance with the general provisions of this convention.

## ARTICLE V

Rights of property in respect of lands which may have become separated through the creation of new channels as defined in Article II. hereof, shall

not be affected thereby, but such lands shall continue to be under the jurisdiction of the country to which they previously belonged.

In no case, however, shall this retained jurisdictional right affect or control the right of navigation common to the two countries under the stipulations of Article VII. of the aforesaid Treaty of Guadalupe Hidalgo; and such common right shall continue without prejudice throughout the actually navigable main channels of the said rivers, from the mouth of the Rio Grande to the point where the Rio Colorado ceases to be the international boundary, even though any part of the channel of said rivers, through the changes herein provided against, may be comprised within the territory of one of the two nations.

#### ARTICLE VI

This convention shall be ratified by both parties in accordance with their respective constitutional procedure, and the ratifications exchanged in the city of Washington as soon as possible.

In witness whereof the undersigned Plenipotentiaries have hereunto set their hands and seals.

Done at the city of Washington, in duplicate, in the English and Spanish languages, this twelfth day of November, A.D. 1884.

FREDK. T. FRELINGHUYSEN [SEAL]

M. ROMERO [SEAL]

## COMMERCE

*Additional article signed at Washington February 25, 1885, supplementing convention of January 20, 1883*

*Senate advice and consent to ratification March 20, 1885*

*Ratified by the President of the United States November 12, 1885*

*Ratified by Mexico November 12, 1885*

*Ratifications exchanged at Washington November 27, 1885*

*Entered into force November 27, 1885*

*Proclaimed by the President of the United States May 4, 1886*

*Expired May 20, 1886*

25 Stat. 1370; Treaty Series 227

### ADDITIONAL ARTICLE TO THE COMMERCIAL CONVENTION CONCLUDED AT WASHINGTON, JANUARY 20, 1883, BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED STATES OF MEXICO

The United States of America and the United States of Mexico, deeming it expedient to extend the time for the approval of the laws necessary to carry into operation the Commercial Convention between the two Governments concluded at Washington, January 20, 1883,<sup>1</sup> fixed in Article VIII., of said Convention, have agreed upon an additional article and have appointed as their Plenipotentiaries:

The President of the United States of America, Frederick T. Frelinghuysen, Secretary of State of the United States of America, and

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico at Washington;

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

#### ADDITIONAL ARTICLE

The time originally fixed in Article VIII. of the Commercial Convention between the United States of America and the United States of Mexico, concluded at Washington, January 20, 1883, for the approval of the laws necessary to carry it into operation, is hereby extended to May 20, 1886.

<sup>1</sup> TS 223, *ante*, p. 855. The convention was never operative.

This additional article shall be ratified by the contracting Parties, in conformity with their respective Constitutions and its ratifications shall be exchanged in Washington as soon as possible.

In faith whereof we, the undersigned, in virtue of our respective full powers, have signed the present additional article in duplicate, and have hereunto affixed our respective seals.

Done at the City of Washington the 25th day of February in the year of our Lord one thousand eight hundred and eighty-five.

FREDK. T. FRELINGHUYSEN [SEAL]

M. ROMERO [SEAL]

## BOUNDARY LINE WEST OF THE RIO GRANDE

*Additional article signed at Washington December 5, 1885, extending convention of July 29, 1882*

*Senate advice and consent to ratification, with an amendment, June 21, 1886<sup>1</sup>*

*Ratified by Mexico May 18, 1887*

*Ratified by the President of the United States, with an amendment, June 23, 1887<sup>1</sup>*

*Ratifications exchanged at Washington June 27, 1887*

*Entered into force June 27, 1887*

*Proclaimed by the President of the United States June 28, 1887*

*Expired January 3, 1889*

25 Stat. 1390; Treaty Series 229

### ADDITIONAL ARTICLE TO THE CONVENTION CONCLUDED AT WASHINGTON THE TWENTY-NINTH OF JULY ONE THOUSAND EIGHT HUNDRED AND EIGHTY-TWO BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED STATES OF MEXICO

The United States of America and the United States of Mexico being desirous to comply with the provisions of the Convention, signed at Washington on the twenty-ninth of July, one thousand eight hundred and eighty-two,<sup>2</sup> to survey and re-locate the existing boundary line, between the two countries west of the Rio Grande, which so far as they relate to Article VIII. of said Convention, have not been carried out through delays in the appointment of the Commission to undertake the work have deemed it expedient to agree upon an extension of the time provided for in said article, and to this end they have appointed their respective Plenipotentiaries, to wit:

The President of the United States of America, Thomas F. Bayard, Secretary of State to the United States of America, and

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<sup>1</sup> The United States amendment called for deletion in the additional article of the phrase "date of the exchange of ratifications of this additional article" after the words "extended for eighteen months from the" and substitution in lieu thereof of the phrase "expiration of the term fixed in Article VIII of the said Treaty of July 29, 1882"

The text printed here is the amended text as proclaimed by the President.

<sup>2</sup> TS 200, *ante*, p. 850.

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico in Washington,

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

ADDITIONAL ARTICLE

The time fixed in Article VIII. of the Convention concluded at Washington, July 29, 1882, between the United States of America and the United States of Mexico, to establish an international boundary commission for the purpose of re-surveying and re-locating the existing boundary line between the two countries, west of the Rio Grande, as provided for in said Convention, is hereby extended for eighteen months from the expiration of the term fixed in Article VIII. of the said Treaty of July 29, 1882.

This additional Article shall be ratified by the contracting parties in conformity with their respective constitutions and its ratification shall be exchanged in Washington, as soon as possible.

In faith whereof, we, the undersigned, in virtue of our respective full powers, have signed the present additional article in duplicate and have thereunto affixed our respective seals.

Done at the city of Washington, the 5th day of December, in the year of the Lord, one thousand eight hundred and eighty-five.

T. F. BAYARD [SEAL]

M. ROMERO [SEAL]

## COMMERCE

*Article signed at Washington May 14, 1886, supplementing convention of January 20, 1883*

*Ratified by Mexico May 30, 1886*

*Senate advice and consent to ratification January 7, 1887*

*Ratified by the President of the United States January 24, 1887*

*Ratifications exchanged at Washington January 29, 1887*

*Entered into force January 29, 1887*

*Proclaimed by the President of the United States February 1, 1887*

*Expired May 20, 1887*

24 Stat. 1018; Treaty Series 230

### SUPPLEMENTARY ARTICLE TO THE COMMERCIAL CONVENTION CONCLUDED BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED STATES OF MEXICO, JANUARY 20, 1883, AND TO THE ADDITIONAL ARTICLE CONCLUDED BETWEEN THE SAME HIGH PARTIES, FEBRUARY 25, 1885

The United States of America and the United States of Mexico, deeming it expedient to further extend the time for the approval of the laws necessary to carry into operation the Commercial Convention concluded between the two Governments, signed at Washington, January 20, 1883,<sup>1</sup> which time as fixed in Article VIII. of said convention was by the Additional Article signed February 25, 1885,<sup>2</sup> extended until the 20th of May of the present year, have appointed as their Plenipotentiaries, *to wit*:

The President of the United States of America, Thomas Francis Bayard, Secretary of State of the United States of America, and the President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico at Washington; Who, after having exhibited to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Article:

#### SUPPLEMENTARY ARTICLE

The time originally fixed in Article VIII. of the Commercial Convention between the United States of America and the United States of Mexico,

<sup>1</sup> TS 223, *ante*, p. 855. The convention was never operative.

<sup>2</sup> TS 227, *ante*, p. 868.

signed at Washington, January 20, 1883, for the approval of the laws necessary to carry it into operation, and which time was, by the additional article between the United States of America and the United States of Mexico signed February 25, 1885, extended to May 20, 1886, is hereby further extended to the 20th of May, 1887.

This Supplementary Article shall be ratified by the contracting parties in conformity with their respective Constitutions, and its ratifications shall be exchanged in Washington as soon as possible,—it being understood that such exchange of ratifications at any date prior to the 20th of May 1887, shall be effective for all the intents and purposes of the present Article.

In faith whereof, we, the undersigned Plenipotentiaries have signed the present Supplementary Article, in duplicate, in the English and Spanish languages, and have hereunto affixed our respective seals.

Done at the City of Washington the 14th day of May, in the year of our Lord one thousand eight hundred and eighty-six.

T. F. BAYARD      [SEAL]  
M. ROMERO        [SEAL]

## BOUNDARY LINE WEST OF THE RIO GRANDE

*Convention signed at Washington February 18, 1889, reviving convention of July 29, 1882*

*Senate advice and consent to ratification March 26, 1889*

*Ratified by the President of the United States April 30, 1889*

*Ratified by Mexico August 4, 1889*

*Ratifications exchanged at Washington October 12, 1889*

*Entered into force October 12, 1889*

*Proclaimed by the President of the United States October 14, 1889*

*Expired October 11, 1894*

26 Stat. 1493; Treaty Series 231

### CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED STATES OF MEXICO, TO REVIVE THE PROVISIONS OF THE CONVENTION OF JULY 29, 1882, TO SURVEY AND RELOCATE THE EXISTING BOUNDARY LINE BETWEEN THE TWO COUNTRIES WEST OF THE RIO GRANDE, AND TO EXTEND THE TIME FIXED IN ARTICLE VIII OF THE SAID CONVENTION FOR THE COMPLETION OF THE WORK IN QUESTION

Whereas the provisions of the Convention between the United States of America and the United States of Mexico, signed at Washington on the twenty-ninth of July, one thousand eight hundred and eighty-two,<sup>1</sup> to survey and relocate the existing boundary between the two countries west of the Rio Grande, so far as they relate to Article VIII of said Convention, have not been carried out through delays in the appointment of the Commission to undertake the work;

And whereas, by the Additional Article to the said Convention, signed at Washington, the fifth of December, one thousand eight hundred and eighty-five,<sup>2</sup> the time fixed in Article VIII of the said Convention of July 29, 1882, was extended for a period of eighteen months from the expiration of the term stipulated in said Article VIII;

And whereas, the said additional period of time, as so extended, has expired without the appointment of the Commission in question, and the said

<sup>1</sup> TS 220, *ante*, p. 850.

<sup>2</sup> TS 229, *ante*, p. 870.

Convention has accordingly ceased to be in force pursuant to the provisions of Article VIII thereof;

And whereas, it is the wish and understanding of the United States and Mexico that the provisions of the said Convention of July 29, 1882, shall be revived and continued in force and effect until the completion of the work for which it was originally negotiated, they have appointed for this purpose, their respective Plenipotentiaries, to wit:

The President of the United States of America, Thomas F. Bayard, Secretary of State of the United States of America, and

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico in Washington,

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

#### ARTICLE I

In view of the fact that the original Convention of July 29, 1882, between the United States and Mexico, providing for the resurvey of their boundary line, has lapsed by reason of the failure of the two governments to provide for its further extension before the 3d day of January, 1889, as contemplated by the Additional Article to that Convention, of December 5, 1885, it is hereby mutually agreed and expressly understood by and between the contracting parties hereto, that the said Convention of July 29, 1882, and every article and clause thereof, are hereby revived and renewed as they stood prior to January 3, 1889.

#### ARTICLE II

The time fixed in Article VIII of the Convention concluded at Washington, July 29, 1882, between the United States of America and the United States of Mexico, to establish an international boundary commission for the purpose of resurveying and relocating the existing boundary line between the two countries west of the Rio Grande, as provided for in said Convention, and which was extended for eighteen months from the expiration of the term fixed in Article VIII of the said Convention of July 29, 1882, is hereby further extended for a period of five years from the date of the exchange of ratifications hereof.

This Convention shall be ratified by the contracting parties in conformity with their respective constitutions and its ratifications shall be exchanged at Washington as soon as possible.

In faith whereof, we, the undersigned, in virtue of our respective full powers, have signed the present Convention, in duplicate, and have thereunto affixed our respective seals.

Done at the City of Washington, the 18th day of February, in the year of our Lord one thousand eight hundred and eighty-nine.

T. F. BAYARD [SEAL]

M. ROMERO [SEAL]

## BOUNDARY WATERS: RIO GRANDE AND RIO COLORADO

*Convention signed at Washington March 1, 1889*

*Ratified by Mexico October 31, 1889*

*Senate advice and consent to ratification May 7, 1890*

*Ratified by the President of the United States December 6, 1890*

*Ratifications exchanged at Washington December 24, 1890*

*Entered into force December 24, 1890*

*Proclaimed by the President of the United States December 26, 1890*

*Extended by conventions of October 1, 1895;<sup>1</sup> November 6, 1896;<sup>2</sup>  
October 29, 1897;<sup>3</sup> December 2, 1898;<sup>4</sup> December 22, 1899;<sup>5</sup>  
and November 21, 1900;<sup>6</sup> extended indefinitely by treaty of  
February 3, 1944<sup>7</sup>*

26 Stat. 1512; Treaty Series 232

The United States of America and the United States of Mexico, desiring to facilitate the carrying out of the principles contained in the treaty of November 12, 1884,<sup>8</sup> and to avoid the difficulties occasioned by reason of the changes which take place in the bed of the Rio Grande and that of the Colorado river, in that portion thereof where they serve as a boundary between the two Republics, have resolved to conclude a treaty for the attainment of these objects, and have appointed as their respective Plenipotentiaries:

The President of the United States of America, Thomas F. Bayard, Secretary of State of the United States of America; and

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico, at Washington;

Who, after having exhibited their respective full powers, and having found the same to be in good and due form, have agreed upon the following articles:

<sup>1</sup> TS 236, *post*, p. 887.

<sup>2</sup> TS 238, *post*, p. 892.

<sup>3</sup> TS 240, *post*, p. 896.

<sup>4</sup> TS 241, *post*, p. 898.

<sup>5</sup> TS 243, *post*, p. 908.

<sup>6</sup> TS 244, *post*, p. 910.

<sup>7</sup> TS 994, *post*, p. 1166.

<sup>8</sup> TS 226, *ante*, p. 865.

## ARTICLE I

All differences or questions that may arise on that portion of the frontier between the United States of America and the United States of Mexico where the Rio Grande and the Colorado rivers form the boundary line, whether such differences or questions grow out of alterations or changes in the bed of the aforesaid Rio Grande and that of the aforesaid Colorado River, or of works that may be constructed in said rivers, or of any other cause affecting the boundary line, shall be submitted for examination and decision to an International Boundary Commission, which shall have exclusive jurisdiction in the case of said differences or questions.

## ARTICLE II

The International Boundary Commission shall be composed of a Commissioner appointed by the President of the United States of America, and of another appointed by the President of the United States of Mexico, in accordance with the constitutional provisions of each country, of a Consulting Engineer, appointed in the same manner by each Government, and of such Secretaries and Interpreters as either Government may see fit to add to its Commission. Each Government separately shall fix the salaries and emoluments of the members of its Commission.

## ARTICLE III

The International Boundary Commission shall not transact any business unless both Commissioners are present. It shall sit on the frontier of the two contracting countries, and shall establish itself at such places as it may determine upon; it shall, however, repair to places at which any of the difficulties or questions mentioned in this convention may arise, as soon as it shall have been duly notified thereof.

## ARTICLE IV

When, owing to natural causes, any change shall take place in the bed of the Rio Grande or in that of the Colorado River, in that portion thereof wherein those rivers form the boundary line between the two countries, which may affect the boundary line, notice of that fact shall be given by the proper local authorities on both sides to their respective Commissioners of the International Boundary Commission, on receiving which notice it shall be the duty of the said Commission to repair to the place where the change has taken place or the question has arisen, to make a personal examination of such change, to compare it with the bed of the river as it was before the change took place, as shown by the surveys, and to decide whether it has occurred through avulsion or erosion, for the effects of articles I and II of

the convention of November 12, 1884; having done this, it shall make suitable annotations on the surveys of the boundary line.

#### ARTICLE V

Whenever the local authorities on any point of the frontier between the United States of America and the United States of Mexico, in that portion in which the Rio Grande and the Colorado River form the boundary between the two countries, shall think that works are being constructed, in either of those rivers, such as are prohibited by article III of the convention of November 12, 1884, or by article VII of the treaty of Guadalupe Hidalgo of February 2, 1848,<sup>9</sup> they shall so notify their respective Commissioners, in order that the latter may at once submit the matter to the International Boundary Commission, and that said Commission may proceed, in accordance with the provisions of the foregoing article, to examine the case, and that it may decide whether the work is among the number of those which are permitted, or of those which are prohibited by the stipulations of those treaties.

The Commission may provisionally suspend the construction of the works in question pending the investigation of the matter, and if it shall fail to agree on this point, the works shall be suspended, at the instance of one of the two Governments.

#### ARTICLE VI

In either of these cases, the Commission shall make a personal examination of the matter which occasions the change, the question or the complaint, and shall give its decision in regard to the same, in doing which it shall comply with the requirements established by a body of regulations to be prepared by the said Commission and approved by both Governments.

#### ARTICLE VII

The International Boundary Commission shall have power to call for papers and information, and it shall be the duty of the authorities of each of the two countries to send it any papers that it may call for, relating to any boundary question in which it may have jurisdiction in pursuance of this convention.

The said Commission shall have power to summon any witnesses whose testimony it may think proper to take, and it shall be the duty of all persons thus summoned to appear before the same and to give their testimony, which shall be taken in accordance with such by-laws and regulations as may be adopted by the Commission and approved by both Governments. In case of the refusal of a witness to appear, he shall be compelled to do so, and to this end the Commission may make use of the same means that are used by the

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<sup>9</sup> TS 207, *ante*, p. 791.

courts of the respective countries to compel the attendance of witnesses, in conformity with their respective laws.

#### ARTICLE VIII

If both Commissioners shall agree to a decision, their judgment shall be considered binding upon both Governments, unless one of them shall disapprove it within one month reckoned from the day on which it shall have been pronounced. In the latter case, both Governments shall take cognizance of the matter, and shall decide it amicably, bearing constantly in mind the stipulation of Article XXI of the treaty of Guadalupe Hidalgo of February 2, 1848.

The same shall be the case when the Commissioners shall fail to agree concerning the point which occasions the question, the complaint or the change, in which case each Commissioner shall prepare a report, in writing, which he shall lay before his Government.

#### ARTICLE IX

This convention shall be ratified by both parties, in accordance with the provisions of their respective constitutions, and the ratifications thereof shall be exchanged at Washington as speedily as possible—and shall be in force from the date of the exchange of ratification for a period of five years.

In testimony whereof the undersigned Plenipotentiaries have signed and sealed it.

Done in duplicate, in the city of Washington, in the English and Spanish languages, on the 1st day of March one thousand eight hundred and eighty-nine.

T. F. BAYARD [SEAL]

M. ROMERO [SEAL]

## RIGHT TO PURSUE INDIANS ACROSS BOUNDARY LINE

*Agreement signed at Washington June 25, 1890*

*Entered into force June 25, 1890*

*Expired June 25, 1891*

*Renewed by agreement of November 25, 1892<sup>1</sup>*

Treaty Series 233

AGREEMENT ENTERED INTO IN BEHALF OF THEIR RESPECTIVE GOVERNMENTS, BY JAMES G. BLAINE, SECRETARY OF STATE OF THE UNITED STATES OF AMERICA, AND MATIAS ROMERO, ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF THE UNITED MEXICAN STATES, PROVIDING FOR THE RECIPROCAL CROSSING OF THE INTERNATIONAL BOUNDARY LINE BY THE TROOPS OF THEIR RESPECTIVE GOVERNMENTS, IN PURSUIT OF SAVAGE HOSTILE INDIANS, UNDER THE CONDITIONS HEREINAFTER STATED

### ARTICLE I

It is agreed that the regular federal troops of the two Republics may reciprocally cross the boundary line of the two countries when they are in close pursuit of a band of hostile savage Indians, upon the conditions stated in the following articles:

### ARTICLE II

It is understood for the purpose of this agreement, that no Indian scouts of the Government of the United States of America shall be allowed to cross the boundary line, unless they go as guides and trailers, unarmed, and not exceeding in any case, two scouts for each Company or each separate command.

### ARTICLE III

The reciprocal crossing agreed upon in Article I, shall only occur in the unpopulated or desert parts of said boundary line. For the purpose of this agreement the unpopulated or desert parts are defined to be all those points

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<sup>1</sup> TS 234, *post*, p. 884.

which are at least ten kilometers distant from any encampment or town of either country.

#### ARTICLE IV

No crossing of troops of either country shall take place from Capitan Leal, a town on the Mexican side of the Rio Bravo, eighty-four kilometers (52 English miles) above Piedras Negras, to the mouth of the Rio Grande.

#### ARTICLE V

The Commander of the troops which cross the frontier in pursuit of Indians, shall, at the time of crossing, or before if possible, give notice of his march to the nearest military commander, or civil authority, of the country whose territory he enters.

#### ARTICLE VI

The pursuing force shall retire to its own territory as soon as it shall have fought the band of which it is in pursuit, or have lost its trail. In no case shall the forces of the two countries, respectively, establish themselves or remain in the foreign territory, for any time longer than is necessary to make the pursuit of the band whose trail they follow.

#### ARTICLE VII

The abuses which may be committed by the forces which cross into the territory of the other nation, shall be punished by the government to which the forces belong, according to the gravity of the offence and in conformity with its laws, as if the abuses had been committed in its own territory, the said government being further under obligation to withdraw the guilty parties from the frontier.

#### ARTICLE VIII

In the case of offences which may be committed by the inhabitants of the one country against the foreign forces which may be within its limits, the government of said country shall only be responsible to the government of the other for denial of justice in the punishment of the guilty.

#### ARTICLE IX

This being a provisional agreement it shall remain in force until both governments negotiate a definite one, and may be terminated by either government upon four months notice to the other to that effect; but in no case shall this agreement remain in force for more than one year from this date.

## ARTICLE X

The Senate of the United Mexican States, having authorized the President to conclude the present agreement, it shall have its effect from this date.

In testimony whereof we have interchangeably signed this agreement this 25th day of June, 1890.

JAMES G. BLAINE [SEAL]

M. ROMERO [SEAL]

## RIGHT TO PURSUE INDIANS ACROSS BOUNDARY LINE

*Agreement signed at México November 25, 1892, renewing agreement  
of June 25, 1890*

*Entered into force November 25, 1892*

*Expired November 25, 1893*

Treaty Series 234

The undersigned, duly authorized thcreto by their respective Governments, In view of the wish of the Government of the United States of America, manifested by its Honorable Secretary of State, under date of the 17th of the current month, through its Legation, to the Secretary of Foreign Affairs of Mexico, for a renewal of the agreement signed at Washington on the 25th of June 1890,<sup>1</sup> to allow federal troops of each of the two countries to cross over to the territory of the other in pursuit of savage hostile indians, such renewal having become necessary by reason of the raids which, according to advices from the War Department of the United States, are being committed by some Apaches headed by the indian called "KID" along the dividing line between Arizona and New Mexico, it being feared that they seek to evade pursuit made by troops of the United States, by crossing the frontier of Mexico.

And, considering that the understanding between the two interested Governments to avoid the continuation of the evils consequent upon the uprising of the said indians is urgent,

They have agreed, in name and rrepresentation of their respective Governments, to renew the aforesaid agreement of June 25, 1890, of which a printed copy in English and Spanish is hereto attached, to the end that its effects may prevail for all such time as said uprising may last on the part of the Apache indians led by the ring-lcader "KID," and the necessity may exist for their pursuit by an armed force, provided that, in no case, may the duration of the agreement thus hereby renewed, be extended beyond one year from this date.

Done in two copies, signed and sealcd in the city of Mexico, this twenty-fifth day of November, the year one thousand eight hundred and ninety-two.

C. A. DOUGHERTY [SEAL]

IGNO. MARISCAL [SEAL]

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<sup>1</sup> TS 233, *ante*, p. 881.

## BOUNDARY LINE WEST OF THE RIO GRANDE

*Convention signed at Washington August 24, 1894, extending convention of July 29, 1882, as extended*

*Senate advice and consent to ratification August 27, 1894*

*Ratified by the President of the United States September 1, 1894*

*Ratified by Mexico October 3, 1894*

*Ratifications exchanged at Washington October 11, 1894*

*Entered into force October 11, 1894*

*Proclaimed by the President of the United States October 18, 1894*

*Expired October 11, 1896*

28 Stat. 1213; Treaty Series 235

Whereas the United States of America and the United States of Mexico desire to comply fully with the provisions of the Convention concluded and signed at Washington, July 29, 1882,<sup>1</sup> providing for an international boundary survey to relocate the existing frontier line between the two countries west of the Rio Grande;

And whereas the time fixed by Article VIII of that Convention for the termination of the labors of the International Boundary Commission, as extended by Article II of the Convention concluded and signed between the two high contracting parties February 18, 1889,<sup>2</sup> will expire October 11, 1894;

And whereas the two high contracting parties deem it expedient to agree upon a further extension of the time stipulated in Article II of the Convention aforesaid, to the end that the International Boundary Commission may be enabled to finish all its work and so render a report accompanied by a final map of the topography on both sides of the line, they have appointed for this purpose their respective Plenipotentiaries, to wit:

The President of the United States of America, Walter Q. Gresham, Secretary of State of the United States of America, and

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico in Washington,

<sup>1</sup> TS 220, *ante*, p. 850.

<sup>2</sup> TS 231, *ante*, p. 874.

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

ARTICLE I

The period fixed by Article VIII of the aforesaid Convention of July 29, 1882, between the United States of America and the United States of Mexico, which was extended for five years from the date of the exchange of the ratifications of the Convention of February 18, 1889, between the same high contracting parties and which will terminate October 11, 1894, is hereby further extended for a period of two years from that date.

This Convention shall be ratified by the high contracting parties in conformity with their respective constitutions and its ratifications shall be exchanged in Washington, as soon as possible.

In faith whereof, we, the undersigned, in virtue of our respective full powers, have signed this convention, in duplicate, in the English and Spanish languages and have thereunto affixed our respective seals.

Done at the City of Washington, the 24th day of August in the year one thousand eight hundred and ninety-four.

WALTER Q. GRESHAM [SEAL]

M. ROMERO [SEAL]

## BOUNDARY WATERS: RIO GRANDE AND RIO COLORADO

*Convention signed at Washington October 1, 1895, extending the convention of March 1, 1889*

*Ratified by Mexico November 5, 1895*

*Senate advice and consent to ratification December 17, 1895*

*Ratified by the President of the United States December 21, 1895*

*Ratifications exchanged at Washington December 21, 1895*

*Entered into force December 21, 1895*

*Proclaimed by the President of the United States December 21, 1895*

*Expired December 24, 1896*

29 Stat. 841; Treaty Series 236

Whereas the United States of America and the United States of Mexico desire to comply fully with the provisions of the Convention concluded and signed at Washington, March 1, 1889,<sup>1</sup> to facilitate the carrying out of the principles contained in the Convention of November 12, 1884,<sup>2</sup> between the two High Contracting Parties, and to avoid the difficulties occasioned by reason of the changes which take place in the beds of the Rio Grande and Colorado River in that portion thereof where they serve as a boundary line between the two Republics;

And whereas the time fixed by Article IX of the Convention of March 1, 1889, will expire December 24, 1895;

And whereas the two High Contracting Parties deem it expedient to agree upon an extension of the time stipulated in Article IX aforesaid, to the end that the International Boundary Commission may conclude the examination and decision of the cases submitted to it, they have appointed for this purpose their respective plenipotentiaries, to wit:

The President of the United States of America, Richard Olney, Secretary of State of the United States of America; and

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico at Washington,

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<sup>1</sup> TS 232, *ante*, p. 377.

<sup>2</sup> TS 226, *ante*, p. 365.

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

ARTICLE

The duration of the Convention of March 1, 1889, between the United States of America and the United States of Mexico, which, in virtue of the provisions of Article IX thereof, was to continue in force for a period of five years from the date of the exchange of its ratifications, and which will terminate December 24, 1895, is hereby extended for the period of one year from that date.

This Convention shall be ratified by the High Contracting Parties in conformity with their respective Constitutions, and its ratifications shall be exchanged at Washington as soon as possible.

In faith whereof, we, the undersigned, in virtue of our respective full powers, have signed this convention, in duplicate, in the English and Spanish languages, and have thereunto affixed our respective seals.

Done at the City of Washington, this first day of October in the year of our Lord one thousand eight hundred and ninety-five.

RICHARD OLNEY [SEAL]

M. ROMERO [SEAL]

## RIGHT TO PURSUE INDIANS ACROSS BOUNDARY LINE

*Agreement signed at Washington June 4, 1896*

*Entered into force June 4, 1896*

*Expired in accordance with its terms*

Treaty Series 237

Agreement entered into in behalf of their respective Governments by Richard Olney, Secretary of State of the United States of America, and Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United Mexican States, providing for the reciprocal crossing of the international boundary line by the troops of their respective Governments, in pursuit of Kid's band of hostile Indians, on the conditions hereinafter stated.

### ARTICLE I

It is agreed that the regular federal troops of the two Republics may reciprocally cross the boundary line of the two countries when they are in close pursuit of Kid's band of hostile Indians on the conditions stated in the following articles.

### ARTICLE II

It is understood for the purpose of this agreement, that no Indian scout of the Government of the United States of America shall be allowed to cross the boundary line, unless he goes as a guide and trailer, unarmed and with the proviso that, in no case, more than two scouts shall attend each company or detachment.

### ARTICLE III

The reciprocal crossing agreed upon in Article I shall only take place in the uninhabited or desert parts of said boundary line. For the purposes of this agreement the uninhabited or desert parts are defined to be all points that are at least ten kilometers distant from any encampment or town of either country.

### ARTICLE IV

No crossing of troops of either country shall take place from Capitán

Leal, a town on the Mexican side of the Rio Grande, eighty-four kilometers (52 English miles) above Piedras Negras, to the mouth of the Rio Grande.

#### ARTICLE V

The Commander of troops crossing the frontier in pursuit of Indians, shall, at the time of crossing, or before if possible, give notice of his march to the nearest military commander, or civil authority, of the country whose territory he is about to enter.

#### ARTICLE VI

The pursuing force shall retire to its own territory as soon as it shall have chastised Kid's band of hostile Indians, or have lost its trail; but if, during the pursuit of that band, it shall meet with other hostile Indians, it may chastise them as if those first named were concerned. In no case shall the forces of the two countries, respectively, establish themselves or remain in the foreign territory for any time longer than is necessary to enable them to pursue the band whose trail they are following.

The temporary loss of the trail, owing to rain or any other accident, shall not be deemed sufficient cause for abandoning the pursuit or for withdrawing the pursuing force, when there is a reasonable prospect of soon finding the trail again by means of a continued movement.

#### ARTICLE VII

Any abuses that may be committed by the forces crossing into the territory of the other nation, shall be punished by the Government to which such forces belong, according to the gravity of the offence and in conformity with its laws, as if the abuses had been committed in its own territory, the said Government being further under obligation to withdraw the guilty parties from the frontier.

#### ARTICLE VIII

In the case of offences committed by the inhabitants of one country against the force of the other that may be within the limits of the former, the Government of said country shall only be responsible to the Government of the other for denial of justice in the punishment of the guilty parties.

#### ARTICLE IX

This provisional agreement shall remain in force until Kid's band of hostile Indians shall be wholly exterminated or rendered obedient to one of the two Governments.

## ARTICLE X

The Senate of the United Mexican States having authorized the President to conclude this agreement, it shall take effect immediately.

In testimony whereof we have signed this agreement this 4th day of June, 1896.

RICHARD OLNEY  
M. ROMERO

## BOUNDARY WATERS: RIO GRANDE AND RIO COLORADO

*Convention signed at Washington November 6, 1896, extending convention of March 1, 1889, as extended*

*Ratified by Mexico December 3, 1896*

*Senate advice and consent to ratification December 10, 1896*

*Ratified by the President of the United States December 15, 1896*

*Ratifications exchanged at Washington December 23, 1896*

*Entered into force December 23, 1896*

*Proclaimed by the President of the United States December 23, 1896*

*Expired December 24, 1897*

29 Stat. 857; Treaty Series 238

Whereas the United States of America and the United States of Mexico desire to give full effect to the provisions of the Convention concluded and signed in Washington March 1, 1889,<sup>1</sup> to facilitate the execution of the provisions contained in the Treaty signed by the two High Contracting Parties on the 12th of November, 1884,<sup>2</sup> and to avoid the difficulties arising from the changes which are taking place in the beds of the Bravo del Norte and Colorado Rivers in those parts which serve as a boundary between the two Republics;

And whereas the period fixed by Article IX of the Convention of March 1, 1889, extended by that of October 1, 1895,<sup>3</sup> expires on the 24th of December, 1896;

And whereas the two High Contracting Parties deem it expedient to extend the period fixed by Article IX of the Convention of March 1, 1889, and by the sole Article of the Convention of October 1, 1895, in order that the International Boundary Commission may be able to conclude the examination and decision of the cases which have been submitted to it, they have, for that purpose, appointed their respective plenipotentiaries, to wit:

The President of the United States of America, Richard Olney, Secretary of State of the United States of America; and

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<sup>1</sup> TS 232, *ante*, p. 877.

<sup>2</sup> TS 226, *ante*, p. 865.

<sup>3</sup> TS 236, *ante*, p. 887.

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico in Washington;

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

ARTICLE

The duration of the Convention of March 1, 1889, signed by the United States of America and the United States of Mexico, which, according to the provisions of Article IX thereof, was to remain in force for five years, counting from the date of the exchange of its ratifications, which period was extended by the Convention of October 1, 1895, to December 24, 1896, is extended by the present Convention for the period of one year counting from this latter date.

This Convention shall be ratified by the two High Contracting Parties in conformity with their respective Constitutions, and the ratifications shall be exchanged in Washington as soon as possible.

In testimony whereof, we, the undersigned, by virtue of our respective powers, have signed this Convention in duplicate, in the English and Spanish languages, and have affixed our respective seals.

Done in the City of Washington on the 6<sup>th</sup> day of November of the year one thousand eight hundred and ninety-six.

RICHARD OLNEY [SEAL]

M. ROMERO [SEAL]

# CLAIMS: THE CASE OF CHARLES OBERLANDER AND BARBARA M. MESSENGER

*Protocol signed at Washington March 2, 1897*

*Entered into force March 2, 1897*

*Terminated November 19, 1897<sup>1</sup>*

30 Stat. 1593; Treaty Series 239

## PROTOCOL OF AN AGREEMENT BETWEEN THE SECRETARY OF STATE OF THE UNITED STATES AND THE ENVOY EXTRAORDINARY AND MINISTER PLENI- POTENTIARY OF THE UNITED STATES OF MEXICO FOR SUBMISSION TO AN ARBITRATOR OF THE CLAIMS OF CHARLES OBERLANDER AND BARBARA M. MESSENGER

The United States of America and the United States of Mexico, through their representatives, Richard Olney, Secretary of State of the United States of America, and Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico, have agreed upon and signed the following protocol:

Whereas the United States of America, on behalf of Charles Oberlander and Barbara M. Messenger, citizens of the United States of America, have claimed indemnity from the Government of Mexico for injuries alleged to have been done to the said Oberlander and Messenger by Mexican citizens, and whereas the United States of Mexico deny the allegations of fact upon which these claims are based and the right of the United States of America to demand indemnity for either of those parties, it is therefore agreed between the two Governments, with the consent of the said Oberlander and Messenger, given through their respective attorneys of record.

### I

That the questions of law and of fact brought into issue between the two Governments in respect of these claims shall be referred to the decision of Señor Don Vicente G. Quesada, Minister of the Argentine Republic at Madrid, who is hereby fully authorized thereto as arbitrator.

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<sup>1</sup> Date on which the arbitrator rendered his award, declaring that the Government of the United States of Mexico was under no obligation to pay indemnity of any kind to the claimants.

## II

That each Government shall submit to the arbitrator within three months from the day on which both Governments shall receive official notice from Señor Don Vicente G. Quesada that he accepts the office of arbitrator by permission of his Government, copies of the correspondence, documents and proofs which it has already submitted for the consideration of the other Government in respect of the two claims; and that the arbitrator in making his award shall take into consideration only such issues of law and fact as arise upon said correspondence, documents and proofs.

## III

That each Government may submit with the papers above described an argument setting forth its own views of the two cases, but the arbitrator shall not be authorized or required to hear oral arguments or to call for new evidence: unless, after examining the documents submitted to him, he may deem it necessary to call for evidence or arguments elucidating a particular point not made clear to him.

## IV

The arbitrator shall render his decision within six months from the date of the submission to him of the proofs, documents, etc., by both parties. He shall decide on the proofs and arguments submitted to him whether the said Oberlander or the said Messenger is or is not entitled to any indemnification on the part of the Government of Mexico, and in case he shall decide this point affirmatively with respect of both or either of the two claimants, he will fix the amount of the indemnity to which each or either is entitled: *Provided*, that the indemnity shall not in either case exceed the sum demanded by each claimant in the papers submitted by each to the United States.

## V

Reasonable compensation to the arbitrator, and the other common expenses occasioned by the arbitration shall be paid in equal moities by the two Governments.

## VI

Any award made by the arbitrator shall be final and conclusive and if in favor of the claimants or of either of them and of the contention of the United States of America, the amount so awarded be paid by the Government of Mexico as soon as appropriated by the Mexican Congress, but not later than two years from the date of such award.

Done in duplicate at Washington this 2nd day of March, 1897.

RICHARD OLNEY  
M. ROMERO

## BOUNDARY WATERS: RIO GRANDE AND RIO COLORADO

*Convention signed at Washington October 29, 1897, extending the  
convention of March 1, 1889, as extended*

*Ratified by Mexico November 2, 1897*

*Senate advice and consent to ratification December 16, 1897*

*Ratified by the President of the United States December 20, 1897*

*Ratifications exchanged at Washington December 21, 1897*

*Entered into force December 21, 1897*

*Proclaimed by the President of the United States December 21, 1897*

*Expired December 24, 1898*

30 Stat. 1625; Treaty Series 240

Whereas the United States of America and the United States of Mexico desire to give full effect to the provisions of the Convention concluded and signed in Washington March 1, 1889,<sup>1</sup> to facilitate the execution of the provisions contained in the Treaty signed by the two High Contracting Parties on the 12<sup>th</sup> of November, 1884,<sup>2</sup> and to avoid the difficulties arising from the changes which are taking place in the beds of the Bravo del Norte and Colorado Rivers in those parts which serve as a boundary between the two Republics;

And whereas the period fixed by Article IX of the Convention of March 1, 1889, extended by the conventions of October 1, 1895,<sup>3</sup> and November 6, 1896,<sup>4</sup> expires on the 24<sup>th</sup> of December, 1897;

And whereas the two High Contracting Parties deem it expedient to extend the period fixed by Article IX of the Convention of March 1, 1889, and by the sole Article of the Convention of October 1, 1895, and that of November 6, 1896, in order that the International Boundary Commission may be able to conclude the examination and decision of the cases which have been submitted to it, they have, for that purpose, appointed their respective Plenipotentiaries, to wit:

The President of the United States of America, John Sherman, Secretary of State of the United States of America; and

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<sup>1</sup> TS 232, *ante*, p. 877.

<sup>2</sup> TS 226, *ante*, p. 865.

<sup>3</sup> TS 236, *ante*, p. 887.

<sup>4</sup> TS 238, *ante*, p. 892.

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico in Washington;

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

ARTICLE

The duration of the Convention of March 1, 1889, signed by the United States of America and the United States of Mexico, which according to the provisions of Article IX thereof, was to remain in force for five years, counting from the date of the exchange of its ratifications, which period was extended by the Convention of October 1, 1895, to December 24, 1896, and by the Convention of November 6, 1896, to December 24, 1897, is extended by the present Convention for the period of one year counting from this last date.

This Convention shall be ratified by the two High Contracting Parties in conformity with their respective Constitutions, and the ratifications shall be exchanged in Washington as soon as possible.

In testimony whereof, we, the undersigned, by virtue of our respective powers, have signed this Convention in duplicate, in the English and Spanish languages, and have affixed our respective seals.

Done in the City of Washington, on the 29<sup>th</sup> day of October, of the year one thousand eight hundred and ninety-seven.

JOHN SHERMAN [SEAL]

M. ROMERO [SEAL]

## BOUNDARY WATERS: RIO GRANDE AND RIO COLORADO

*Convention signed at Washington December 2, 1898, extending convention of March 1, 1889, as extended*

*Senate advice and consent to ratification December 8, 1898*

*Ratified by the President of the United States December 12, 1898*

*Ratified by Mexico December 15, 1898*

*Ratifications exchanged at Washington February 2, 1899*

*Entered into force February 2, 1899*

*Proclaimed by the President of the United States February 3, 1899*

*Expired December 24, 1899*

30 Stat. 1744; Treaty Series 241

Whereas the United States of America and the United States of Mexico desire to give full effect to the provisions of the Convention concluded and signed in Washington March 1, 1889,<sup>1</sup> to facilitate the execution of the provisions contained in the Treaty signed by the two High Contracting Parties on the 12th of November, 1884,<sup>2</sup> and to avoid the difficulties arising from the changes which are taking place in the beds of the Bravo del Norte and Colorado Rivers in those parts which serve as a boundary between the two Republics;

And whereas the period fixed by Article IX of the Convention of March 1, 1889, extended by the Conventions of October 1, 1895,<sup>3</sup> November 6, 1896<sup>4</sup> and October 29, 1897,<sup>5</sup> expires on the 24th of December, 1898;

And whereas the two High Contracting Parties deem it expedient to extend the period fixed by Article IX of the Convention of March 1, 1889, and by the sole Article of the Convention of October 1, 1895, that of November 6, 1896 and that of October 29, 1897, in order that the International Boundary Commission may be able to conclude the examination and decision of the cases which have been submitted to it, they have, for that purpose, appointed their respective Plenipotentiaries, to wit:

The President of the United States of America, John Hay, Secretary of State of the United States of America; and

<sup>1</sup> TS 232, *ante*, p. 877.

<sup>2</sup> TS 226, *ante*, p. 865.

<sup>3</sup> TS 236, *ante*, p. 887.

<sup>4</sup> TS 238, *ante*, p. 892.

<sup>5</sup> TS 240, *ante*, p. 896.

The President of the United States of Mexico, José F. Godoy, chargé d'affaires ad interim of the United States of Mexico at Washington;

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

ARTICLE

The duration of the Convention of March 1, 1889, signed by the United States of America and the United States of Mexico, which according to the provisions of Article IX thereof, was to remain in force for five years, counting from the date of the exchange of its ratifications, which period was extended by the Convention of October 1, 1895, to December 24, 1896, by the Convention of November 6, 1896, to December 24, 1897, and by the Convention of October 29, 1897 to December 24, 1898, is extended by the present Convention for the period of one year counting from this last date.

This Convention shall be ratified by the two High Contracting Parties in conformity with their respective Constitutions, and the ratifications shall be exchanged in Washington as soon as possible.

In testimony whereof, we, the undersigned, by virtue of our respective powers, have signed this Convention in duplicate, in the English and Spanish languages, and have affixed our respective seals.

Done in the City of Washington, on the second day of December one thousand eight hundred and ninety-eight.

JOHN HAY [SEAL]

JOSÉ F. GODOY [SEAL]

## EXTRADITION

*Treaty signed at Mexico February 22, 1899*

*Senate advice and consent to ratification March 2, 1899*

*Ratified by the President of the United States March 8, 1899*

*Ratified by Mexico April 13, 1899*

*Ratifications exchanged at México April 22, 1899*

*Entered into force April 22, 1899*

*Proclaimed by the President of the United States April 24, 1899*

*Supplemented by agreements of June 25, 1902,<sup>1</sup> December 23, 1925,<sup>2</sup>  
and August 16, 1939<sup>3</sup>*

*Amended by agreement of December 23, 1925<sup>2</sup>*

31 Stat. 1818; Treaty Series 242

The United States of America and the United States of Mexico having judged it expedient, with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with or convicted of the crimes and offenses hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a new convention for that purpose, and have appointed as their plenipotentiaries—

The President of the United States of America, Powell Clayton, Ambassador Extraordinary and Plenipotentiary, of said United States, at Mexico, and the President of the United States of Mexico, Don Ignacio Mariscal, Secretary of Foreign Relations, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

### ARTICLE I

The Government of the United States of America and the Government of the United States of Mexico mutually agree to deliver up persons who, having been charged with or convicted of any of the crimes and offenses specified in the following article, committed within the jurisdiction of one of the

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<sup>1</sup> TS 421, *post*, p. 918.

<sup>2</sup> TS 741, *post*, p. 955.

<sup>3</sup> TS 967, *post*, p. 1045.

contracting parties, shall seek an asylum or be found within the territory of the other.

## ARTICLE II

Persons shall be delivered up, according to the provisions of this convention, who shall have been charged with, or convicted of, any of the following crimes or offenses:

1. Murder, comprehending the crimes known as parricide, assassination, poisoning and infanticide.

2. Rape.

3. Bigamy.

4. Arson.

5. Crimes committed at sea:

(a) Piracy, as commonly known and defined by the laws of nations.

(b) Destruction or loss of a vessel, caused intentionally: or conspiracy and attempt to bring about such destruction or loss, when committed by any person or persons on board of said vessel on the high seas.

(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud, or by violence, taking possession of such vessel.

6. Burglary, defined to be the act of breaking and entering into the house of another in the night time, with intent to commit a felony therein.

7. The act of breaking into and entering public offices, or the offices of banks, banking houses, savings banks, trust companies, or insurance companies, with intent to commit theft therein, and also the thefts resulting from such acts.

8. Robbery, defined to be the felonious and forcible taking from the person of another of goods or money, by violence or by putting the person in fear.

9. Forgery or the utterance of forged papers.

10. The forgery, or falsification of the official acts of the Government or public authority, including courts of justice, or the utterance or fraudulent use of any of the same.

11. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, bank notes, or other instruments of public credit; of counterfeit seals, stamps, dies, and marks of State or public administration, and the utterance, circulation, or fraudulent use of any of the abovementioned objects.

12. The introduction of instruments for the fabrication of counterfeit coin or bank notes or other paper current as money.

13. Embezzlement or criminal malversation of public funds committed within the jurisdiction of either party by public officers or depositaries.

14. Embezzlement of funds of a bank of deposit or savings bank, or trust company chartered under Federal or State laws.

15. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed.

16. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons in order to exact money from them or from their families, or for any other unlawful end.

17. Mayhem and any other willful mutilation causing disability or death.

18. The malicious and unlawful destruction or attempted destruction of railways, trains, bridges, vehicles, vessels, and other means of travel or of public edifices and private dwellings, when the act committed shall endanger human life.

19. Obtaining by threats of injury, or by false devices, money, valuables or other personal property, and the purchase of the same with the knowledge that they have been so obtained, when such crimes or offenses are punishable by imprisonment or other corporal punishment by the laws of both countries.

20. Larceny, defined to be the theft of effects, personal property, horses, cattle, or live stock, or money, of the value of twenty-five dollars or more, or receiving stolen property, of that value, knowing it to be stolen.

21. Extradition shall also be granted for the attempt to commit any of the crimes and offenses above enumerated, when such attempt is punishable as a felony by the laws of both contracting parties.<sup>4</sup>

### ARTICLE III

Extradition shall not take place in any of the following cases:

1. When the evidence of criminality presented by the demanding party would not justify, according to the laws of the place where the fugitive or person so charged shall be found, his or her apprehension and commitment for trial, if the crime or offense had been there committed.

2. When the crime or offense charged shall be of a purely political character.

3. When the legal proceedings or the enforcement of the penalty for the act committed by the person demanded has become barred by limitation according to the laws of the country to which the requisition is addressed.

4. When the extradition is demanded on account of a crime or offense for which the person demanded is undergoing or has undergone punishment in the country from which the extradition is demanded, or in case he or she shall have been prosecuted therein on the same charge and acquitted

<sup>4</sup> For additions to list of crimes, see supplementary conventions of June 25, 1902 (TS 421), *post*, p. 918; Dec. 23, 1925 (TS 741), *post*, p. 955; and Aug. 16, 1939 (TS 967), *post*, p. 1045.

thereof; provided that, with the exception of the offenses included in clause 13 Article 2, of this convention, each contracting party agrees not to assume jurisdiction in the punishment of crimes committed exclusively within the territory of the other.

#### ARTICLE IV

Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this convention, but the executive authority of each shall have the power to deliver them up, if, in its discretion, it be deemed proper to do so.

#### ARTICLE V

If the person whose surrender may be claimed pursuant to the stipulations of the present convention shall have been accused or arrested for the commission of any offense in the country where he or she has sought asylum, or shall have been convicted thereof, his or her extradition may be deferred until he or she is entitled to be liberated on account of the offense charged, for any of the following reasons: Acquittal; expiration of term of imprisonment; expiration of the period to which sentence may have been commuted, or pardon.

#### ARTICLE VI

If a fugitive criminal claimed by one of the parties hereto shall be also claimed by one or more powers, pursuant to treaty provisions on account of crimes or offenses committed within their jurisdiction, such criminals shall be delivered up in preference in accordance with that demand which is the earliest in date.

#### ARTICLE VII

A person who has been surrendered on account of one of the crimes or offenses mentioned in article 2 shall in no case be prosecuted and punished in the country in which his or her extradition has been granted, on account of a political crime or offense committed by him or her previous to his or her extradition, or on account of an act connected with such a political crime or offense, unless he or she has been at liberty to leave the country for one month after having been tried, and, in case of condemnation, for one month after having suffered his or her punishment, or having been pardoned.

An attempt against the life of the head of the Government shall not be considered a political offense.

#### ARTICLE VIII

Requisitions for the surrender of fugitives from justice, under the present convention, shall be made by the respective diplomatic agents of the contracting parties, or, in the event of the absence of these from the country or from its seat of government, they may be made by superior consular officers.

If a person whose extradition is asked for shall have been convicted of a crime or offense, a copy of the sentence of the court in which he was convicted, authenticated under its seal, with attestation of the official character of the Judge by the proper executive authority, and of the latter by the minister or consul of the respective contracting party, shall accompany the requisition.

When, however, the fugitive shall have been merely charged with a crime or offense, a similarly authenticated and attested copy of the warrant for his arrest in the country where the crime or offense is charged to have been committed, and of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid.

Whenever, in the schedule of crimes and offenses of article 2nd, it is provided that surrender shall depend on the fact of the crime or offense charged being punishable by imprisonment or other corporal punishment according to the laws of both contracting parties, the party making the demand for extradition shall furnish, in addition to the documents above stipulated, an authenticated copy of the law of the demanding country defining the crime or offense, and prescribing a penalty therefor.

The formalities being fulfilled, the proper executive authority of the United States of America, or of the United Mexican States, as the case may be, shall then cause the apprehension of the fugitive, in order that he or she may be brought before the proper judicial authority for examination. If it should then be decided that, according to the law and the evidence, the extradition is due pursuant to the terms of this convention, the fugitive may be given up according to the forms of law prescribed in such cases.

#### ARTICLE IX

In the case of crimes or offenses committed or charged to have been committed in the frontier states or territories of the two contracting parties, requisitions may be made either, through their respective diplomatic or consular agents as aforesaid, or through the chief civil authority of the respective state or territory, or through such chief civil or judicial authority of the districts or counties bordering on the frontier as may for this purpose be duly authorized by the said chief civil authority of the said frontier states or territories, or when, from any cause, the civil authority of such state or territory shall be suspended, through the chief military officer in command of such state or territory, and such respective competent authority shall thereupon cause the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination; and the record of such examination, with the evidence, duly attested, shall be forwarded to the proper executive authority of the United States of America or of the United Mexican States, as the case may be; when it is found by such respective executive authority that, according to the law and the evidence, the extradition is due

pursuant to the terms of this convention, the fugitive may be given up according to the forms of law prescribed in such cases.

#### ARTICLE X

On being informed by telegraph or otherwise, through the diplomatic channel, that a warrant has been issued by competent authority for the arrest of a fugitive criminal charged with any of the crimes enumerated in the foregoing articles of this treaty, and on being assured from the same source that a requisition for the surrender of such criminal is about to be made accompanied by such warrant and duly authenticated depositions or copies thereof in support of the charge, each government shall endeavor to procure the provisional arrest of such criminal and to keep him in safe custody for such time as may be practicable, not exceeding forty days, to await the production of the documents upon which the claim for extradition is founded.

#### ARTICLE XI

In every case of a demand made by either of the two contracting parties for the arrest, detention, or extradition of fugitive criminals, in pursuance of the provisions of this convention, the legal officers or fiscal ministry of the country where the proceedings of extradition are had shall assist the officers of the government demanding the extradition, before the respective judges and magistrates, by every legal means within their or its power; and no claim whatever for compensation for any of the services so rendered shall be made against the government demanding the extradition; provided, however, that any officer or officers of the surrendering government so giving assistance, who shall in the usual course of their duties be compensated by specific fees for services performed in lieu of salary therefor, shall be entitled to receive from the government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

#### ARTICLE XII

A person surrendered under this convention shall not be tried or punished in the country to which his or her extradition has been granted, nor given up to a third power, for a crime or offense not provided for by this convention and committed previous to his or her extradition, unless the consent of the surrendering government be given for such trial or such surrender to a third power.

But such consent shall not be necessary:

(a) When the accused shall have voluntarily requested to be so tried or surrendered to a third power.

(b) When he or she shall have been free to leave the country during thirty days after discharge from custody because of the charge on which he or she was surrendered, or if convicted thereof during thirty days after having satisfied his or her penalty or having been pardoned.

#### ARTICLE XIII

A person surrendered under this convention may be tried and punished in the country to which his extradition has been granted, or may be given up to a third power, for any crime or offense provided for by article 2 of this convention, and committed previous to his extradition, besides that which gave rise to the extradition. Notice of the purpose to so try or surrender him, with specification of the crime or offense charged, shall be given to the government which surrendered him, which may, if it thinks proper, require the production of documentary evidence of the charge conformably to the prescription of Article VIII hereof.

#### ARTICLE XIV

The expense of the arrest, detention, and transportation of the person claimed shall be paid by the government in whose name the requisition has been made.

#### ARTICLE XV

All articles found in the possession of the accused party and obtained through the commission of the act with which he is charged, or that may be used as evidence of the crime or offense for which his extradition is demanded, shall be seized if the competent authority shall so order, and shall be surrendered with his person.

The rights of third parties to the articles so found shall nevertheless be respected.

#### ARTICLE XVI

A person surrendered to or delivered up by either of the contracting parties by virtue of a convention of extradition with a third party and not being a citizen of the country of transit, may be conveyed in transit across the territory of the other, if the convenient course of travel from or to the country to which he has been surrendered shall lie in whole or part within such territory.

The contracting party delivering up or receiving such surrendered person shall make application for such purpose to the government of the country through which transit is desired, producing in support of such application a duly attested copy of the warrant of surrender issued by the government granting the extradition; and, thereupon, the proper executive authority of the country whose territory is to be so traversed may issue a warrant permitting the transit of the surrendered person transported. Such transit must be wholly

accomplished within thirty days, counting from the date of the entrance of such transported person within the territory of the country of transit, after which time said person may be set at liberty if there found.

This article, shall not, however, take effect until the Congress of the respective countries shall by law authorize such transit, and the issue of a warrant therefor.

#### ARTICLE XVII

Each of the contracting parties shall exercise due diligence in procuring the extradition and prosecution of its citizens who may be charged with the commission of any one of the crimes or offenses mentioned in article II, exclusively committed in its territory against the government or any of the citizens of the other contracting party, when the person accused may have taken refuge or be found within the territory of the latter, provided the said crime or offense is one that is punishable, as such, in the territory of the demanding country.

#### ARTICLE XVIII

The present convention shall take effect from the date of the exchange of ratifications, but its provisions shall be applied to all cases of crimes or offenses enumerated in article II which may have been committed since the 24th day of January, 1899.

#### ARTICLE XIX

The convention shall continue in effect until six months after a desire for its termination shall have been expressed in due form by one of the two governments to the other.

It shall be ratified by both contracting parties, and its ratifications shall be exchanged at the City of Mexico as soon as possible.

In witness whereof, the respective plenipotentiaries have signed the present convention both in the English and Spanish languages and thereunto affixed their seals.

Done in duplicate at the City of Mexico this 22nd day of February, 1899.

POWELL CLAYTON [SEAL]

IGNO. MARISCAL [SEAL]

## BOUNDARY WATERS: RIO GRANDE AND RIO COLORADO

*Convention signed at Washington December 22, 1899, extending the  
convention of March 1, 1889, as extended*

*Senate advice and consent to ratification February 8, 1900*

*Ratified by the President of the United States February 14, 1900*

*Ratified by Mexico April 14, 1900*

*Ratifications exchanged at Washington May 5, 1900*

*Entered into force May 5, 1900*

*Proclaimed by the President of the United States May 7, 1900*

*Expired December 24, 1900*

Treaty Series 243

Whereas the United States of America and the United States of Mexico desire to give full effect to the provisions of the Convention concluded and signed in Washington March 1, 1889,<sup>1</sup> to facilitate the execution of the provisions contained in the Treaty signed by the two High Contracting Parties on the 12th of November, 1884,<sup>2</sup> and to avoid the difficulties arising from the changes which are taking place in the beds of the Bravo del Norte and Colorado Rivers in those parts which serve as a boundary between the two Republics;

And whereas the period fixed by Article IX of the Convention of March 1, 1889, extended by the Conventions of October 1, 1895,<sup>3</sup> November 6, 1896,<sup>4</sup> October 29, 1897,<sup>5</sup> and December 2, 1898,<sup>6</sup> expires on the 24th of December, 1899.

And whereas the two High Contracting Parties deem it expedient to extend the period fixed by Article IX of the Convention of March 1, 1889, and by the sole Article of the Convention of October 1, 1895, that of November 6, 1896, that of October 29, 1897 and that of December 2, 1898, in order that the International Boundary Commission may be able to conclude the

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<sup>1</sup> TS 232, *ante*, p. 877.

<sup>2</sup> TS 226, *ante*, p. 865.

<sup>3</sup> TS 236, *ante*, p. 887.

<sup>4</sup> TS 238, *ante*, p. 892.

<sup>5</sup> TS 240, *ante*, p. 896.

<sup>6</sup> TS 241, *ante*, p. 898.

examination and decision of the cases which have been submitted to it, they have, for that purpose, appointed their respective Plenipotentiaries, to wit:

The President of the United States of America, John Hay, Secretary of State for the United States of America; and

The President of the United States of Mexico, Manuel de Azpiroz, Ambassador Extraordinary and Plenipotentiary of the United States of Mexico at Washington;

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

#### ARTICLE

The duration of the Convention of March 1, 1889, signed by the United States of America and the United States of Mexico, which according to the provisions of Article IX thereof, was to remain in force for five years, counting from the date of the exchange of its ratifications, which period was extended by the Convention of October 1, 1895, to December 24, 1896, by the Convention of November 6, 1896, to December 24, 1897, by the Convention of October 29, 1897 to December 24, 1898, and by the Convention of December 2, 1898, to December 24, 1899, is extended by the present Convention for the period of one year counting from this last date.

This Convention shall be ratified by the two High Contracting Parties in conformity with their respective constitutions, and the ratifications shall be exchanged in Washington as soon as possible.

In testimony whereof, we, the undersigned, by virtue of our respective powers, have signed this convention in duplicate, in the English and Spanish languages, and have affixed our respective seals.

Done in the City of Washington, on the twenty-second day of December one thousand eight hundred and ninety-nine.

JOHN HAY [SEAL]

M. DE AZPÍROZ [SEAL]

## BOUNDARY WATERS: RIO GRANDE AND RIO COLORADO

*Convention signed at Washington November 21, 1900, extending convention of March 1, 1889, as extended*

*Ratified by Mexico December 12, 1900*

*Senate advice and consent to ratification December 15, 1900*

*Ratified by the President of the United States December 24, 1900*

*Ratifications exchanged at Washington December 24, 1900*

*Entered into force December 24, 1900*

*Proclaimed by the President of the United States December 24, 1900*

*Terminated November 8, 1945, by treaty of February 3, 1944*<sup>1</sup>

31 Stat. 1936; Treaty Series 244

Whereas the United States of America and the United States of Mexico desire to give full effect to the provisions of the Convention concluded and signed in Washington March 1, 1889,<sup>2</sup> to facilitate the execution of the provisions contained in the Treaty signed by the two High Contracting Parties on the 12th of November 1884,<sup>3</sup> and to avoid the difficulties arising from the changes which are taking place in the beds of the Bravo del Norte and Colorado Rivers in those parts which serve as a boundary between the two Republics;

And whereas the period fixed by Article IX of the Convention of March 1, 1889, extended by the Conventions of October 1, 1895,<sup>4</sup> November 6, 1896,<sup>5</sup> October 29, 1897,<sup>6</sup> December 2, 1898,<sup>7</sup> and December 22, 1899,<sup>8</sup> expires on the 24th of December 1900;

And whereas the two High Contracting Parties deem it expedient to indefinitely continue the period fixed by Article IX of the Convention of March 1, 1889, and by the sole article of the Convention of October 1, 1895, that of November 6, 1896, that of October 29, 1897, that of December 2,

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<sup>1</sup> TS 994, *post*, p. 1166.

<sup>2</sup> TS 232, *ante*, p. 877.

<sup>3</sup> TS 226, *ante*, p. 865.

<sup>4</sup> TS 236, *ante*, p. 887.

<sup>5</sup> TS 238, *ante*, p. 892.

<sup>6</sup> TS 240, *ante*, p. 896.

<sup>7</sup> TS 241, *ante*, p. 898.

<sup>8</sup> TS 243, *ante*, p. 908.

1898, and that of December 22, 1899, in order that the International Boundary Commission may be able to continue the examination and decision of the cases submitted to it, they have, for that purpose, appointed their respective Plenipotentiaries, to wit:

The President of the United States of America, John Hay, Secretary of State of the United States of America; and

The President of the United States of Mexico, Manuel de Azpíroz, Ambassador Extraordinary and Plenipotentiary of the United States of Mexico at Washington;

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

#### ARTICLE

The said Convention of March 1, 1889, as extended on the several dates above mentioned, and the Commission established thereunder shall continue in force and effect indefinitely, subject, however, to the right of either contracting party to dissolve the said Commission by giving six months' notice to the other; but such dissolution of the Commission shall not prevent the two governments from thereafter agreeing to revive the said Commission, or to reconstitute the same, according to the terms of the said Convention; and the said convention of March 1, 1889, as hereby continued, may be terminated twelve months after notice of a desire for its termination shall have been given in due form by one of the two contracting parties to the other.

This Convention shall be ratified by the two High Contracting Parties in conformity with their respective Constitutions, and the ratifications shall be exchanged in Washington as soon as possible.

In testimony whereof, we, the undersigned, by virtue of our respective powers, have signed this Convention in duplicate, in the English and Spanish languages, and have affixed our respective seals.

Done in the City of Washington on the 21st day of November, one thousand nine hundred.

JOHN HAY [SEAL]

M. DE AZPÍROZ [SEAL]

## CLAIMS: THE PIOUS FUND

*Protocol signed at Washington May 22, 1902*

*Entered into force May 22, 1902*

*Award handed down by the Permanent Court of Arbitration October 14, 1902*

*Agreement for final settlement, payment and discharge concluded August 1, 1967*<sup>1</sup>

32 Stat. 1916; Treaty Series 408

### PROTOCOL OF AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF MEXICO FOR THE ADJUSTMENT OF CERTAIN CONTENTIONS ARISING UNDER WHAT IS KNOWN AS "THE PIOUS FUND OF THE CALIFORNIAS"

Whereas, under and by virtue of the provisions of a convention entered into between the High Contracting Parties above named, of date July 4, 1868,<sup>2</sup> and subsequent conventions supplementary thereto, there was submitted to the Mixed Commission provided for by said Convention, a certain claim advanced by and on behalf of the prelates of the Roman Catholic Church of California against the Republic of Mexico for an annual interest upon a certain fund known as "The Pious Fund of the Californias," which interest was said to have accrued between February 2, 1848, the date of the signature of the Treaty of Guadalupe Hidalgo,<sup>3</sup> and February 1, 1869, the date of the exchange of the ratifications of said Convention above referred to; and

Whereas, said Mixed Commission, after considering said claim, the same being designated as No. 493 upon its docket, and entitled Thaddeus Amat, Roman Catholic Bishop of Monterey, a corporation sole, and Joseph S. Alemany, Roman Catholic Bishop of San Francisco, a corporation sole, against The Republic of Mexico, adjudged the same adversely to the Republic of Mexico and in favor of said claimants, and made an award thereon of Nine Hundred and Four Thousand, Seven Hundred and 99/100 (904,700.99) Dollars; the same, as expressed in the findings of said Court, being for twenty-one years' interest of the annual amount of Forty-three Thousand and Eighty and 99/100 (43,080.99) Dollars upon Seven Hundred and Eighteen Thousand and Sixteen and 50/100 (718,016.50) Dollars, said award being in

<sup>1</sup> 18 UST 3266; TIAS 6420.

<sup>2</sup> TS 212, *ante*, p. 826.

<sup>3</sup> TS 207, *ante*, p. 791.

Mexican gold dollars, and the said amount of Nine Hundred and Four Thousand, Seven Hundred and 99/100 (904,700.99) Dollars having been fully paid and discharged in accordance with the terms of said convention; and

Whereas, the United States of America on behalf of said Roman Catholic Bishops, above named, and their successors in title and interest, have since such award claimed from Mexico further instalments of said interest, and have insisted that the said claim was conclusively established, and its amount fixed as against Mexico and in favor of said original claimants and their successors in title and interest under the said first mentioned convention of 1868 by force of the said award as *res judicata*; and have further contended that apart from such former award their claim against Mexico was just, both of which propositions are controverted and denied by the Republic of Mexico, and the High Contracting Parties hereto, animated by a strong desire that the dispute so arising may be amicably, satisfactorily and justly settled, have agreed to submit said controversy to the determination of Arbitrators, who shall, unless otherwise herein expressed, be controlled by the provisions of the International Convention for the pacific settlement of international disputes, commonly known as The Hague Convention,<sup>4</sup> and which arbitration shall have power to determine:

1. If said claim, as a consequence of the former decision, is within the governing principle of *res judicata*; and
2. If not, whether the same be just.

And to render such judgment or award as may be meet and proper under all the circumstances of the case:

It is therefore agreed by and between the United States of America, through their representative, John Hay, Secretary of State of the United States of America, and the Republic of Mexico, through its representative, Manuel de Azpiroz, Ambassador Extraordinary and Plenipotentiary to the United States of America for the Republic of Mexico as follows:

## I

That the said contentions be referred to the special tribunal hereinafter provided, for examination, determination and award.

## II

The special tribunal hereby constituted shall consist of four arbitrators, (two to be named by each of the High Contracting Parties) and an umpire to be selected in accordance with the provisions of the Hague Convention. The arbitrators to be named hereunder shall be signified by each of the

<sup>4</sup> TS 536, *ante*, vol. 1, p. 577.

High Contracting Parties to the other within sixty days after the date of this protocol. None of those so named shall be a native or citizen of the parties hereto. Judgment may be rendered by a majority of said court.

All vacancies occurring among the members of said court because of death, retirement or disability from any cause before a decision shall be reached, shall be filled in accordance with the method of appointment of the member affected as provided by said Hague Convention, and if occurring after said court shall have first assembled, will authorize in the judgment of the court an extension of time for hearing or judgment, as the case may be, not exceeding thirty days.

### III

All pleadings, testimony, proofs, arguments of counsel and findings or awards of commissioners or umpire, filed before or arrived at by the Mixed Commission above referred to, are to be placed in evidence before the Court hereinbefore provided for, together with all correspondence between the two countries relating to the subject matter involved in this arbitration; originals or copies thereof duly certified by the Departments of State of the High Contracting Parties being presented to said new tribunal. Where printed books are referred to in evidence by either party, the party offering the same shall specify volume, edition and page of the portion desired to be read, and shall furnish the Court in print the extracts relied upon; their accuracy being attested by affidavit. If the original work is not already on file as a portion of the record of the former Mixed Commission, the book itself shall be placed at the disposal of the opposite party in the respective offices of the Secretary of State or of the Mexican Ambassador in Washington, as the case may be, thirty days before the meeting of the tribunal herein provided for.

### IV

Either party may demand from the other the discovery of any fact or of any document deemed to be or to contain material evidence for the party asking it; the document desired to be described with sufficient accuracy for identification, and the demanded discovery shall be made by delivering a statement of the fact or by depositing a copy of such document (certified by its lawful custodian, if it be a public document, and verified as such by the possessor, if a private one), and the opposite party shall be given the opportunity to examine the original in the City of Washington at the Department of State, or at the office of the Mexican Ambassador, as the case may be. If notice of the desired discovery be given too late to be answered ten days before the tribunal herein provided for shall sit for hearing, then the answer desired thereto shall be filed with or documents produced before the court herein provided for as speedily as possible.

## V

Any oral testimony additional to that in the record of the former arbitration may be taken by either party before any Judge, or Clerk of Court of Record, or any Notary Public, in the manner and with the precautions and conditions prescribed for that purpose in the rules of the Joint Commission of the United States of America, and the Republic of Mexico, as ordered and adopted by that tribunal August 10, 1869, and so far as the same may be applicable. The testimony when reduced to writing, signed by the witness, and authenticated by the officer before whom the same is taken, shall be sealed up, addressed to the court constituted hereby, and deposited so sealed up in the Department of State of the United States, or in the Department of Foreign Relations of Mexico to be delivered to the Court herein provided for when the same shall convene.

## VI

Within sixty days from the date hereof the United States of America, through their agent or counsel, shall prepare and furnish to the Department of State aforesaid, a memorial in print of the origin and amount of their claim, accompanied by references to printed books, and to such portions of the proofs or parts of the record of the former arbitration, as they rely on in support of their claim, delivering copies of the same to the Embassy of the Republic of Mexico in Washington, for the use of the agent or counsel of Mexico.

## VII

Within forty days after the delivery thereof to the Mexican Embassy the agent or counsel for the Republic of Mexico shall deliver to the Department of State of the United States of America in the same manner and with like references a statement of its allegations and grounds of opposition to said claim.

## VIII

The provisions of paragraphs VI and VII shall not operate to prevent the agents or counsel for the parties hereto from relying at the hearing or submission upon any documentary or other evidence which may have become open to their investigation and examination at a period subsequent to the times provided for service of memorial and answer.

## IX

The first meeting of the arbitral court hereinbefore provided for shall take place for the selection of an umpire on September 1, 1902, at the Hague in the quarters which may be provided for such purpose by the International Bureau at the Hague, constituted by virtue of the Hague convention hereinbefore

referred to, and for the commencement of its hearings September 15, 1902, is designated, or, if an umpire may not be selected by said date, then as soon as possible thereafter, and not later than October 15, 1902, at which time and place and at such other times as the court may set (and at Brussels if the court should determine not to sit at the Hague) explanations and arguments shall be heard or presented as the court may determine, and the cause be submitted. The submission of all arguments, statements of facts, and documents shall be concluded within thirty days after the time provided for the meeting of the court for hearing (unless the court shall order an extension of not to exceed thirty days) and its decision and award announced within thirty days after such conclusion, and certified copies thereof delivered to the agents or counsel of the respective parties and forwarded to the Secretary of State of the United States and the Mexican Ambassador at Washington, as well as filed with the Netherland Minister for Foreign Affairs.

### X

Should the decision and award of the tribunal be against the Republic of Mexico, the findings shall state the amount and in what currency the same shall be payable, and shall be for such amount as under the contentions and evidence may be just. Such final award, if any, shall be paid to the Secretary of State of the United States of America within eight months from the date of its making.

### XI

The agents and counsel for the respective parties may stipulate for the admission of any facts, and such stipulation, duly signed, shall be accepted as proof thereof.

### XII

Each of the parties hereto shall pay its own expenses, and one-half of the expenses of the arbitration, including the pay of the arbitrators; but such costs shall not constitute any part of the judgment.

### XIII

Revision shall be permitted as provided in Article LV of The Hague Convention, demand for revision being made within eight days after announcement of the award. Proofs upon such demand shall be submitted within ten days after revision be allowed (revision only being granted, if at all, within five days after demand therefor) and counterproofs within the following ten days, unless further time be granted by the Court. Arguments shall be submitted within ten days after the presentation of all proofs, and a judgment or award given within ten days thereafter. All provisions applicable to the original judgment or award shall apply as far as possible to

the judgment or award on revision. *Provided* that all proceedings on revision shall be in the French language.

#### XIV

The award ultimately given hereunder shall be final and conclusive as to the matters presented for consideration.

Done in duplicate in English and Spanish at Washington, this 22d day of May, A. D. 1902.

JOHN HAY [SEAL]

M. DE AZPÍROZ [SEAL]

## EXTRADITION

*Convention signed at México June 25, 1902, supplementing treaty of February 22, 1899*

*Senate advice and consent to ratification March 11, 1903*

*Ratified by the President of the United States March 18, 1903*

*Ratified by Mexico March 28, 1903*

*Ratifications exchanged at México March 28, 1903*

*Proclaimed by the President of the United States April 3, 1903*

*Entered into force April 13, 1903*

Treaty Series 421

The United States of America and the United States of Mexico being desirous to add the crime of bribery to the list of crimes or offenses on account of which extradition may be granted under the convention concluded between the two countries on the 22nd day of February, 1899,<sup>1</sup> with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a Supplementary Convention for this purpose and have appointed as their Plenipotentiaries, to-wit:

The President of the United States of America, Powell Clayton, Ambassador Extraordinary and Plenipotentiary of said United States at Mexico, and

The President of the United States of Mexico, Don Ignacio Mariscal, Secretary of Foreign Relations.

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

### ARTICLE

The following crime is added to the list of crimes or offenses numbered 1 to 20 in the second Article of the said Convention of February 22, 1899, on account of which extradition may be granted, that is to say:

Bribery, defined to be the giving, offering or receiving of a reward to influence one in the discharge of a legal duty.

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<sup>1</sup> TS 242, *ante*, p. 900.

The present Convention shall be ratified and the ratifications shall be exchanged at the City of Mexico as soon as possible.

It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties, and it shall continue and terminate in the same manner as the said Convention of February 22, 1899.

In testimony whereof the respective Plenipotentiaries have signed the present Convention in duplicate and have hereunto affixed their seals.

Done in duplicate at the City of Mexico, in the English and Spanish languages, this twenty-fifth day of June one thousand nine hundred and two.

POWELL CLAYTON [SEAL]

IGNO. MARISCAL [SEAL]

## BOUNDARY WATERS: BANCOS IN RIO GRANDE

*Convention signed at Washington March 20, 1905; protocol of signature done at México November 14, 1905*

*Senate advice and consent to ratification February 28, 1907*

*Ratified by the President of the United States March 13, 1907*

*Ratified by Mexico March 15, 1907*

*Ratifications exchanged at Washington May 31, 1907*

*Entered into force May 31, 1907*

*Proclaimed by the President of the United States June 5, 1907*

35 Stat. 1863; Treaty Series 461

Whereas, for the purpose of obviating the difficulties arising from the application of Article V of the Treaty of Guadalupe-Hidalgo, dated February 2, 1848,<sup>1</sup> and Article I of the Treaty of December 30, 1853,<sup>2</sup> both concluded between the United States of America and Mexico—difficulties growing out of the frequent changes to which the beds of the Rio Grande and Colorado River are subject—there was signed in Washington on November 12, 1884,<sup>3</sup> by the Plenipotentiaries of the United States and Mexico, a convention containing the following stipulations:

“ARTICLE I. The dividing line shall forever be that described in the aforesaid Treaty and follow the center of the normal channel of the rivers named, notwithstanding any alterations in the banks or in the course of those rivers, provided that such alterations be effected by natural causes through the slow and gradual erosion and deposit of alluvium and not by the abandonment of an existing river bed and the opening of a new one.

“ARTICLE II. Any other change, wrought by the force of the current whether by the cutting of a new bed, or when there is more than one channel by the deepening of another channel than that which marked the boundary at the time of the survey made under the aforesaid Treaty, shall produce no change in the dividing line as fixed by the surveys of the International Boundary Commission in 1852, but the line then fixed shall continue to follow the middle of the original channel bed, even though this should become wholly dry or be obstructed by deposits.”

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<sup>1</sup> TS 207, *ante*, p. 791.

<sup>2</sup> TS 208, *ante*, p. 812.

<sup>3</sup> TS 226, *ante*, p. 865.

Whereas, as a result of the topographical labors of the Boundary Commission created by the Convention of March 1, 1889,<sup>4</sup> it has been observed that there is a typical class of changes effected in the bed of the Rio Grande, in which, owing to slow and gradual erosion, coupled with avulsion, said river abandons its old channel and there are separated from it small portions of land known as "bancos" bounded by the said old bed, and which, according to the terms of Article II of the aforementioned Convention of 1884, remain subject to the dominion and jurisdiction of the country from which they have been separated;

Whereas, said "bancos" are left at a distance from the new river bed, and, by reason of the successive deposits of alluvium, the old channel is becoming effaced, the land of said "bancos" becomes confused with the land of the "bancos" contiguous thereto, thus giving rise to difficulties and controversies, some of an international and others of a private character;

Whereas, the labors of the International Boundary Commission, undertaken with the object of fixing the boundary line with reference to the "bancos," have demonstrated that the application to these "bancos" of the principle established in Article II of the Convention of 1884 renders difficult the solution of the controversies mentioned, and, instead of simplifying, complicates the said boundary line between the two countries:

Therefore, the Governments of the United States of America and the United States of Mexico, being desirous to enter into a convention to establish more fitting rules for the solution of such difficulties, have appointed as their Plenipotentiaries—

That of the United States of America, Alvey A. Adee, Acting Secretary of State of the United States;

That of the United States of Mexico, its Ambassador Extraordinary and Plenipotentiary, Licenciado Don Manuel de Azpíroz;

Who, after exhibiting their full powers, found to be in good and due form, have agreed to the following articles:

#### ARTICLE I

The fifty-eight (58) bancos surveyed and described in the report of the consulting engineers, dated May 30, 1898, to which reference is made in the record of proceedings of the International Boundary Commission, dated June 14, 1898, and which are drawn on fifty-four (54) maps on a scale of one to five thousand (1 to 5,000), and three index maps, signed by the Commissioners and by the Plenipotentiaries appointed by the convention,<sup>5</sup> are

<sup>4</sup> TS 232, *ante*, p. 377.

<sup>5</sup> See protocol of signature, p. 923.

hereby eliminated from the effects of Article II of the Treaty of November 12, 1884.

Within the part of the Rio Grande comprised between its mouth and its confluence with the San Juan River the boundary line between the two countries shall be the broken red line shown on the said maps—that is, it shall follow the deepest channel of the stream—and the dominion and jurisdiction of so many of the aforesaid fifty-eight (58) bancos as may remain on the right bank of the river shall pass to Mexico, and the dominion and jurisdiction of those of the said fifty-eight (58) bancos which may remain on the left bank shall pass to the United States of America.

#### ARTICLE II

The International Commission shall, in the future, be guided by the principle of elimination of the bancos established in the foregoing article, with regard to the labors concerning the boundary line throughout the part of the Rio Grande and the Colorado River which serves as a boundary between the two nations. There are hereby excepted from this provision the portions of land segregated by the change in the bed of the said rivers having an area of over two hundred and fifty (250) hectares, or a population of over two hundred (200) souls, and which shall not be considered as bancos for the purposes of this treaty and shall not be eliminated, the old bed of the river remaining, therefore, the boundary in such cases.

#### ARTICLE III

With regard to the bancos which may be formed in future, as well as to those already formed but which are not yet surveyed, the Boundary Commission shall proceed to the places where they have been formed, for the purpose of duly applying Articles I and II of the present convention, and the proper maps shall be prepared in which the changes that have occurred shall be shown, in a manner similar to that employed in the preparation of the maps of the aforementioned fifty-eight (58) bancos.

As regards these bancos, as well as those already formed but not surveyed, and those that may be formed in future, the Commission shall mark on the ground, with suitable monuments, the bed abandoned by the river, so that the boundaries of the bancos shall be clearly defined.

On all separated land on which the successive alluvium deposits have caused to disappear those parts of the abandoned channel which are adjacent to the river, each of the extremities of said channel shall be united by means of a straight line to the nearest part of the bank of the same river.

#### ARTICLE IV

The citizens of either of the two contracting countries who, by virtue of the stipulations of this convention, shall in future be located on the land of the

other may remain thereon or remove at any time to whatever place may suit them, and either keep the property which they possess in said territory or dispose of it. Those who prefer to remain on the eliminated bancos may either preserve the title and rights of citizenship of the country to which the said bancos formerly belonged, or acquire the nationality of the country to which they will belong in the future.

Property of all kinds situated on the said bancos shall be inviolably respected, and its present owners, their heirs, and those who may subsequently acquire the property legally, shall enjoy as complete security with respect thereto as if it belonged to citizens of the country where it is situated.

#### ARTICLE V

This convention shall be ratified by the two high contracting parties in accordance with their respective Constitutions, and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, we, the undersigned, by virtue of our respective powers, have signed the present convention, both in the English and Spanish languages, and have thereunto affixed our seals.

Done in duplicate, at the City of Washington, this 20th day of March, one thousand nine hundred and five.

ALVEY A. ADEE	[SEAL]
M. DE AZPÍROZ	[SEAL]

#### PROTOCOL OF SIGNATURE

The Plenipotentiaries of the United States and Mexico who, on March 20, 1905, signed the treaty for the elimination of bancos in the Rio Grande, having omitted involuntarily to sign the maps mentioned in Article I thereof and which form a part of the said instrument, the undersigned Plenipotentiaries have met together this day and signed the above mentioned maps in conformity with the authority conferred upon them by their respective Governments.

IN WITNESS WHEREOF they have signed the present Protocol of Signature and have affixed their seals thereto.

DONE at Washington this fourteenth day of November one thousand nine hundred and five.

ALVEY A. ADEE	[SEAL]
JOSÉ F. GODOY	[SEAL]

# DISTRIBUTION OF WATERS OF RIO GRANDE

*Convention signed at Washington May 21, 1906*

*Senate advice and consent to ratification June 26, 1906*

*Ratified by the President of the United States December 26, 1906*

*Ratified by Mexico January 5, 1907*

*Ratifications exchanged at Washington January 16, 1907*

*Entered into force January 16, 1907*

*Proclaimed by the President of the United States January 16, 1907*

34 Stat. 2953; Treaty Series 455

The United States of America and the United States of Mexico being desirous to provide for the equitable distribution of the waters of the Rio Grande for irrigation purposes, and to remove all causes of controversy between them in respect thereto, and being moved by considerations of international comity, have resolved to conclude a Convention for these purposes and have named as their Plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

The President of the United States of Mexico, His Excellency Señor Don Joaquín D. Casasús, Ambassador Extraordinary and Plenipotentiary of the United States of Mexico at Washington; who, after having exhibited their respective full powers, which were found to be in good and due form, have agreed upon the following articles:

## ARTICLE I

After the completion of the proposed storage dam near Engle, New Mexico, and the distributing system auxiliary thereto, and as soon as water shall be available in said system for the purpose, the United States shall deliver to Mexico a total of 60,000 acre-feet of water annually, in the bed of the Rio Grande at the point where the head works of the Acequia Madre, known as the Old Mexican Canal, now exist above the city of Juarez, Mexico.

## ARTICLE II

The delivery of the said amount of water shall be assured by the United States and shall be distributed through the year in the same proportions as the water supply proposed to be furnished from the said irrigation system to lands

in the United States in the vicinity of El Paso, Texas, according to the following schedule, as nearly as may be possible:

	Acre feet per month	Corresponding cubic feet of water
January.....	0	0
February.....	1, 090	47, 480, 400
March.....	5, 460	237, 837, 600
April.....	12, 000	522, 720, 000
May.....	12, 000	522, 720, 000
June.....	12, 000	522, 720, 000
July.....	8, 180	356, 320, 800
August.....	4, 370	190, 357, 200
September.....	3, 270	142, 441, 200
October.....	1, 090	47, 480, 400
November.....	540	23, 522, 400
December.....	0	0
Total for the year.....	60, 000 acre-feet	2, 613, 600, 000 cubic-feet

In case, however, of extraordinary drought or serious accident to the irrigation system in the United States, the amount delivered to the Mexican Canal shall be diminished in the same proportion as the water delivered to lands under said irrigation system in the United States.

### ARTICLE III

The said delivery shall be made without cost to Mexico, and the United States agrees to pay the whole cost of storing the said quantity of water to be delivered to Mexico, of conveying the same to the international line, of measuring the said water, and of delivering it in the river bed above the head of the Mexican Canal. It is understood that the United States assumes no obligation beyond the delivering of the water in the bed of the river above the head of the Mexican Canal.

### ARTICLE IV

The delivery of water as herein provided is not to be construed as a recognition by the United States of any claim on the part of Mexico to the said waters; and it is agreed that in consideration of such delivery of water, Mexico waives any and all claims to the waters of the Rio Grande for any purpose whatever between the head of the present Mexican Canal and Fort Quitman, Texas, and also declares fully settled and disposed of, and hereby waives, all claims heretofore asserted or existing, or that may hereafter arise, or be asserted, against the United States on account of any damages alleged to have been sustained by the owners of land in Mexico, by reason of the diversion by citizens of the United States of waters of the Rio Grande.

## ARTICLE V

The United States, in entering into this treaty, does not thereby concede, expressly or by implication, any legal basis for any claims heretofore asserted or which may be hereafter asserted by reason of any losses incurred by the owners of land in Mexico due or alleged to be due to the diversion of the waters of the Rio Grande within the United States; nor does the United States in any way concede the establishment of any general principle or precedent by the concluding of this treaty. The understanding of both parties is that the arrangement contemplated by this treaty extends only to the portion of the Rio Grande which forms the international boundary, from the head of the Mexican Canal down to Fort Quitman, Texas, and in no other case.

## ARTICLE VI

The present Convention shall be ratified by both contracting parties in accordance with their constitutional procedure, and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the Convention both in the English and Spanish languages and have thereunto affixed their seals.

Done in duplicate at the City of Washington, this 21st day of May, one thousand nine hundred and six.

ELIHU ROOT [SEAL]

JOAQUÍN D. CASASÚS [SEAL]

## ARBITRATION

*Convention signed at Washington March 24, 1908*

*Senate advice and consent to ratification April 2, 1908*

*Ratified by the President of the United States May 29, 1908*

*Ratified by Mexico May 30, 1908*

*Ratifications exchanged at Washington June 27, 1908*

*Entered into force June 27, 1908*

*Proclaimed by the President of the United States June 29, 1908*

*Expired June 27, 1913*

35 Stat. 1997; Treaty Series 500

The Government of the United States of America and the Government of Mexico, signatories of the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th of July, 1899;<sup>1</sup>

Taking into consideration that by Article XIX of that Convention the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment ;

Have authorized the Undersigned to conclude the following arrangement :

### ARTICLE I

Differences which may arise whether of a legal nature or relative to the interpretation of the treaties existing between the two contracting parties and which it may not have been possible to settle by diplomacy, in case no other arbitration should have been agreed upon, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July 1899, provided that they do not affect the vital interests, the independence, or the honor of either of the contracting parties and do not prejudice the interests of a third party.

### ARTICLE II

In each individual case, the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators and the periods to be fixed for the formation of the Arbitral Tribunal and the

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<sup>1</sup> TS 392, *ante*, vol. 1, p. 230.

several stages of the procedure. It is understood that such special agreements shall be made by the Presidents of both contracting countries by and with the advice and consent of their respective Senates.

### ARTICLE III

The foregoing stipulations in no wise annul, but on the contrary define, confirm and continue in effect the declarations and rules contained in Article XXI of the Treaty of peace, friendship and boundaries between the United States and Mexico signed at the city of Guadalupe Hidalgo on the second of February one thousand eight hundred and forty-eight.<sup>2</sup>

### ARTICLE IV

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the Government of Mexico in accordance with its constitution and laws. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

### ARTICLE V

The present Convention is concluded for a period of five years dating from the day of the exchange of its ratifications.

Done in duplicate at the City of Washington, in the English and Spanish languages, this twenty-fourth day of March in the year 1908.

ELIHU ROOT [SEAL]

JOSÉ F. GODOY [SEAL]

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<sup>2</sup> TS 207, *ante*, p. 791.

## CHAMIZAL ARBITRATION

*Convention signed at Washington June 24, 1910*

*Amended by supplementary protocol of December 5, 1910<sup>1</sup>*

*Senate advice and consent to ratification December 12, 1910*

*Ratified by Mexico December 27, 1910*

*Ratified by the President of the United States January 23, 1911*

*Ratifications exchanged at Washington January 24, 1911*

*Entered into force January 24, 1911*

*Proclaimed by the President of the United States January 25, 1911*

*Terminated June 15, 1911<sup>2</sup>*

36 Stat. 2481; Treaty Series 555

### CONVENTION FOR THE ARBITRATION OF THE CHAMIZAL CASE

The United States of America and the United States of Mexico, desiring to terminate, in accordance with the various treaties and conventions now existing between the two countries, and in accordance with the principles of international law, the differences which have arisen between the two Governments as to the international title to the Chamizal tract, upon which the members of the International Boundary Commission have failed to agree, and having determined to refer these differences to the said Commission, established by the Convention of 1889,<sup>3</sup> which for the case only shall be enlarged as hereinafter provided, have resolved to conclude a Convention for that purpose, and have appointed as their respective Plenipotentiaries:

The President of the United States of America, Philander C. Knox, Secretary of State of the United States of America; and

The President of the United States of Mexico, Don Francisco León de la Barra, Ambassador Extraordinary and Plenipotentiary of the United States of Mexico at Washington;

Who, after having exhibited their respective full powers, and having found the same to be in good and due form, have agreed upon the following articles:

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<sup>1</sup> TS 556, *post*, p. 933.

<sup>2</sup> Date of arbitration award. For text of award, see *Reports of International Arbitral Awards* (United Nations sales no. 61. V.4), vol. XI, p. 316. For convention signed at México Aug. 29, 1963, giving effect to 1911 arbitration award, see 15 UST 21; TIAS 5515

<sup>3</sup> Convention signed at Washington Feb. 18, 1889 (TS 231, *ante*, p. 874).

## ARTICLE I

The Chamizal tract in dispute is located at El Paso, Texas, and Ciudad Juarez, Chihuahua, and is bounded westerly and southerly by the middle of the present channel of the Rio Grande, otherwise called Rio Bravo del Norte, easterly by the middle of the abandoned channel of 1901, and northerly by the middle of the channel of the river as surveyed by Emory and Salazar in 1852, and is substantially as shown on a map on a scale of 1-5,000, signed by General Anson Mills, Commissioner on the part of the United States, and Señor Don F. Javier Osorno, Commissioner on the part of Mexico, which accompanies the report of the International Boundary Commission, in Case No. 13, entitled "Alleged Obstruction in the Mexican End of the El Paso Street Railway Bridge and Backwaters Caused by the Great Bend in the River Below", and on file in the archives of the two Governments.

## ARTICLE II

The difference as to the international title of the Chamizal tract shall be again referred to the International Boundary Commission, which shall be enlarged by the addition, for the purposes of the consideration and decision of the aforesaid difference only, of a third Commissioner, who shall preside over the deliberations of the Commission. This Commissioner shall be a Canadian jurist and shall be selected by the two Governments by common accord, or, failing such agreement, by the Government of Canada, which shall be requested to designate him. No decision of the Commission shall be perfectly valid unless the Commission shall have been fully constituted by the three members who compose it.

## ARTICLE III

The Commission shall decide solely and exclusively as to whether the international title to the Chamizal tract is in the United States of America or Mexico. The decision of the Commission, whether rendered unanimously or by majority vote of the Commissioners, shall be final and conclusive upon both Governments, and without appeal. The decision shall be in writing and shall state the reasons upon which it is based. It shall be rendered within thirty days after the close of the hearings.

## ARTICLE IV

Each Government shall be entitled to be represented before the Commission by an Agent and such Counsel as it may deem necessary to designate; the Agent and Counsel shall be entitled to make oral argument and to examine and cross-examine witnesses and, provided that the Commission so decides, to introduce further documentary evidence.

ARTICLE V<sup>4</sup>

On or before December 1, 1910, each Government shall present to the Agent of the other party two or more printed copies of its case, together with the documentary evidence upon which it relies. It shall be sufficient for this purpose if each Government delivers the copies and documents aforesaid at the Mexican Embassy at Washington or at the American Embassy at the City of Mexico, as the case may be, for transmission. As soon thereafter as possible, and within ten days, each party shall deliver two printed copies of its case and accompanying documentary evidence to each member of the Commission. Delivery to the American and Mexican Commissioners may be made at their offices in El Paso, Texas; the copies intended for the Canadian Commissioner may be delivered at the British Embassy at Washington or at the British Legation at the City of Mexico.

On or before February 1, 1911, each Government may present to the Agent of the other a counter-case, with documentary evidence, in answer to the case and documentary evidence of the other party. The counter-case shall be delivered in the manner provided in the foregoing paragraph.

The Commission shall hold its first session in the city of El Paso, State of Texas, where the offices of the International Boundary Commission are situated, on March 1, 1911, and shall proceed to the trial of the case with all convenient speed, sitting either at El Paso, Texas, or Ciudad Juarez, Chihuahua, as convenience may require. The Commission shall act in accordance with the procedure established in the Boundary Convention of 1889. It shall, however, be empowered to adopt such rules and regulations as it may deem convenient in the course of the case.

At the first meeting of the three Commissioners each party shall deliver to each of the Commissioners and to the Agent of the other party, in duplicate, with such additional copies as may be required, a printed argument showing the points relied upon in the case and counter-case, and referring to the documentary evidence upon which it is based. Each party shall have the right to file such supplemental printed brief as it may deem requisite. Such briefs shall be filed within ten days after the close of the hearings, unless further time be granted by the Commission.

## ARTICLE VI

Each Government shall pay the expenses of the presentation and conduct of its case before the Commission; all other expenses which by their nature are a charge on both Governments, including the honorarium for the Canadian Commissioner, shall be borne by the two Governments in equal moieties.

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<sup>4</sup> For amendments to art. V, see supplementary protocol of Dec. 5, 1910 (TS 556), *post*, p. 933.

## ARTICLE VII

In case of the temporary or permanent unavoidable absence of any one of the Commissioners, his place will be filled by the Government concerned, except in the case of the Canadian jurist. The latter under any like circumstances shall be replaced in accordance with the provisions of this Convention.

## ARTICLE VIII

If the arbitral award provided for by this Convention shall be favorable to Mexico, it shall be executed within the term of two years, which can not be extended, and which shall be counted from the date on which the award is rendered. During that time the *status quo* shall be maintained in the Chamizal tract on the terms agreed upon by both Governments.

## ARTICLE IX

By this Convention the contracting Parties declare to be null and void all previous propositions that have reciprocally been made for the diplomatic settlement of the Chamizal Case; but each party shall be entitled to put in evidence by way of information such of this official correspondence as it deems advisable.

## ARTICLE X

The present Convention shall be ratified in accordance with the constitutional forms of the Contracting Parties and shall take effect from the date of the exchange of its ratifications.

The ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the above articles, both in the English and Spanish languages, and have hereunto affixed their seals.

Done in duplicate at the City of Washington, this 24th day of June, one thousand nine hundred and ten.

PHILANDER C. KNOX [SEAL]

F. L. DE LA BARRA [SEAL]

## CHAMIZAL ARBITRATION

*Supplementary protocol signed at Washington December 5, 1910,  
amending convention of June 24, 1910*

*Senate advice and consent to ratification December 12, 1910*

*Ratified by Mexico December 27, 1910*

*Ratified by the President of the United States January 23, 1911*

*Ratifications exchanged at Washington January 24, 1911*

*Entered into force January 24, 1911*

*Proclaimed by the President of the United States January 25, 1911*

*Terminated June 15, 1911*<sup>1</sup>

36 Stat. 2487; Treaty Series 556

The Plenipotentiaries who negotiated and signed the Convention of June 24, 1910,<sup>2</sup> for the arbitration of the Chamizal Case, being thereunto duly empowered by their respective Governments, have agreed upon the following supplementary protocol:

Whereas it has become necessary, owing to the lapse of time, that the dates fixed by Article V of the before-mentioned Convention be changed, it is hereby agreed as follows:

The date for the presentation of the respective cases and documentary evidence is fixed for February 15, 1911;

The date for the presentation of the respective countercases and documentary evidence is fixed for April 15, 1911;

The date for the first session of the Commission is fixed for May 15, 1911.

All other provisions of the Convention of June 24, 1910, remain unchanged.

This supplementary protocol shall be ratified in accordance with the constitutional forms of the Contracting Parties and shall take effect from the date of the exchange of its ratifications.

The ratifications of the Convention and the supplementary protocol shall be exchanged at Washington as soon as possible.

<sup>1</sup> See footnote 2, *ante*, p. 929.

<sup>2</sup> TS 555, *ante*, p. 929.

In witness whereof, the respective Plenipotentiaries have signed the above supplementary protocol, both in the English and Spanish languages, and have hereunto affixed their seals.

Done in duplicate at the City of Washington, this fifth day of December, one thousand nine hundred and ten.

PHILANDER C. KNOX      [SEAL]

F. L. DE LA BARRA      [SEAL]

## GENERAL CLAIMS

*Convention signed at Washington September 8, 1923*

*Senate advice and consent to ratification January 23, 1924*

*Ratified by the President of the United States February 4, 1924*

*Ratified by Mexico February 16, 1924*

*Ratifications exchanged at Washington March 1, 1924*

*Entered into force March 1, 1924*

*Proclaimed by the President of the United States March 3, 1924*

*Modified by conventions of August 16, 1927;<sup>1</sup> September 2, 1929;<sup>2</sup>*

*June 18, 1932,<sup>3</sup> as supplemented by protocol of June 18, 1932;<sup>4</sup>*

*and April 24, 1934<sup>5</sup>*

*Superseded April 2, 1942, by convention of November 19, 1941<sup>6</sup>*

43 Stat. 1730; Treaty Series 678

The United States of America and the United Mexican States, desiring to settle and adjust amicably claims by the citizens of each country against the other since the signing on July 4, 1868,<sup>7</sup> of the Claims Convention entered into between the two countries (without including the claims for losses or damages growing out of the revolutionary disturbances in Mexico which form the basis of another and separate Convention<sup>8</sup>), have decided to enter into a Convention with this object, and to this end have nominated as their Plenipotentiaries:

The President of the United States of America:

The Honorables Charles Evans Hughes, Secretary of State of the United States of America, Charles Beecher Warren and John Barton Payne, and

The President of the United Mexican States:

Señor Don Manuel C. Téllez, Chargé d'Affaires ad interim of the United Mexican States at Washington;

<sup>1</sup> TS 758, *post*, p. 957.

<sup>2</sup> TS 801, *post*, p. 965.

<sup>3</sup> TS 883, *post*, p. 970.

<sup>4</sup> *Post*, p. 970.

<sup>5</sup> EAS 57, *post*, p. 1008.

<sup>6</sup> TS 980, *post*, p. 1059.

<sup>7</sup> TS 212, *ante*, p. 826.

<sup>8</sup> Convention signed at México Sept. 10, 1923 (TS 676, *post*, p. 941).

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

#### ARTICLE I

All claims (except those arising from acts incident to the recent revolutions) against Mexico of citizens of the United States, whether corporations, companies, associations, partnerships or individuals, for losses or damages suffered by persons or by their properties, and all claims against the United States of America by citizens of Mexico, whether corporations, companies, associations, partnerships or individuals, for losses or damages suffered by persons or by their properties; all claims for losses or damages suffered by citizens of either country by reason of losses or damages suffered by any corporation, company, association or partnership in which such citizens have or have had a substantial and bona fide interest, provided an allotment to the claimant by the corporation, company, association or partnership of his proportion of the loss or damage suffered is presented by the claimant to the Commission hereinafter referred to; and all claims for losses or damages originating from acts of officials or others acting for either Government and resulting in injustice, and which claims may have been presented to either Government for its interposition with the other since the signing of the Claims Convention concluded between the two countries July 4, 1868, and which have remained unsettled, as well as any other such claims which may be filed by either Government within the time hereinafter specified, shall be submitted to a Commission consisting of three members for decision in accordance with the principles of international law, justice, and equity.

Such Commission shall be constituted as follows: one member shall be appointed by the President of the United States; one by the President of the United Mexican States; and the third, who shall preside over the Commission, shall be selected by mutual agreement between the two Governments. If the two Governments shall not agree within two months from the exchange of ratifications of this Convention in naming such third member, then he shall be designated by the President of the Permanent Administrative Council of the Permanent Court of Arbitration at The Hague described in Article XLIX [49] of the Convention for the pacific settlement of international disputes concluded at The Hague on October 18, 1907.<sup>9</sup> In case of the death, absence or incapacity of any member of the Commission, or in the event of a member omitting or ceasing to act as such, the same procedure shall be followed for filling the vacancy as was followed in appointing him.

#### ARTICLE II

The Commissioners so named shall meet at Washington for organization within six months after the exchange of the ratifications of this Convention,

<sup>9</sup> TS 536, *ante*, vol. 1, p. 594.

and each member of the Commission, before entering upon his duties, shall make and subscribe a solemn declaration stating that he will carefully and impartially examine and decide, according to the best of his judgment and in accordance with the principles of international law, justice and equity, all claims presented for decision, and such declaration shall be entered upon the record of the proceedings of the Commission.

The Commission may fix the time and place of its subsequent meetings, either in the United States or in Mexico, as may be convenient, subject always to the special instructions of the two Governments.

### ARTICLE III

In general, the Commission shall adopt as the standard for its proceedings the rules of procedure established by the Mixed Claims Commission created under the Claims Convention between the two Governments signed July 4, 1868, insofar as such rules are not in conflict with any provision of this Convention. The Commission, however, shall have authority by the decision of the majority of its members to establish such other rules for its proceedings as may be deemed expedient and necessary, not in conflict with any of the provisions of this Convention.

Each Government may nominate and appoint agents and counsel who will be authorized to present to the Commission, orally or in writing, all the arguments deemed expedient in favor of or against any claim. The agents or counsel of either Government may offer to the Commission any documents, affidavits, interrogatories or other evidence desired in favor of or against any claim and shall have the right to examine witnesses under oath or affirmation before the Commission, in accordance with such rules of procedure as the Commission shall adopt.

The decision of the majority of the members of the Commission shall be the decision of the Commission.

The language in which the proceedings shall be conducted and recorded shall be English or Spanish.

### ARTICLE IV

The Commission shall keep an accurate record of the claims and cases submitted, and minutes of its proceedings with the dates thereof. To this end, each Government may appoint a Secretary; these Secretaries shall act as joint Secretaries of the Commission and shall be subject to its instructions. Each Government may also appoint and employ any necessary assistant secretaries and such other assistance as deemed necessary. The Commission may also appoint and employ any persons necessary to assist in the performance of its duties.

### ARTICLE V

The High Contracting Parties, being desirous of effecting an equitable settlement of the claims of their respective citizens thereby affording them

just and adequate compensation for their losses or damages, agree that no claim shall be disallowed or rejected by the Commission by the application of the general principle of international law that the legal remedies must be exhausted as a condition precedent to the validity or allowance of any claim.

#### ARTICLE VI

Every such claim for loss or damage accruing prior to the signing of this Convention, shall be filed with the Commission within one year from the date of its first meeting, unless in any case reasons for the delay, satisfactory to the majority of the Commissioners, shall be established, and in any such case the period for filing the claim may be extended not to exceed six additional months.

The Commission shall be bound to hear, examine and decide, within three years from the date of its first meeting, all the claims filed, except as hereinafter provided in Article VII.<sup>10</sup>

Four months after the date of the first meeting of the Commissioners, and every four months thereafter, the Commission shall submit to each Government a report setting forth in detail its work to date, including a statement of the claims filed, claims heard and claims decided. The Commission shall be bound to decide any claim heard and examined within six months after the conclusion of the hearing of such claim and to record its decision.

#### ARTICLE VII

The High Contracting Parties agree that any claim for loss or damage accruing after the signing of this Convention, may be filed by either Government with the Commission at any time during the period fixed in Article VI for the duration of the Commission; and it is agreed between the two Governments that should any such claim or claims be filed with the Commission prior to the termination of said Commission, and not be decided as specified in Article VI, the two Governments will by agreement extend the time within which the Commission may hear, examine and decide such claim or claims so filed for such a period as may be required for the Commission to hear, examine and decide such claim or claims.

#### ARTICLE VIII

The High Contracting Parties agree to consider the decision of the Commission as final and conclusive upon each claim decided, and to give full effect to such decisions. They further agree to consider the result of the pro-

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<sup>10</sup> For extensions of the duration of the commission, see agreements of Aug. 16, 1927 (TS 758), *post*, p. 957; Sept. 2, 1929 (TS 801), *post*, p. 965; and June 18, 1932 (TS 883), *post*, p. 973.

ceedings of the Commission as a full, perfect, and final settlement of every such claim upon either Government, for loss or damage sustained prior to the exchange of the ratifications of the present Convention (except as to claims arising from revolutionary disturbances and referred to in the preamble hereof). And they further agree that every such claim, whether or not filed and presented to the notice of, made, preferred or submitted to such Commission shall from and after the conclusion of the proceedings of the Commission be considered and treated as fully settled, barred and thenceforth inadmissible, provided the claim filed has been heard and decided.

#### ARTICLE IX

The total amount awarded in all the cases decided in favor of the citizens of one country shall be deducted from the total amount awarded to the citizens of the other country and the balance shall be paid at Washington or at the City of Mexico, in gold coin or its equivalent to the Government of the country in favor of whose citizens the greater amount may have been awarded.

In any case the Commission may decide that international law, justice and equity require that a property or right be restored to the claimant in addition to the amount awarded in any such case for all loss or damage sustained prior to the restitution. In any case where the Commission so decides the restitution of the property or right shall be made by the Government affected after such decision has been made, as hereinbelow provided. The Commission, however, shall at the same time determine the value of the property or right decreed to be restored and the Government affected may elect to pay the amount so fixed after the decision is made rather than to restore the property or right to the claimant.

In the event the Government affected should elect to pay the amount fixed as the value of the property or right decreed to be restored, it is agreed that notice thereof will be filed with the Commission within thirty days after the decision and that the amount fixed as the value of the property or right shall be paid immediately. Upon failure so to pay the amount the property or right shall be restored immediately.

#### ARTICLE X

Each Government shall pay its own Commissioner and bear its own expenses. The expenses of the Commission including the salary of the third Commissioner shall be defrayed in equal proportions by the two Governments.

#### ARTICLE XI

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective Constitutions. Ratifications of this Con-

vention shall be exchanged in Washington as soon as practicable and the Convention shall take effect on the date of the exchange of ratifications.

In witness whereof, the respective Plenipotentiaries have signed and affixed their seals to this Convention.

Done in duplicate at Washington this eighth day of September, 1923.

CHARLES EVANS HUGHES [SEAL]

CHARLES BEECHER WARREN [SEAL]

JOHN BARTON PAYNE [SEAL]

MANUEL C. TÉLLEZ [SEAL]

## SPECIAL CLAIMS

*Convention signed at México September 10, 1923*  
*Senate advice and consent to ratification January 23, 1924*  
*Ratified by the President of the United States February 4, 1924*  
*Ratified by Mexico February 16, 1924*  
*Ratifications exchanged at México February 19, 1924*  
*Entered into force February 19, 1924*  
*Proclaimed by the President of the United States February 23, 1924*  
*Modified by convention of August 17, 1929*<sup>1</sup>  
*Supplemented by convention of April 24, 1934*<sup>2</sup>  
*Terminated January 2, 1945*<sup>3</sup>

43 Stat. 1722; Treaty Series 676

### SPECIAL CLAIMS CONVENTION

The United States of America and the United Mexican States, desiring to settle and adjust amicably claims arising from losses or damages suffered by American citizens through revolutionary acts within the period from November 20, 1910, to May 31, 1920, inclusive, have decided to enter into a Convention for that purpose, and to this end have nominated as their Plenipotentiaries:

The President of the United States:

George F. Summerlin, Chargé d'Affaires ad interim of the United States of America in Mexico.

The President of the United Mexican States:

Alberto J. Pani, Secretary of State for Foreign Affairs.

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

#### ARTICLE I

All claims against Mexico of citizens of the United States, whether corporations, companies, associations, partnerships or individuals, for losses or damage suffered by persons or by their properties during the revolutions and

<sup>1</sup> TS 802, *post*, p. 963.

<sup>2</sup> TS 878, *post*, p. 1004.

<sup>3</sup> Date of final payment by Mexico.

disturbed conditions which existed in Mexico, covering the period from November 20, 1910, to May 31, 1920, inclusive, including losses or damages suffered by citizens of the United States by reason of losses or damages suffered by any corporation, company, association or partnership in which citizens of the United States have or have had a substantial and bona fide interest, provided an allotment to the American claimant by the corporation, company, association or partnership of his proportion of the loss or damage is presented by the claimant to the Commission hereinafter referred to, and which claims have been presented to the United States for its interposition with Mexico, as well as any other such claims which may be presented within the time hereinafter specified, shall be submitted to a Commission consisting of three members.

Such Commission shall be constituted as follows: one member shall be appointed by the President of the United States; one by the President of United Mexican States; and the third, who shall preside over the Commission, shall be selected by mutual agreement between the two Governments. If the two Governments shall not agree within two months from the exchange of ratifications of this Convention in naming such third member, then he shall be designated by the President of the Permanent Administrative Council of the Permanent Court of Arbitration at The Hague described in Article 49 of the Convention for the Pacific Settlement of International Disputes concluded at The Hague on October 18, 1907.<sup>4</sup> In case of the death, absence or incapacity of any member of the Commission, or in the event of a member omitting or ceasing to act as such, the same procedure shall be followed for filling the vacancy as was followed in appointing him.

## ARTICLE II

The Commissioners so named shall meet at Mexico City within six months after the exchange of the ratifications of this Convention, and each member of the Commission, before entering upon his duties, shall make and subscribe a solemn declaration stating that he will carefully and impartially examine and decide, according to the best of his judgment and in accordance with the principles of justice and equity, all claims presented for decision, and such declaration shall be entered upon the record of the proceedings of the Commission.

The Mexican Government desires that the claims shall be so decided because Mexico wishes that her responsibility shall not be fixed according to the generally accepted rules and principles of international law, but *ex gratia* feels morally bound to make full indemnification and agrees, therefore, that it will be sufficient that it be established that the alleged loss or damage in any case was sustained and was due to any of the causes enumerated in Article III hereof.

<sup>4</sup> TS 536, *ante*, vol. 1, p. 594.

The Commission may fix the time and place of its subsequent meetings, as may be convenient, subject always to the special instructions of the two Governments.

### ARTICLE III

The claims which the Commission shall examine and decide are those which arose during the revolutions and disturbed conditions which existed in Mexico covering the period from November 20, 1910, to May 31, 1920, inclusive, and were due to any act by the following forces:

(1) By forces of a Government *de jure* or *de facto*.

(2) By revolutionary forces as a result of the triumph of whose cause governments *de facto* or *de jure* have been established, or by revolutionary forces opposed to them.

(3) By forces arising from the disjunction of the forces mentioned in the next preceding paragraph up to the time when the government *de jure* established itself as a result of a particular revolution.

(4) By federal forces that were disbanded, and

(5) By mutinies or mobs, or insurrectionary forces other than those referred to under subdivisions (2), (3) and (4) above, or by bandits, provided in any case it be established that the appropriate authorities omitted to take reasonable measures to suppress insurrectionists, mobs or bandits, or treated them with lenity or were in fault in other particulars.

### ARTICLE IV

In general, the Commission shall adopt as the standard for its proceedings the rules of procedure established by the Mixed Claims Commission created under the Claims Convention between the two Governments signed July 4, 1868,<sup>5</sup> in so far as such rules are not in conflict with any provision of this Convention. The Commission, however, shall have authority by the decision of the majority of its members to establish such other rules for its proceedings as may be deemed expedient and necessary, not in conflict with any of the provisions of this Convention.

Each Government may nominate and appoint agents and counsel who will be authorized to present to the Commission, orally or in writing, all the arguments deemed expedient in favor of or against any claim. The agents or counsel of either Government may offer to the Commission any documents, affidavits, interrogatories or other evidence desired in favor of or against any claim and shall have the right to examine witnesses under oath or affirmation before the Commission, in accordance with such rules of procedure as the Commission shall adopt.

<sup>5</sup> TS 212, *ante*, p. 826.

The decision of the majority of the members of the Commission shall be the decision of the Commission.

The language in which the proceedings shall be conducted and recorded shall be Spanish or English.

#### ARTICLE V

The Commission shall keep an accurate record of the claims and cases submitted, and minutes of its proceedings with the dates thereof. To this end, each Government may appoint a Secretary; these Secretaries shall act as joint Secretaries of the Commission and shall be subject to its instructions. Each Government may also appoint and employ any necessary assistant secretaries and such other assistance as deemed necessary. The Commission may also appoint and employ any persons necessary to assist in the performance of its duties.

#### ARTICLE VI

Since the Mexican Government desires to arrive at an equitable settlement of the claims of the citizens of the United States and to grant them a just and adequate compensation for their losses or damages, the Mexican Government agrees that the Commission shall not disallow or reject any claim by the application of the general principle of international law that the legal remedies must be exhausted as a condition precedent to the validity or allowance of any claim.

#### ARTICLE VII

Every claim shall be filed with the Commission within two years from the date of its first meeting, unless in any case reasons for the delay, satisfactory to the majority of the Commissioners, shall be established, and in any such case the period for filing the claim may be extended not to exceed six additional months.<sup>6</sup>

The Commission shall be bound to hear, examine and decide, within five years from the date of its first meeting, all the claims filed.

Four months after the date of the first meeting of the Commissioners, and every four months thereafter, the Commission shall submit to each Government a report setting forth in detail its work to date, including a statement of the claims filed, claims heard and claims decided. The Commission shall be bound to decide any claim heard and examined within six months after the conclusion of the hearing of such claim and to record its decision.

#### ARTICLE VIII

The High Contracting Parties agree to consider the decision of the Commission as final and conclusive upon each claim decided, and to give full

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<sup>6</sup> For extension of duration of Special Claims Commission, see convention of Aug. 17, 1929 (TS 802), *post*, p. 963.

effect to such decisions. They further agree to consider the result of the proceedings of the Commission as a full, perfect and final settlement of every such claim upon the Mexican Government, arising from any of the causes set forth in Article III of this Convention. And they further agree that every such claim, whether or not filed and presented to the notice of, made, preferred or submitted to such Commission shall from and after the conclusion of the proceedings of the Commission be considered and treated as fully settled, barred and thenceforth inadmissible, provided the claim filed has been heard and decided.

#### ARTICLE IX

The total amount awarded to claimants shall be paid in gold coin or its equivalent by the Mexican Government to the Government of the United States at Washington.

#### ARTICLE X

Each Government shall pay its own Commissioner and bear its own expenses. The expenses of the Commission including the salary of the third Commissioner shall be defrayed in equal proportions by the two Governments.

#### ARTICLE XI

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective Constitutions. Ratifications of this Convention shall be exchanged in Mexico City as soon as practicable and the Convention shall take effect on the date of the exchange of ratifications.

In witness whereof, the respective Plenipotentiaries have signed and affixed their seals to this Convention.

Done in duplicate at Mexico City this tenth day of September, 1923.

GEORGE F. SUMMERLIN [SEAL]

A. J. PANI [SEAL]

## WAIVER OF VISA FEES FOR NONIMMIGRANTS

*Exchange of notes at México October 6 and 7, 1925*

*Entered into force October 20, 1925*

*Terminated March 31, 1950*<sup>1</sup>

Department of State files

*The American Chargé d'Affaires ad interim to the Minister of Foreign Affairs*

No. 831

MEXICO, October 6, 1925

### EXCELLENCY:

I have the honor to inform Your Excellency that, while no change is contemplated in the present Executive Regulations under which Mexicans coming to the United States from Mexico as non-immigrants are not required to present viséed passports, the Government of the United States will, from the 20th of October, 1925, collect no fee for viseing passports or executing applications therefor in the case of citizens of Mexico desiring to visit the United States (including the insular possessions) who are not "immigrants" as defined in the Immigration Act of the United States of 1924:<sup>2</sup> namely,

(1) A government official, his family, attendants, servants and employees,

(2) An alien visiting the United States temporarily as a tourist or temporarily for business or pleasure,

(3) An alien in continuous transit through the United States,

(4) An alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory,

(5) A bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and

(6) An alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation;

<sup>1</sup> Pursuant to notice of termination given by the United States Feb. 20, 1950.

<sup>2</sup> 43 Stat. 153.

and it is understood that from the same date the Government of Mexico will not require non-immigrant citizens of the United States of like classes desiring to visit Mexico or its possessions, to pay fees for the vising of passports or for the execution of applications therefor. It is further understood that the visas so issued by the Mexican Government will be valid for one year and for any number of entries into Mexican territory during the period of validity.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

H. F. ARTHUR SCHOENFELD

His Excellency

AARÓN SÁENZ

*Minister for Foreign Affairs  
of the United States of Mexico.*

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*The Minister of Foreign Affairs to the American Chargé d'Affaires  
ad interim*

[TRANSLATION]

DEPARTMENT OF FOREIGN RELATIONS  
MEXICO

20090

MEXICO, *October 7, 1925*

MR. CHARGÉ D'AFFAIRES:

I have the honor to acknowledge the receipt of your note No. 831 of the 6th instant in which you were good enough to communicate that the Government of the United States has consented to agree, without altering the regulations governing the entry of Mexicans and Americans going from one country to the other directly, that from the 20th instant there will be granted gratis the visa of the passports and the respective certificates of Mexican citizens proceeding from other countries who desire to enter the United States or its possessions who may not be immigrants in accordance with the definition which is made of this class of persons in the Immigration Law of 1924 of your country, to wit:

- (1) Functionaries and employees of the Government, their families, servants and those who accompany them.
- (2) Persons who visit the United States temporarily on a journey of business or pleasure.
- (3) Persons who go to the United States in transit.
- (4) Persons who may have been legally admitted to the United States who subsequently travel from one part to another of the said country and are obliged to do so through foreign contiguous territories.

(5) Seamen lending their services on a vessel anchored in an American port and who desire temporarily to enter the United States in the performance of their work.

(6) Any person who may have the right to enter the United States for mercantile necessities in accordance with the provisions of treaties of Commerce and Navigation in force.

And at the same time I have the honor to inform you that from the same date the Mexican Government will visa gratis the passports of non-immigrant American citizens proceeding from other countries who may desire to come to Mexico. The visas granted by the American Government in conformity with this agreement will be valid for one year, with the right to enter and leave American territory the number of times desired during the said period.

Please accept the assurances of my most courteous and distinguished consideration.

AARÓN SÁENZ

Mr. H. F. ARTHUR SCHOENFELD,  
*Chargé d'Affaires of the*  
*United States of America,*  
*Mexico, D. F*

## PREVENTION OF SMUGGLING

*Convention signed at Washington December 23, 1925*

*Ratified by Mexico January 29, 1926*

*Senate advice and consent to ratification March 3, 1926*

*Ratified by the President of the United States March 11, 1926*

*Ratifications exchanged at Washington March 18, 1926*

*Proclaimed by the President of the United States March 18, 1926*

*Entered into force March 28, 1926*

*Terminated March 28, 1927<sup>1</sup>*

44 Stat. 2358; Treaty Series 732

The Government of the United States of America and the Government of the United Mexican States being desirous of cooperating to prevent the smuggling into their respective territories of merchandise, narcotics and other commodities the importation of which is prohibited by the laws of either country, and of aliens, as well as to promote human health and to protect animal and plant life and to conserve and develop the marine life resources off certain of their coasts, have resolved for these purposes to conclude a Convention, and to that end have named as their Plenipotentiaries:

The President of the United States of America,

Frank B. Kellogg, Secretary of State of the United States of America, and

The President of the United Mexican States,

Don Manuel C. Téllez, Ambassador Extraordinary and Plenipotentiary of Mexico at Washington.

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

### SECTION I

### SMUGGLING

### ARTICLE I

The High Contracting Parties agree that all shipments of merchandise crossing the International Boundary line between the United States and Mexico, originating in and consigned from either of the two countries, shall be covered by a shipper's export declaration, and a copy of same, verified by the appropriate officials of the country of origin, shall be furnished to the

<sup>1</sup> Pursuant to notice of termination given by the United States Mar. 21, 1927.

customs officials of the country of destination. It is agreed also that the appropriate officials of either country shall give such information as the appropriate officials of the other country may request concerning the transportation of cargos or the shipment of merchandise crossing the International Boundary line.

#### ARTICLE II

The High Contracting Parties agree that clearance of shipments of merchandise by water, air or land from any of the ports of either country to a port of entrance of the other country shall be denied if such shipment comprises articles the introduction of which is prohibited or restricted for whatever cause in the country to which such shipment is destined, provided, however, that such clearance shall not be denied on shipments of restricted merchandise when there has been complete compliance with the conditions of the laws of both countries.

It shall also be deemed to be the obligation of both of the High Contracting Parties to prevent by every possible means, in accordance with the laws of each particular country, the clearance of any vessel or other vehicle laden with merchandise destined to any port or place when there shall be reasonable cause to believe that such merchandise or any part thereof, whatever may be its ostensible destination, is intended to be illegally introduced into the territory of the other Party.

#### ARTICLE III

The High Contracting Parties reciprocally agree to exchange promptly all available information concerning the names and activities of all persons known or suspected to be engaged in violations of the laws of the United States or Mexico with respect to smuggling or the introduction of prohibited or restricted articles.

#### ARTICLE IV

The High Contracting Parties agree that no merchandise or property of any character shall be authorized to be cleared or despatched out of either country, across the International Boundary line, except through ports or places duly authorized to clear such merchandise or property, and to or through duly authorized ports or places on the opposite side of said Boundary line; provided, that merchandise or property may be transported across said boundary line at any convenient place under special circumstances and after permits by both countries have been issued therefor.

#### ARTICLE V

The High Contracting Parties agree that they will exchange all available information concerning the existence and extent of contagious and infectious diseases of persons, animals, birds or plants, and the ravages of insect pests and the measures being taken to prevent their spread. The parties will also

exchange information relative to the study and use of the most effective scientific and administrative means for the suppression and eradication of such diseases and insect pests.

## SECTION II

### MIGRATION OF PERSONS

#### ARTICLE VI

Each of the High Contracting Parties agrees to employ all reasonable measures to prevent the departure of persons destined to territory of the other, except at or through regular ports or places of entry or departure established by the High Contracting Parties.

#### ARTICLE VII

In all cases in which a national of one of the High Contracting Parties is to be deported or expelled from the territory of the other, and in the cases in which a national of either country subject to deportation is allowed voluntarily to depart for the country of his nationality in lieu of deportation, due notice will be given the proper Consular representative of the country of such national.

#### ARTICLE VIII

In all cases in which either of the High Contracting Parties may suspend or waive its regulations relating to the contracting of laborers in the territory of the other, or in cases where either of the High Contracting Parties may grant special permits for contract labor, the country granting such permits or so suspending or waiving its regulations will give due notice thereof to the other.

#### ARTICLE IX

The High Contracting Parties mutually agree that they will exchange information regarding persons proceeding to the country of the other and regarding activities of any persons on either side of the border, when there is reasonable ground to believe that such persons are engaged in unlawful migration activities or in conspiracies against the other Government or its institutions, when not incompatible with the public interest.

## SECTION III

### FISHERIES

#### PREAMBLE

For the three following purposes, namely:

(1) To facilitate the labors of the corresponding authorities in conserving and developing the marine life resources in the ocean waters off certain coasts of each nation;

- (2) To prevent smuggling in all kinds of marine products;
- (3) And to consider and to make recommendations with respect to the collection of the revenue from fish and other marine products.

The Government of the United States of America and Government of the United Mexican States agree as follows:

#### ARTICLE X

The High Contracting Parties agree that the waters dealt with under this Convention shall be the waters off the Pacific Coasts of California, United States of America, and Lower California, Mexico, including both territorial and extra-territorial waters, the latter being the westward extension of the former.

#### ARTICLE XI

The High Contracting Parties agree to establish within two months after the exchange of ratifications of this Convention a Commission, to be known as the International Fisheries Commission—United States and Mexico, that shall consist of four members, two to be appointed by each Party. This Commission shall continue to exist so long as this Convention shall remain in force. Each Party shall pay the salaries and expenses of its own members and the joint expenses incurred by the Commission shall be paid by the two High Contracting Parties in equal moieties.

The Commission is hereby empowered to organize, to appoint its staff, and to fulfill the requirements of this section.

The Commission shall make a thorough study of whatever subjects are necessary for carrying out the purposes of this Section and shall submit recommendations unanimously approved by the Commission to each Government for consideration and approval covering whatever the Commission deems necessary for the accomplishment of the purposes of this section. This study shall be undertaken within two months after appointment of the Commission and the recommendations shall be submitted as soon as practicable.

#### ARTICLE XII

The High Contracting Parties agree that if, after its study of conditions, the International Fisheries Commission recommends the adoption of regulations regarding the subjects set forth in the preamble and such regulations are approved by each Government, they shall become binding upon the authorities of both countries and shall be enforced by them.

The High Contracting Parties agree that the authorities of their respective ports shall refuse to permit any and all fish or marine products to enter the ports if brought into port from the waters specified in Article X and if the port authorities have reasonable grounds to believe that the master has ob-

tained his cargo in violation of the laws of either of the High Contracting Parties, the regulations which may be adopted, or the provisions of this Convention. Fines may be imposed in such cases or such cargoes thus illegally obtained may be declared forfeited and sold at auction to the highest bidder. Any proceeds therefrom shall be regarded as belonging to the High Contracting Parties in equal moieties and to the extent that may be determined by the High Contracting Parties to be necessary shall be made available for use in payment of the salaries and expenses of the Commission as provided for in Article XI of this Convention.

The International Fisheries Commission will inform and will keep informed all port authorities of both nations concerning any and all regulations which may have been established.

#### SECTION IV

#### GENERAL PROVISIONS

#### ARTICLE XIII

It is agreed that when compatible with the public interest the officers and employees of the respective Governments of the United States and Mexico shall, upon request, be directed to furnish such available records and files, or certified copies thereof, as may be considered essential to the trial of civil or criminal cases. The costs of transcripts of records, depositions, certificates and letters rogatory in civil or criminal cases shall be paid by the nation requesting them. Letters rogatory and commissions shall be executed with all possible despatch and copies of official records or documents shall be certified promptly by the appropriate officials in accordance with the provisions of the laws of the respective countries.

This article shall apply only to cases involving matters covered by this treaty.

#### ARTICLE XIV

The High Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention with appropriate penalties for the violation thereof.

#### ARTICLE XV

This Convention shall be ratified, and the ratifications shall be exchanged at the City of Washington as soon as possible.

The Convention shall come into effect at the expiration of ten days from the date of its publication in conformity with the laws of the High Contracting Parties, and it shall remain in force for one year. If upon the expiration of one year after the Convention shall have been in force no notice is given by either party of a desire to terminate the same, it shall continue in force

until thirty days after either party shall have given notice to the other of a desire to terminate the Convention.

In witness whereof the respective plenipotentiaries have signed the present Convention both in the English and Spanish languages, and have thereunto affixed their seals.

Done in duplicate at the City of Washington this twenty-third day of December, one thousand nine hundred and twenty-five.

FRANK B. KELLOGG [SEAL]

MANUEL C. TÉLLEZ [SEAL]

## EXTRADITION

*Convention signed at Washington December 23, 1925, supplementing  
and amending convention of February 22, 1899, as supplemented  
Ratified by Mexico January 29, 1926*

*Senate advice and consent to ratification June 21, 1926*

*Ratified by the President of the United States June 28, 1926*

*Ratifications exchanged at Washington June 30, 1926*

*Proclaimed by the President of the United States July 1, 1926*

*Entered into force July 11, 1926*

44 Stat. 2409; Treaty Series 741

The United States of America and the United States of Mexico being desirous of enlarging the list of crimes on account of which extradition may be granted under the Conventions concluded between the two countries on February 22, 1899,<sup>1</sup> and June 25, 1902,<sup>2</sup> with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a supplementary Convention for this purpose and have appointed as their plenipotentiaries, to wit:

The President of the United States of America:

Frank B. Kellogg, Secretary of State of the United States of America, and

The President of the United States of Mexico:

His Excellency Señor Don Manuel C. Téllez, Ambassador Extraordinary and Plenipotentiary of the United States of Mexico at Washington:

Who, after having exhibited to each other their respective full powers which were found to be in due and proper form, have agreed to and concluded the following articles:

### ARTICLE I

The High Contracting Parties agree that the following crimes are added to the list of crimes numbered 1 to 21 in the second Article of the Treaty of Extradition of the 22nd of February, 1899, and the crime designated in the Supplementary Extradition Treaty, concluded between the United States and Mexico on the 25th of June, 1902; that is to say:

22. Crimes and offenses against the laws for the suppression of the traffic in and use of narcotic drugs.

<sup>1</sup> TS 242, *ante*, p. 900.

<sup>2</sup> TS 421, *ante*, p. 918.

23. Crimes and offenses against the laws relating to the illicit manufacture of or traffic in substances injurious to health, or poisonous chemicals.

24. Smuggling. Defined to be the act of willfully and knowingly violating the customs laws with intent to defraud the revenue by international traffic in merchandise subject to duty.

#### ARTICLE II

The present Convention shall be considered as an integral part of the said Extradition Treaty of the 22nd of February, 1899, and it is agreed that the crime of bribery added to said original Treaty by the Supplemental Extradition Convention of the 25th of June, 1902, shall be numbered twenty-one (21); that the paragraph or crime numbered 21 in Article II of the original Treaty and relating to "Attempts" shall now be numbered 25 and be applicable under appropriate circumstances to all the crimes and offenses now numbered 1 to 24 inclusive.

#### ARTICLE III

The present Convention shall be ratified and the ratifications shall be exchanged either at Washington or at Mexico City as soon as possible.

It shall go into force ten days after its publication in conformity with the laws of the High Contracting Parties, and it shall continue and terminate in the same manner as the said Convention of February 22, 1899.

In testimony whereof the respective plenipotentiaries have signed the present Convention in duplicate, and have hereunto affixed their seals.

Done in duplicate at the City of Washington, in the English and Spanish languages, this twenty-third day of December, one thousand nine hundred and twenty-five.

FRANK B. KELLOGG [SEAL]

MANUEL C. TÉLLEZ [SEAL]

# EXTENSION OF GENERAL CLAIMS COMMISSION

*Convention signed at Washington August 16, 1927, modifying convention of September 8, 1923*

*Ratified by Mexico September 30, 1927*

*Ratified by the President of the United States October 8, 1927, pursuant to Senate resolution of February 17, 1927<sup>1</sup>*

*Ratifications exchanged at Washington October 12, 1927*

*Entered into force October 12, 1927*

*Proclaimed by the President of the United States October 13, 1927*

*Expired August 30, 1929*

45 Stat. 2453; Treaty Series 758

WHEREAS a convention was signed on September 8, 1923,<sup>2</sup> between the United States of America and the United Mexican States for the settlement and amicable adjustment of certain claims therein defined; and

WHEREAS under Article VI of said convention the Commission constituted pursuant thereto is bound to hear, examine and decide within three years from the date of its first meeting all the claims filed with it, except as provided in Article VII; and

WHEREAS it now appears that the said Commission cannot hear, examine and decide such claims within the time limit thus fixed;

The President of the United States of America and the President of the United Mexican States are desirous that the time originally fixed for the duration of the said Commission should be extended, and to this end have named as their respective plenipotentiaries, that is to say:

The President of the United States of America, Honorable Frank B. Kellogg, Secretary of State of the United States; and

The President of the United Mexican States, His Excellency Señor Don Manuel C. Téllez, Ambassador Extraordinary and Plenipotentiary of the United Mexican States at Washington;

<sup>1</sup> The Senate resolution requested the President "in his discretion, to negotiate and conclude with the Mexican Government such agreements as may be necessary and appropriate for the extension of the life of the General Claims Commission between the United States and Mexico, in order to permit of the hearing, examination, and decision of all claims coming within the jurisdiction of the said commission under the terms of the said convention of September 8, 1923, and to make such further arrangement as in his judgment may be deemed appropriate for the expeditious adjudication of said claims."

<sup>2</sup> TS 678, *ante*, p. 935.

Who, after having communicated to each other their respective full powers found in good and due form, have agreed upon the following articles:

#### ARTICLE I

The High Contracting Parties agree that the term assigned by Article VI of the Convention of September 8, 1923, for the hearing, examination and decision of claims for loss or damage accruing prior to September 8, 1923, shall be and the same hereby is extended for a time not exceeding two years from August 30, 1927, the day when, pursuant to the provisions of the said Article VI, the functions of the said Commission would terminate in respect of such claims; and that during such extended term the Commission shall also be bound to hear, examine and decide all claims for loss or damage accruing between September 8, 1923, and August 30, 1927, inclusive, and filed with the Commission not later than August 30, 1927.

It is agreed that nothing contained in this Article shall in any wise alter or extend the time originally fixed in the said Convention of September 8, 1923, for the presentation of claims to the Commission, or confer upon the Commission any jurisdiction over any claim for loss or damage accruing subsequent to August 30, 1927.

#### ARTICLE II

The present Convention shall be ratified and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof the above-mentioned Plenipotentiaries have signed the same and affixed their respective seals.

Done in duplicate at the City of Washington, in the English and Spanish languages, this sixteenth day of August in the year one thousand nine hundred and twenty-seven.

FRANK B. KELLOGG [SEAL]

MANUEL C. TÉLLEZ [SEAL]

## PREVENTION OF DISEASES IN LIVESTOCK

*Convention signed at Washington March 16, 1928*

*Senate advice and consent to ratification March 28, 1928*

*Ratified by the President of the United States April 7, 1928*

*Ratified by Mexico December 13, 1929*

*Ratifications exchanged at Washington January 17, 1930*

*Proclaimed by the President of the United States January 18, 1930*

*Entered into force January 18, 1930*

46 Stat. 2451; Treaty Series 808

The Government of the United States of America and the Government of the United Mexican States, being desirous to safeguard more effectually the live stock interests of their respective countries through the prevention of the introduction of infectious and contagious diseases, have, for that purpose, agreed to conclude a Convention, and have to that end appointed as their respective plenipotentiaries:

The President of the United States of America, Frank B. Kellogg, Secretary of State of the United States of America; and

The President of the United Mexican States, His Excellency Señor Don Manuel C. Téllez, Ambassador Extraordinary and Plenipotentiary of the United Mexican States at Washington;

Who, having exhibited to each other their respective full powers, which were found to be in good and due form, have agreed upon the following Articles:

### ARTICLE I

The High Contracting Parties agree to maintain at designated border and sea ports authorized for the importation of animals an adequate live stock sanitary police service to guard against the introduction of animals affected with or exposed to contagious disease, and to notify each other at least ten days in advance whenever a port is to be closed or a new one is to be opened. In case of live stock imported or in bond the official veterinary inspectors of either country are authorized to make inspections, supervise dippings, and apply the necessary tests upon either side of the border as may be convenient.

## ARTICLE II

Quarantine stations shall be maintained by the High Contracting Parties at designated border and sea ports for animals imported from foreign countries. Such animals shall be kept under observation and subjected to tuberculin, mallein, blood, or other tests as may be necessary for the diagnosis of disease.

## ARTICLE III

The High Contracting Parties agree to supervise the sanitary handling of animal by-products, forage, and other commodities offered for importation that may be carriers of infectious and contagious diseases and to prohibit the importation of forage or other articles accompanying live stock affected with such diseases or suspected of being so affected.

## ARTICLE IV

The appropriate authorities of each of the High Contracting Parties shall incorporate in their regulations the necessary measures governing the disinfection of vessels and all kinds of vehicles used in the transportation of animals and of the quarantine stations or other premises occupied by animals affected with dangerously acute and rapidly spreading contagious diseases such as foot-and-mouth disease, rinderpest, contagious pleuropneumonia, and hog-cholera.

## ARTICLE V

The competent officials of each of the High Contracting Parties shall prescribe the form and requirements of the permit and certificates to be presented as evidence that the animals are eligible for importation; of the manifests, bills of lading and other papers to be submitted by importers, captains of vessels, or others in charge of live stock offered for importation; and of the records to be kept by the veterinary officials at the ports of entry.

## ARTICLE VI

The form and requirements of certificates which shall accompany shipments of animal by-products, hay, straw, and other imported commodities shall be specified by the duly authorized officials of each of the High Contracting Parties.

## ARTICLE VII

It is agreed that an efficient veterinary live stock sanitary police service shall be maintained under the Department of Agriculture in the United States and the Secretaria de Agricultura y Fomento in Mexico to combat infectious, contagious, or parasitic diseases of live stock.

## ARTICLE VIII

The live stock sanitary officials shall define the specific territory in their respective countries in which any contagious or infectious disease exists and shall indicate zones which may be considered as exposed, in order to prevent the propagation and dissemination of the infection of such disease.

## ARTICLE IX

The High Contracting Parties shall not issue permits for domestic ruminants or swine originating in any foreign countries or zones where highly infectious and rapidly spreading diseases such as foot-and-mouth disease and rinderpest appear frequently, until at least sixty days have elapsed without any outbreak of the disease in such countries or zones. When a disease of this kind occurs in any part of a foreign country any other part of the same country shall be considered as exposed until the contrary is positively shown, that is, until it is shown that no communication exists between the two parts by which the disease may be readily transmitted. When such a disease occurs near the land border of a foreign country the neighboring part of the adjacent country shall be considered as exposed until the contrary is positively shown.

## ARTICLE X

It is agreed that the respective governments shall notify each other promptly, through the usual diplomatic channels, of the appearance and extent of seriously acute, contagious diseases. In the case of outbreaks of diseases of this character not recently existing in either country information may be transmitted immediately in the most expeditious manner.

## ARTICLE XI

The High Contracting Parties agree to exchange the official regulations, periodicals, and other publications that may come out in their countries on the subject matter of this Convention and information concerning changes and substitutions which may be developed in the methods of prophylaxis, control, and care of animal diseases; and also to establish an interchange of students and experts and visits of representatives of the respective governments, for the purpose of studying and observing on the ground methods of control and eradication of such diseases as may break out in the territory of either of the nations.

## ARTICLE XII

Special regulations shall be issued by each of the High Contracting Parties governing the movement of live stock between the respective countries. These regulations shall specify in each case the veterinary sanitary police measures applicable.

## ARTICLE XIII

Certificates of inspection and testing of live stock, issued by duly authorized veterinarians of either country, shall be accepted as proof that such inspection and testing have been made; but, in any case of the offer of live stock for importation into either country, the issuance of such certificate shall not preclude further tests of such animals, or further investigation with respect thereto, to determine their freedom from or exposure to disease, before entry is permitted.

## ARTICLE XIV

This Convention shall be ratified, and the ratifications exchanged at the city of Washington as soon as possible.

The Convention shall come into effect at the date of publication in conformity with the laws of the High Contracting Parties, and it shall remain in force until thirty days after either party shall have given notice to the other of a desire to terminate the Convention.

IN WITNESS WHEREOF, they have signed the present Convention and have affixed thereto their respective seals.

Done in duplicate, in the English and Spanish languages, at the City of Washington, this sixteenth day of March, one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]

MANUEL C. TÉLLEZ [SEAL]

## EXTENSION OF SPECIAL CLAIMS COMMISSION

*Convention signed at Washington August 17, 1929, modifying convention of September 10, 1923*

*Ratified by the President of the United States September 25, 1929, pursuant to Senate resolution of May 25, 1929<sup>1</sup>*

*Ratified by Mexico October 4, 1929*

*Ratifications exchanged at Washington October 29, 1929*

*Entered into force October 29, 1929*

*Proclaimed by the President of the United States October 31, 1929*

*Expired August 17, 1931*

46 Stat. 2417; Treaty Series 802

### CONVENTION BETWEEN THE UNITED STATES AND MEXICO EXTENDING DURATION OF THE SPECIAL CLAIMS COMMISSION PROVIDED FOR IN THE CONVENTION OF SEPTEMBER 10, 1923

WHEREAS a convention was signed on September 10, 1923,<sup>2</sup> between the United States of America and the United Mexican States for the settlement and amicable adjustment of certain claims therein defined; and

WHEREAS Article VII of said convention provided that the Commission constituted pursuant thereto should hear, examine and decide within five years from the date of its first meeting all the claims filed with it; and

WHEREAS it now appears that the said Commission can not hear, examine and decide such claims within the time limit thus fixed;

The President of the United States of America and the President of the United Mexican States are desirous that the time originally fixed for the duration of the said Commission should be extended, and to this end have named as their respective plenipotentiaries, that is to say:

The President of the United States of America, Honorable William R. Castle, junior, Acting Secretary of State of the United States; and

<sup>1</sup>The Senate resolution requested the President "in his discretion, to negotiate and conclude with the Mexican Government such agreement or agreements as may be necessary and appropriate for the further extension of the duration of the Special Claims Commission provided for in the Convention of September 10, 1923, between the United States and Mexico, in order to permit of the hearing, examination and decision of all claims within the jurisdiction of the said Commission under the terms of the said Convention, and to make such further arrangement as in his judgment may be deemed appropriate for the expeditious adjudication of such claims."

<sup>2</sup>TS 676, *ante*, p. 941.

The President of the United Mexican States, His Excellency Señor Don Manuel C. Téllez, Ambassador Extraordinary and Plenipotentiary of the United Mexican States at Washington;

Who, after having communicated to each other their respective full powers found in good and due form, have agreed upon the following articles:

#### ARTICLE I

The High Contracting Parties agree that the term assigned by Article VII of the Convention of September 10, 1923, for the hearing, examination and decision of claims for loss or damage accruing during the period from November 20, 1910 to May 31, 1920, inclusive, shall be and the same hereby is extended for a time not exceeding two years from August 17, 1929, the day when pursuant to the provisions of the said Article VII, the functions of the said Commission would terminate in respect of such claims.

It is agreed that nothing contained in this Article shall in any wise alter or extend the time originally fixed in the said Convention of September 10, 1923, for the presentation of claims to the Commission, or confer upon the Commission any jurisdiction over any claim for loss or damage accruing prior to November 20, 1910, or subsequent to May 31, 1920.

#### ARTICLE II

The present Convention shall be ratified and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof the above mentioned Plenipotentiaries have signed the same and affixed their respective seals.

Done in duplicate at the city of Washington, in the English and Spanish languages, this seventeenth day of August in the year one thousand nine hundred and twenty-nine.

W. R. CASTLE, JR. [SEAL]

MANUEL C. TÉLLEZ [SEAL]

## EXTENSION OF GENERAL CLAIMS COMMISSION

*Convention signed at México September 2, 1929, modifying convention of September 8, 1923, as modified*

*Ratified by the President of the United States September 25, 1929, pursuant to Senate resolution of May 25, 1929<sup>1</sup>*

*Ratified by Mexico October 4, 1929*

*Ratifications exchanged at México October 10, 1929*

*Entered into force October 10, 1929*

*Proclaimed by the President of the United States October 16, 1929*

*Expired August 30, 1931*

46 Stat. 2393; Treaty Series 801

WHEREAS a convention was signed on September 8, 1923,<sup>2</sup> between the United States of America and the United Mexican States for the settlement and amicable adjustment of certain claims therein defined; and

WHEREAS under Article VI of said Convention the Commission constituted pursuant thereto is bound to hear, examine and decide within three years from the date of its first meeting all the claims filed with it, except as provided in Article VII; and

WHEREAS by a convention concluded between the two Governments on August 16, 1927,<sup>3</sup> the time for hearing, examining and deciding the said claims was extended for a period of two years; and

WHEREAS it now appears that the said Commission can not hear, examine and decide such claims within the time limit thus fixed;

The President of the United States of America and the President of the United Mexican States are desirous that the time thus fixed for the duration of the said Commission should be further extended, and to this end have named as their respective plenipotentiaries, that is to say:

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<sup>1</sup> The Senate resolution requested the President "in his discretion, to negotiate and conclude with the Mexican Government such agreement or agreements as may be necessary and appropriate for the further extension of the duration of the General Claims Commission provided for in the Convention of September 8, 1923, between the United States and Mexico, in order to permit of the hearing, examination and decision of all claims within the jurisdiction of the said Commission under the terms of the said Convention, and to make such further arrangement as in his judgment may be deemed appropriate for the expeditious adjudication of such claims".

<sup>2</sup> TS 678, *ante*, p. 935.

<sup>3</sup> TS 753, *ante*, p. 957.

The President of the United States of America, Herschel V. Johnson, Chargé d'Affaires ad interim of the United States of America in Mexico; and

The President of the United Mexican States, Señor Genaro Estrada, Under Secretary of State in charge of Foreign Affairs;

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

#### ARTICLE I

The High Contracting Parties agreed that the term assigned by Article VI of the convention of September 8, 1923, as extended by Article I of the convention concluded between the two Governments on August 16, 1927, for the hearing, examination and decision of claims for loss or damage accruing prior to September 8, 1923, shall be and the same hereby is further extended for a time not exceeding two years from August 30, 1929, the day when, pursuant to the provisions of the said Article I of the convention concluded between the two Governments on August 16, 1927, the functions of the said Commission would terminate in respect of such claims; and that during such extended term the Commission shall also be bound to hear, examine and decide all claims for loss or damage accruing between September 8, 1923, and August 30, 1927, inclusive, and filed with the Commission not later than August 30, 1927.

It is agreed that nothing contained in this Article shall in any wise alter or extend the time originally fixed in the said convention of September 8, 1923, for the presentation of claims to the Commission, or confer upon the Commission any jurisdiction over any claim for loss or damage accruing subsequent to August 30, 1927.

#### ARTICLE II

The Present Convention shall be ratified and the ratifications shall be exchanged in the City of Mexico as soon as possible.

In witness whereof the above mentioned Plenipotentiaries have signed the same and affixed their respective seals.

Done in duplicate in the City of Mexico in the English and Spanish languages, this second day of September in the year one thousand nine hundred and twenty nine.

HERSCHEL V. JOHNSON [SEAL]

G. ESTRADA [SEAL]

## NARCOTIC DRUGS

*Exchange of notes at México August 5 and October 2, 1930  
Entered into force October 2, 1930*

Department of State files

*The American Ambassador to the Minister of Foreign Affairs*

No. 1842

MEXICO, August 5, 1930

EXCELLENCY:

I have the honor, under instructions from my Government, to inquire whether Your Excellency's Government would desire to establish closer cooperation between the appropriate administrative officials of the United States and Mexico, with a view to bringing about stricter control of the illicit traffic in narcotic drugs.

I am instructed to suggest an arrangement providing for:

(1). The direct exchange between the Treasury Department and the corresponding office in Mexico of information and evidence with reference to persons engaged in the illicit traffic. This would include such information as photographs, criminal records, finger prints, Bertillon measurements, description of the methods which the persons in question have been found to use, the places from which they have operated, the partners they have worked with, etc.

(2). The immediate direct forwarding of information by letter or cable as to the suspected movements of narcotic drugs, or of those involved in smuggling drugs, if such movements might concern the other country. Unless such information as this reaches its destination directly and speedily it is useless.

(3). Mutual cooperation in detective and investigating work.

The officer of the Treasury Department who would have charge, on behalf of my Government, of the cooperation in the suppression of the illicit traffic in narcotics is Mr. H. J. Anslinger, whose mail and telegraph address is Acting Commissioner of Narcotics, Treasury Department, Washington, D.C.

The proposed informal arrangement outlined above has been accepted by the Governments of seventeen countries.

Should the proposed arrangement meet with the approval of Your Excellency's Government, I should be grateful if I might be informed of the name of the Mexican officer with whom Mr. Anslinger should communicate.

Accept, Excellency, the renewed assurances of my highest consideration.

DWIGHT W. MORROW

His Excellency

GENARO ESTRADA,

*Minister for Foreign Affairs,  
Mexico.*

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*The Minister of Foreign Affairs to the American Chargé d'Affaires ad interim*

[TRANSLATION]

MINISTRY FOR FOREIGN AFFAIRS  
UNITED MEXICAN STATES  
MEXICO

14837

MEXICO, *October 2, 1930*

MR. CHARGÉ D'AFFAIRES:

With reference to that Embassy's courteous note No. 1842 of August 5th, last, I beg to inform you that the Government of Mexico considers acceptable the proposed arrangement to which said note refers, tending to establish a close cooperation between the appropriate administrative officials of the United States and Mexico, with a view to bringing about a strict control of the illicit traffic in enervating drugs.

Regarding this matter, the Department of Public Health reports that its own inclination would be to be able to bring about in its entirety the arrangement referred to and to supply all the information which is requested in the matter of illicit traffic, but there will be cases in which it will be impossible to supply such information, due to the fact that the said illicit traffic in drugs is not considered, in all the entities of the country, as a crime, for there are various States in which such acts are considered as transgressions of the administrative regulations and orders, being punishable by fines or by arrests not exceeding fifteen days, and in such cases the information which could be given to the Treasury Department of the United States could not include photographs of the transgressors, fingerprints, Bertillon measurements, and other data which can be furnished only when it in turn can be collected during the course of the corresponding penal procedure; but every effort will be made always to furnish the most complete data, especially in regard to smuggling, with respect to which penal regulations of a Federal character do exist.

At the same time, I beg to inform you that the person designated with whom Mr. H. J. Anslinger of the Treasury Department may communicate,

is Doctor Demetrio López, Chief of the Chemical and Pharmaceutic Service of the Department of Health, who has charge of the branch of narcotics.

I avail myself of the opportunity to renew to you the assurances of my attentive consideration.

J. VASQUEZ SCHIAFFINO

ARTHUR BLISS LANE, Esquire,  
*Chargé d'Affaires ad interim of the  
United States of America.*  
*Present*

## EXTENSION OF GENERAL CLAIMS COMMISSION

*Convention signed at México June 18, 1932, modifying convention of September 8, 1923, as modified*

*Ratified by Mexico October 7, 1932*

*Supplemented by protocols of June 18, 1932,<sup>1</sup> and April 24, 1934<sup>2</sup>*

*Ratified by the President of the United States January 14, 1935, pursuant to Senate resolution of February 17, 1931<sup>3</sup>*

*Ratifications exchanged at Washington February 1, 1935*

*Entered into force February 1, 1935; operative from August 30, 1931*

*Proclaimed by the President of the United States February 1, 1935*

*Expired February 1, 1937*

49 Stat. 3128; Treaty Series 883

### CONVENTION BETWEEN THE UNITED STATES AND MEXICO EXTENDING DURATION OF THE GENERAL CLAIMS COMMISSION PROVIDED FOR IN THE CONVENTION OF SEPTEMBER 8, 1923

WHEREAS a convention was signed on September 8, 1923,<sup>4</sup> between the United States of America and the United Mexican States for the settlement and amicable adjustment of certain claims therein defined; and

WHEREAS under Article VI of said Convention the Commission constituted pursuant thereto was required to hear, examine and decide within three years from the date of its first meeting all the claims filed with it, except as provided in Article VII; and

WHEREAS by a convention concluded between the two Governments on

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<sup>1</sup> *Post*, p. 973.

<sup>2</sup> EAS 57, *post*, p. 1008.

<sup>3</sup> The Senate resolution requested the President "in his discretion, to negotiate and conclude with the Mexican Government such agreement or agreements as may be necessary and appropriate for the further extension of the duration of the General Claims Commission provided for by the convention of September 8, 1923, and of the Special Claims Commission provided for by the convention of September 10, 1923, between the United States and Mexico in order to permit of the hearing, examination, and decision of all claims within the jurisdiction of said commissions under the terms of said conventions, and to make such further arrangement as in his judgment may be deemed appropriate for the expeditious adjudication of said claims."

<sup>4</sup> TS 678, *ante*, p. 935.

August 16, 1927,<sup>5</sup> the time for hearing, examining and deciding the said claims was extended for a period of two years; and

WHEREAS by a convention concluded between the two Governments on September 2, 1929,<sup>6</sup> the time for hearing, examining and deciding the said claims was extended for a further period of two years; and

WHEREAS it has been found that the said Commission could not hear, examine, and decide such claims within the time limit thus fixed;

The President of the United States of America and the President of the United Mexican States are desirous that the time thus fixed for the duration of the said Commission should be further extended, and to this end have named as their respective plenipotentiaries, that is to say:

The President of the United States of America, J. Reuben Clark, Jr., Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico; and

The President of the United Mexican States, Manuel C. Téllez, Secretary of State for Foreign Affairs;

Who, after having communicated to each other their respective full powers found in good and due form, have agreed upon the following articles:

#### ARTICLE I

The High Contracting Parties agree that the term assigned by Article VI of the Convention of September 8, 1923, as extended by Article I of the Convention concluded between the two Governments on September 2, 1929, for the hearing, examination, and decision of claims for loss or damage accruing prior to August 30, 1927, and filed with the Commission prior to said date, shall be, and the same is hereby extended from August 30, 1931, the date on which, pursuant to the provisions of the said Article I of the Convention of 1929, the functions of the said Commission terminated in respect to such claims, for a further period which shall expire in two full years from the date of the exchange of ratifications of this Convention.

It is agreed that nothing contained in this Article shall in any wise alter or extend the time originally fixed in the said Convention of September 8, 1923, for the presentation of claims to the Commission, or confer upon the Commission any jurisdiction over any claim for loss or damage accruing subsequent to August 30, 1927.

#### ARTICLE II

The present Convention shall be ratified and the ratifications shall be exchanged at Washington as soon as possible.

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<sup>5</sup> TS 758, *ante*, p. 957.

<sup>6</sup> TS 801, *ante*, p. 965.

In witness whereof the above-mentioned Plenipotentiaries have signed the same and affixed their respective seals.

Done in duplicate at the City of Mexico, in the English and Spanish languages, this eighteenth day of June in the year one thousand nine hundred and thirty-two.

J. REUBEN CLARK, JR. [SEAL]

MANUEL C. TÉLLEZ [SEAL]

## GENERAL CLAIMS

*Protocol signed at México June 18, 1932, supplementing convention of June 18, 1932*

*Entered into force June 18, 1932*

*Supplemented by protocol of April 24, 1934*<sup>1</sup>

*Superseded April 2, 1942, by convention of November 19, 1941*<sup>2</sup>

Department of State files

### PROTOCOL CONCERNING THE CONVENTION OF THIS DATE EXTENDING THE DURATION OF THE GENERAL CLAIMS COMMISSION PROVIDED FOR IN THE CONVENTION OF SEPTEMBER 8, 1923

J. Reuben Clark, Jr., Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico and Manuel C. Téllez, Secretary of State for Foreign Affairs, duly authorized, have agreed to sign the following Protocol:

In proceeding to the signature of the Convention providing for a further extension of the General Claims Convention (signed September 8, 1923)<sup>3</sup> for a period which shall expire two years from the date of the exchange of ratifications of the Convention signed this date,<sup>4</sup> it is expressly agreed between the two Governments as follows:

1. The two Governments will proceed to an informal discussion of the agrarian claims now pending before the General Claims Commission, with a view to making an adjustment thereof that shall be consistent with the rights and equities of the claimants and the rights and obligations of the Mexican Government. Pending such discussion no agrarian claims will be presented to the Commission for decision, but memorials of cases not yet memorialized may be filed in order to regularize the awards of the Commission made upon the agreed adjustments.

2. The meetings of the General Claims Commission shall be held partly in the City of Mexico, and partly in the City of Washington. The Commission shall, in fixing the place of future meetings pursuant to the terms of Article II of the General Claims Convention, have in mind the convenience,

<sup>1</sup> EAS 57, *post*, p. 1008.

<sup>2</sup> TS 980, *post*, p. 1059.

<sup>3</sup> TS 678, *ante*, p. 935.

<sup>4</sup> TS 883, *ante*, p. 970.

for the Mexican Government, of hearing in Mexico City the claims against Mexico, and the convenience, for the Government of the United States, of hearing in Washington the claims against the United States.

3. The Presiding Commissioner shall be requested to have the Commission sit continuously, with only short and occasional vacations.

4. The Agents of the respective Governments shall be instructed to amend, with the approval of the Commission, the rules of procedure to the following effect:

*A* As to the memorializing of claims:

(a) Within one year from the date on which the joint secretariat begins its work, under the renewed Convention, memorials shall be filed on all claims to be memorialized, provided the joint secretariat shall remain open for the filing of memorials for a continuous year from the date on which it opens for work.

(b) At the expiration of said year, claims that have not been memorialized shall be adjudicated by decisions based only on the memoranda filed, and on no other document, it being understood that in each of said cases the defendant Government denies all responsibility upon the facts alleged or arguments made in the various memoranda.

*B* At the expiration of the year provided for the memorialization of cases, either Agent may ask the Commission to dispose of any case on which a memorial has not been filed.

*C* With a view to curtailing oral arguments as much as may be possible, having in mind an adequate presentation of the facts and of the principles of law involved in the cases, so as to expedite the work of the Commission, a plan shall be elaborated by which:

(a) General oral arguments shall be curtailed as much as possible, consistent with the due and adequate presentation of the cases;

(b) Oral arguments in cases involving points of law already determined by the Commission, shall be omitted and the case be decided upon the written record, except in those cases in which either Government, through its Agent or otherwise, shall request permission for the making of a further oral argument, and in such an instance the request shall specify the particular points on which oral argument is desired.

*D* Where there are a group of claims which, as to their facts and as to the points of law involved, are the same, and where one of such cases has been dismissed by the Commission, the two Agents will consult together with a view to having the other claims of the group determined by the Commission, without argument. When the Agents are unable to agree on any given case, either Government may, if it wishes, bring that case directly to the attention

of the other Government with a view to reaching an agreement as to its disposition. If an agreement as to the dismissal of any claim be reached, either by the Agents or by the two Governments, such agreement shall be reported to the Commission with a request that the case be dismissed by the Commission in accordance with the terms of the agreement. The two Governments will request their respective Commissioners to give effect to such agreements by making awards in accordance with the terms of such agreements. If the two Agents are unable to agree, and neither of the two Governments intervenes, or if either or both of the two Governments intervene and are unable to agree, the case shall go before the Commission for decision.

*E* Where one of a group of claims, that as to their facts and as to the points of law involved are the same, has been decided affirmatively by the Commission, the two Agents will consult together regarding all the other claims of the group, with a view to reaching an agreement as to the amount of the award which should be made in each of such cases. If the Agents are unable, as to any such case, to agree upon an award, either Government may, if it desires, bring such case to the attention of the other Government with a view to reaching an agreement on an award thereon. If an agreement as to an award be reached either by the Agents or by the Governments, such an agreement shall be reported to the Commission with a request that an award be made in such case in consonance with the agreement. The two Governments will request their respective Commissioners to give effect to such agreements by making awards in accordance with the terms of such agreements. If no agreement is reached regarding any case, the case shall then go before the Commission in due course.

Done in duplicate in the City of Mexico in the English and Spanish languages this eighteenth day of June one thousand nine hundred and thirty-two.

J. REUBEN CLARK, JR. [SEAL]

MANUEL C. TÉLLEZ [SEAL]

## RECTIFICATION OF RIO GRANDE

*Convention signed at México February 1, 1933, with annexes and exchanges of notes*

*Senate advice and consent to ratification, with an amendment, April 25, 1933*<sup>1</sup>

*Ratified by Mexico October 6, 1933*

*Ratified by the President of the United States, with an amendment, October 20, 1933*<sup>1</sup>

*Ratifications exchanged at Washington November 10, 1933*

*Entered into force November 10, 1933*

*Proclaimed by the President of the United States November 13, 1933*

48 Stat. 1621; Treaty Series 864

### CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES FOR THE RECTIFICATION OF THE RIO GRANDE (RIO BRAVO DEL NORTE) IN THE EL PASO-JUAREZ VALLEY

The United States of America and the United Mexican States having taken into consideration the studies and engineering plans carried on by the International Boundary Commission, and specially directed to relieve the towns and agricultural lands located within the El Paso-Juarez Valley from flood dangers, and securing at the same time the stabilization of the international boundary line, which, owing to the present meandering nature of the river it has not been possible to hold within the mean line of its channel; and fully conscious of the great importance involved in this matter, both from a local point of view as well as from a good international understanding, have resolved to undertake, in common agreement and cooperation, the necessary works as provided in Minute 129 (dated July 31, 1930) of the International Boundary Commission, approved by the two Governments in the manner provided by treaty; and in order to give legal and final form to the project, have named as their plenipotentiaries:

The President of the United States of America, J. Reuben Clark, Jr., Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico; and

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<sup>1</sup> The United States amendment called for correcting the date at the close of art. V from Nov. 20, 1905, to Mar. 20, 1905.

The text printed here is the amended text as proclaimed by the President.

The President of the United Mexican States, Doctor José Manuel Puig Cassauranc, Secretary of State for Foreign Affairs;

Who, after having communicated their respective full powers and having found them in due and proper form, have agreed on the following articles:

## I

The Government of the United States of America and the Government of the United Mexican States have agreed to carry out the Rio Grande rectification works provided for in Minute 129 of the International Boundary Commission and annexes thereto, approved by both Governments, in that part of the river beginning at the point of intersection of the present river channel with the located line as shown in map, exhibit No. 2 of Minute 129 of said Commission (said intersection being south of Monument 15 of the boundary polygon of Córdoba Island) and ending at Box Canyon.

The terms of this Convention and of Minute 129 shall apply exclusively to river rectification within the limits above set out.

The two Governments shall study such further minutes and regulations as may be submitted by the International Boundary Commission and, finding them acceptable, shall approve same in order to carry out the material execution of the works in accordance with the terms of this Convention. The works shall be begun after this Convention becomes effective.

## II

For the execution of the works there shall be followed the procedure outlined in the technical study of the project. The works shall be begun and shall be carried on primarily from the lower end, but at the same time and for reasons of necessity works may be carried on in the upper sections of the valley.

## III

In consideration of the difference existing in the benefits derived by each of the contracting countries by the rectification works, the proratable cost of the works will be defrayed by both Governments in the proportion of eighty-eight per cent (88%) by the United States of America and of twelve per cent (12%) by the United Mexican States.

## IV

The direction and inspection of the works shall be under the International Boundary Commission, each Government employing for the construction of that portion of the work it undertakes, the agency that in accordance with its administrative organization should carry on the work.

## V

The International Boundary Commission shall survey the ground to be used as the right of way to be occupied by the rectified channel, as well as the parts to be cut from both sides of said channel. Within thirty days after a cut has been made, it shall mark the boundaries on the ground, there being a strict superficial compensation in total of the areas taken from each country. Once the corresponding maps have been prepared, the Commission shall eliminate these areas from the provisions of Article II of the Convention of November 12, 1884,<sup>2</sup> in similar manner to that adopted in the Convention of March 20, 1905<sup>3</sup> for the elimination of bancos.

## VI

For the sole purpose of equalizing areas, the axis of the rectified channel shall be the international boundary line. The parcels of land that, as a result of these cuts or of merely taking the new axis of the channel as the boundary line, shall remain on the American side of the axis of the rectified channel shall be the territory and property of the United States of America, and the territory and property of the United Mexican States those on the opposite side, each Government mutually surrendering in favor of the other the acquired rights over such parcels.

In the completed rectified river channel—both in its normal and constructed sections—and in any completed portion thereof, the permanent international boundary shall be the middle of the deepest channel of the river within such rectified river channel.

## VII

Lands within the rectified channel, as well as those which, upon segregation, pass from the territory of one country to that of the other, shall be acquired in full ownership by the Government in whose territory said lands are at the present time; and the lands passing as provided in Article V hereof, from one country to the other, shall pass to each Government respectively in absolute sovereignty and ownership, and without encumbrance of any kind, and without private national titles.

## VIII

The construction of works shall not confer on the contracting parties any property rights in or any jurisdiction over the territory of the other. The completed work shall constitute part of the territory and shall be the property of the country within which it lies.

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<sup>2</sup> TS 226, *ante*, p. 865.

<sup>3</sup> TS 461, *ante*, p. 920.

Each Government shall respectively secure title, control, and jurisdiction of its half of the flood channel, from the axis of that channel to the outer edge of the acquired right of way on its own side, as this channel is described and mapped in the International Boundary Commission Minute number 129, and the maps, plans, and specifications attached thereto, which Minute, maps, plans, and specifications are attached hereto and made a part of this Convention.<sup>4</sup> Each Government shall permanently retain full title, control, and jurisdiction of that part of the flood channel constructed as described, from the deepest channel of the running water in the rectified channel to the outer edge of such acquired right of way.

### IX

Construction shall be suspended upon request of either Government, if it be proved that the works are being constructed outside of the conditions herein stipulated or fixed in the approved plan.

### X

In the event there be presented private or national claims for the construction or maintenance of the rectified channel, or for causes connected with the works of rectification, each Government shall assume and adjust such claims as arise within its own territory.

### XI

The International Boundary Commission is charged hereafter with the maintenance and preservation of the rectified channel. To this end the Commission shall submit, for the approval of both Governments, the regulations that should be issued to make effective said maintenance.

### XII

Both Governments bind themselves to exempt from import duties all materials, implements, equipment, and supplies intended for the works, and passing from one country to the other.

### XIII

The present Convention is drawn up both in the English and Spanish languages.

### XIV

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective laws, and the ratifications shall be exchanged in the City of Washington as soon as possible. This Convention will come into force from the date of the exchange of ratifications.

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<sup>4</sup> Maps not printed here.

In witness whereof the Plenipotentiaries mentioned above have signed this Convention and have affixed their respective seals.

Done in duplicate at the City of Mexico this first day of February one thousand nine hundred and thirty-three.

J. REUBEN CLARK, JR. [SEAL]

PUIG [SEAL]

#### ANNEXES <sup>5</sup>

MINUTE 129 OF THE INTERNATIONAL BOUNDARY COMMISSION DATED JULY 31, 1930, AND ANNEXES THERETO, REFERRED TO IN ARTICLE I OF THIS CONVENTION

#### INTERNATIONAL BOUNDARY COMMISSION UNITED STATES AND MEXICO

MEXICO CITY

*July 31, 1930*

MINUTE NO. 129

Subject: Report on Rio Grande Rectification

The Commission met in the conference room at the Department of Foreign Relations, Mexico City, at ten o'clock a.m. July 31, 1930, in accordance with Minute No. 128, to complete its action in reporting and recommending a plan for Rio Grande rectification.

(1) Each section of the International Boundary Commission has been requested by the Foreign Relations Department of its Government to study and develop an international plan for the removal of the flood menace of the Rio Grande from the El Paso-Juarez Valley. Studies and investigations have now reached the point where it is possible to report to the two Governments a definite plan with estimates of cost; and the following is the report of the International Boundary Commissioners, together with a joint report prepared by the consulting engineers and technical advisers. Minute No. 111 of the Joint Commission, dated December 21, 1928, outlined in a general way the necessities for international action and gave a general description of the areas involved, a preliminary summary of the proposed plan and recommended proceeding with the development of the final details of the plans and estimates. During the past few months a most important step taken by the Commission consisted in rendering decisions determining the national jurisdiction and dominion of a number of banco cases in the area under consideration.

(2) The plan prepared and developed by the Joint Commission is attached hereto as an exhibit to this minute. In transmitting it to the two Governments the Commissioners offer it as being both practical and feasible as an engineering and economic project. In general the plan consists of

<sup>5</sup>For an understanding relating to the texts of the annexes, see exchange of notes, p. 1001.

straightening the present river channel, effecting decrease in length from one hundred fifty-five (155) miles to eighty-eight (88) miles, and confining this channel between two parallel levees. In addition to this channel the plan includes the construction of a flood retention dam at the only available site, twenty-two (22) miles below Elephant Butte on the Rio Grande, creating reservoir storage of one hundred thousand (100,000) acre feet. Careful studies based on actual past flood performance show the advantage of reducing the flood flow reaching El Paso-Juarez by storage in the proposed reservoir. The reduction in flood flow thru the El Paso-Juarez Valley accomplished by such storage of flood waters effects a saving of a quarter of a million dollars in the works required thru the valley by decreasing the size of the channel and reducing the area required for right-of-way, and amount of yardage in levees.

(3) The meandering and uncontrolled Rio Grande below El Paso-Juarez has in recent years become a very serious menace to adjacent lands on both sides. Authorities of both countries have unsuccessfully attempted the protection of the improvements in the El Paso-Juarez Valley and the two cities. Considering the futility of providing adequate and proper protection on the present meandering river location, the two affected communities have expended the limit of a reasonable and justifiable amount in local flood protection works. A proper and sound plan for accomplishing desired results lies in a coordinated international project.

(4) Existing treaties provide for the center of the Rio Grande, except in isolated cases, being the International Boundary line. The present river channel, with excessive length, was produced by natural conditions which no longer exist. Increase in settlement, cultivation and values justify both Governments in considering means of removing the flood menace and providing an adequate flood channel.

(5) Actual field surveys were continued in the location on the ground of a rectified channel subject, of course, to some later slight modification, but generally sufficiently definite to permit estimates of right-of-way and construction costs. With office and field location of this channel line which generally follows and straightens the present meandering river, it has been possible to estimate acreages and values of the relatively small areas that would be detached from one country and attached to the other—so balanced in area that neither country would gain nor lose national territory.

(6) At the present time the bed of the Rio Grande between El Paso and Juarez is at a higher elevation than some of the streets and other properties of the two cities. Accumulations of sediment are continuing to aggravate this situation, and until proper grades and hydraulic conditions are introduced by artificial works, there are no means for carrying off these deposits which are encroaching upon the carrying capacity of the channel. The consensus of opinion of engineers who have studied the situation is that the correction lies in the plan proposed of straightening and confining the

channel. One of the principal requirements to permit such artificial rectification is the equitable adjustment of the areas which would be necessarily detached from one side of the river and attached to the other in the straightening process. The plan evolved, of having each Government acquire the private titles to these equal areas for later exchange, provides a feasible solution. These areas to be acquired are generally seeped and water-logged, and so shaped and situated as to be unsusceptible of proper irrigation and drainage.

(7) The benefits to be derived from the straightened and rectified channel plans are mutual to the two Governments in affording flood protection and in permitting cultivation, improvement and settlement of even larger areas adjoining the Rio Grande than are now possible under the meandering river conditions. It is of utmost importance that the Governments own and control the flood channel in order that private encroachments be definitely prevented and eliminated. Such ownership and control will also be of great assistance in the enforcement of national immigration and customs laws of both countries.

(8) In giving consideration to the determination of proper and justifiable proration of costs between the two countries, conditions other than gross and irrigated areas are necessarily included. Economic features and values in the two countries are distinct and different. While the use of areas may be entirely proper in a distribution of costs for irrigation development, this unit of proration for an international flood control plan is unsuitable and produces serious irregularities. The Commission has taken into consideration the benefits that each country would receive according to the areas and their values to be protected rather than the benefits each would receive on the sole acreage basis. On the American side of the valley there are about fifty-three thousand (53,000) acres of land under the Rio Grande Federal Irrigation Project with water rights assured; the greater part of which is in full cultivation, and about seventeen thousand (17,000) acres in the lower portion of the valley below the project limits which are irrigated with project surplus water. The total irrigated area is seventy thousand (70,000) acres. This area is served with irrigation and drainage works, and first-class roads. Finance companies facilitate the financing of the production and distribution of agricultural products.

(9) On the Mexican side of the valley there are about thirty-five thousand (35,000) acres of land in cultivation, of which twenty thousand (20,000) acres have assured water rights under the Rio Grande Federal Irrigation Project, provided for by the Water Treaty of 1906.<sup>6</sup> Practically no drainage works have been constructed and the irrigation works are largely insufficient. The productiveness of the lands on the Mexican side is under

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<sup>6</sup> Convention signed at Washington May 21, 1906 (TS 455, *ante*, p. 924).

these circumstances much less than the corresponding lands on the north side of the river, and there are large areas with insignificant or no production. No major road improvements exist, and the finance companies organized to serve Mexican farmers are very limited in number and resources. The industrial plants and means for handling agricultural products are in very small proportion when compared with those in the valley in the United States.

(10) The estimated value of agricultural investments in the American part of the valley, according to figures assembled by the Bureau of Reclamation, including purchase of land and its preparation, farm improvements, equipment and live stock, is seventeen million dollars (\$17,000,000) or thirty-four million gold pesos. The value of agricultural improvements on the Mexican side as estimated by Engineer Salvador Arroyo, Chief of the Flood Protection Work, is five million four hundred thousand (\$5,400,000) gold pesos. Comparing these agricultural values in one part of the valley with those in the other it is seen that the Mexican side represents thirteen per cent of the total and the American eighty-seven per cent. Valley lands on either side of the river without water rights and assured irrigation service have very nominal value as compared with the lands obtaining water service from project sources; a comparison of such areas on this basis results in twenty-seven per cent for Mexico and seventy-three per cent for the United States.

(11) As the cities and suburbs of El Paso and Juarez not only are included in the flood protection plan, but either directly or indirectly would receive a large part of the benefits of the rectification of the channel, the Commission has considered the proration of values which each city bears to the other and giving proper weights to various percentages, believes the justifiable proration to be twelve (12) per cent for Mexico and eighty-eight (88) per cent for the United States.

(12) With reference to the estimates (exhibit number five <sup>7</sup> of the engineers' report) the grand total of six million one hundred six thousand five hundred dollars (\$6,106,500) includes certain items in which the Commissioners concur as being non-proratable and properly and practically chargeable to each Government separately. These are: rights-of-way four hundred twelve thousand five hundred dollars (\$412,500), for purchase of private channel rights above Cordova seventy-five thousand dollars (\$75,000), segregated tracts two hundred sixty-six thousand dollars (\$266,000), changes in irrigation works two hundred twenty-five thousand dollars (\$225,000). The total of these items, with twenty per cent overhead and contingencies is one million one hundred seventy-four thousand two hundred dollars (\$1,174,200). This amount subtracted from the grand total leaves a proratable total of four million nine hundred thirty-two thousand three hundred dollars (\$4,932,300). Using twelve per cent (12%) and eighty-eight per cent (88%) as the basis of proration Mexico's share of the cost of the project would be five hundred ninety-one thousand eight hundred

<sup>7</sup> Exhibits not printed here.

seventy-six dollars (\$591,876) and that of the United States four million three hundred forty thousand four hundred twenty-four dollars (\$4,340,424).

(13) On the basis that this report and the engineers' statement have been prepared and submitted with the view of generally straightening the present river location between the International Dam above El Paso-Juarez and the Box Canyon below Fort Quitman, the question of using the present river at Fabens or following the boundary route on the south of the San Elizario area is left for later determination. From the data at hand, apparently there is argument in favor of both routes. Following either the present river or the boundary line route requires adjustment of detached areas, and the proposed channel below this section can be so located as to compensate for any inequalities of such areas.

(14) The following are the recommendations of the Commission:

(a) The Commissioners recommend that the two Governments approve the plan for river rectification as outlined in the attached engineering report, including the feature of the flood retention dam, the general straightening of the present river location and the establishment of a flood channel which generally will follow and straighten the present river from International Dam to the Box Canyon below Fort Quitman.

(b) That both countries in view of the serious situation proceed to an agreement, without delay, which will carry into effect the engineering and construction features as outlined in the attached report.

(c) That the International Boundary Commission be authorized to prepare detail plans, and to direct and supervise the construction and all other engineering operations, utilizing such established governmental agencies as each government may deem proper.

(d) That each section of the International Boundary Commission be authorized to acquire for its country the necessary rights-of-way and detached areas located within its territorial limits, thru the proper governmental agencies.

(e) That agreement between the two Governments provide for the exchange of one-half of the area required for right-of-way and the total area of detached tracts of each country.

(f) That the total proratable cost of four million nine hundred thirty two thousand three hundred dollars (\$4,932,300) be divided between Mexico and the United States on the basis of twelve per cent (12%) and eighty-eight per cent (88%) respectively, and that each Government provide annually such required appropriations as will complete the work in four or five years.

(g) That the agreement between the two countries provide for the jurisdiction of the International Boundary Commission over all matters concerning the rectified channel.

(h) That this Commission be authorized to adopt such rules and regulations as it may deem necessary to the end that the preservation of the rectified channel may be perpetuated.

(i) That each country hold the other immune from all private or national claims arising from the construction and maintenance of the rectified channel or any other cause whatsoever in connection with this project.

Respectfully submitted.

The Commission adjourned to meet again at the call of either of the Commissioners.

L. M. LAWSON

*Commissioner for the United States*

GUSTAVO P. SERRANO

*Commissioner for Mexico*

MERVIN B. MOORE

*Acting Secretary of the United States Section*

JOSÉ HERNÁNDEZ OJEDA

*Secretary of the Mexican Section*

JOINT REPORT OF CONSULTING ENGINEERS RIO GRANDE RECTIFICATION EL PASO-JUAREZ VALLEY

MEXICO, D.F.

*July 16, 1930*

I. INTRODUCTION

1. *Outline of Proposed Plan*

(a) It is proposed to reduce materially the flood flow at El Paso-Juarez by the construction of a detention dam with a one hundred thousand (100,000) acre foot (123,350,000 cubic meter) reservoir at Caballo, and to control this flood flow thru the El Paso-Juarez Valley in a shortened channel by the construction of parallel levees. The proposed artificial channel will follow and rectify, in a general way, the present river from Land Monument Number One to the Box Canyon below Fort Quitman, and is so located as to segregate the same area from each country.

(b) The general engineering features of the project involve: the reduction of river length from one hundred fifty-five (155) miles (247 kilometers) to eighty-eight (88) miles (141 kilometers); the establishment between levees of a floodway five hundred ninety (590) feet (180 meters) wide with a capacity of eleven thousand (11,000) second feet (314 cubic meters per second); and the increasing of the gradient from a slope of .00035 (1.82 feet per mile) to a slope of .00061 (3.20 feet per mile). The levees require

the placement of eight million nine hundred eighty-five thousand (8,985,000) cubic yards (6,870,000 cubic meters) of earth, their average height being 7.5 feet (2.25 meters). Four million seven hundred seventy-five thousand (4,775,000) cubic yards (3,650,000 cubic meters) of earth are required to be excavated to provide artificial channel. The areas required for right-of-way for this channel are four thousand seventy-five (4,075) acres (1650 hectares) from the United States and also four thousand seventy-five (4,075) acres (1650 hectares) from Mexico.

(c) The tentative proposed location of the rectified channel segregates three thousand four hundred sixty (3460) acres (1400 hectares) from the United States and also three thousand four hundred sixty (3460) acres (1400 hectares) from Mexico.

(d) The estimated cost of the project, including Caballo Dam, is about six million (6,000,000) dollars.

(e) This project will eliminate the flood menace throughout the El Paso-Juarez Valley in both the United States and Mexico, will prevent channel changes and detachment of areas from one country to the other, and will permit the reclaiming of low-lying areas.

## 2. *Present Conditions*

(a) The Rio Grande forms generally the International Boundary between the United States and Mexico from Land Monument Number One to the Box Canyon below Fort Quitman in the El Paso-Juarez Valley, and is a meandering stream subject to changes, creating detached areas from one country to the other.

(b) The gross area of valley land in both the United States and Mexico, between El Paso-Juarez and the Box Canyon, is one hundred sixty-five thousand (165,000) acres (66,000 hectares) of which ninety six thousand (96,000) acres (38,400 hectares) are in the United States and sixty-nine thousand (69,000) acres (27,600 hectares) are in Mexico. Estimated values existing in the cities of El Paso and Juarez and their valleys, including irrigation and drainage works and improved roads, are in excess of one hundred million dollars (\$100,000,000).

(c) Notwithstanding the fact that the present total amount of sediment annually carried thru this valley by the Rio Grande is only a very small percentage of that carried previous to the construction of the Elephant Butte Dam, the absence of the former large scouring floods has resulted in the silting up of the river channel to a point where rainfall discharges from arroyos entering the river between Elephant Butte and El Paso-Juarez menace the improved and developed properties of both cities and valley lands. Only large floods of destructive proportions are capable of eroding accumulations of sediment as they now occur in the meandering channel.

(d) The Mexican Department of Communications and Public Works and the city and county of El Paso have expended in the last few years over

seven hundred fifty thousand dollars (\$750,000) to protect the cities of El Paso-Juarez and the Valley lands from floods. These works consist largely of levees built along the banks of the meandering channel, and require constant strengthening and repair on account of the raising of the river bed. A more substantial and effective plan must be adopted to secure permanent and efficient protection.

## II. DETAIL REPORT

Since the joint preliminary report, dated December 1928, was submitted to the Commission, location surveys covering the entire length of river from the cities of El Paso and Juarez to Quitman Canyon have been completed. These surveys have furnished additional data, and form in a large measure the basis for the report which follows.

### 1. *Description*

(a) The Rio Grande is a sediment bearing stream and as such is constantly building up its bed, and would from this cause, in time of flood, change its channel to a lower location where it would again start building up its bed and repeat the cycle at some future flood stage. This phase of changing channel has been largely prevented thru El Paso-Juarez Valley by the construction of artificial works, such as railroad and road grades, canal and drain banks, and in late years, levees. Under these conditions the river bed has been continuously elevated. The Elephant Butte Dam was completed in the year 1916, and as a result of its function of providing an irrigation supply during years of low run-off, it stores the floods, which previous to its construction had passed on down the river. The action of these floods was to scour out the river channel, partly by carrying deposits on thru the valleys and partly by making deposits upon the valley floor whenever bank overflow stage was reached. The absence, since the completion of Elephant Butte Dam, of large scouring floods has changed the characteristics of the river channel thru the El Paso-Juarez Valley. Although large floods have been controlled behind the Elephant Butte Dam, smaller floods from the run-off area lying between Elephant Butte and El Paso-Juarez are of annual occurrence. These usually occur during the rainy season, that is, in August and September, and are generally flashy in character, the peak lasting only a few hours, and would pass harmlessly thru the valley were it not for the elevated bed.

(b) With the first release of clear water from Elephant Butte, a limited scouring of the river channel began immediately below the dam. The clear water picked up the finer particles of silt and sand and carried them downstream. This effect has reached some forty miles (64 kilometers) below Elephant Butte, and might eventually reach El Paso-Juarez and degrade the river thru the El Paso-Juarez Valley, were it not for the annual increment of sand, gravel and silt brought into the river channel from the many side

arroyos which debouch into the stream along its course between the dam and El Paso-Juarez. Even this annual increment of sand might be carried on were it not for the need of diverting the flow onto lands for irrigation. Three diversions are made above El Paso, one each at Percha, the Leasburg, and the Mesilla Dams. The main diversions in the El Paso Valley are at the International Dam, where lands of both countries are served, and at the Riverside and Tornillo headings, where supplementary diversions to American lands are made. At each of these diversions sand skimming and canal sluicing devices are used so that a great percentage of the sand and silt is returned to the river bed, while a great percentage of the water is diverted for the irrigation of the lands. This process continuously returns the sand to the river bed while also continuously depleting the volume, and hence the carrying capacity.

## 2. *Caballo Dam and Reservoir*

(a) The uncontrolled drainage areas which lie between Elephant Butte and El Paso-Juarez total about eight thousand (8,000) square miles (20,700 square kilometers). Large parts of this area have dead drainage with no direct outlet into the Rio Grande. About two thousand three hundred (2300) square miles (6,000 square kilometers) drain directly into the river, of which some one thousand two hundred (1200) square miles (3100 square kilometers) are above and would be controlled by a dam constructed at the Caballo site.

(b) This damsite is located in Sierra County, New Mexico on the Rio Grande about twenty-two (22) miles (35 kilometers) below Elephant Butte Dam. Studies of the Caballo Dam and the resulting reservoir have been made by the Bureau of Reclamation, Department of the Interior, United States Government, in conjunction with the proposed water power development at Elephant Butte. These studies were begun in the year 1924 and included the surveying of the site, the testing of the foundation, the design and cost estimates of structures of various heights, and the effect on water supply and flood control. Two reports were written by the United States Bureau of Reclamation engineers, covering this dam and related features, one dated December 15, 1924, and the other April 1925.

## 3. *River Discharge at El Paso-Juarez*

(a) Floods at El Paso-Juarez occurring since the completion of Elephant Butte Dam have been built up from the run-off of the area between Elephant Butte and El Paso-Juarez, supplemented by the concurrent irrigation discharge from the reservoir. There is a possibility that such floods would be increased at such times when the reservoir was full and water passing over the spillway.

#### 4. *Probable Spill at Elephant Butte Dam*

(a) An estimate of the probable spill at Elephant Butte Dam has been made from a study of the spills as shown in the report of the Denver office of the Bureau of Reclamation, dated March 10, 1928 and entitled "Review of Quinton, Code and Hill Reports on Elephant Butte Power Development of July 2, 1927 and September 30, 1927". This review sets up the following assumptions:

1. Irrigation storage is to be carried to elevation 4401, leaving six feet (1.83 meters), or the elevation 4407, for flood control storage. This six feet (1.83 meters) will store two hundred thirty-nine thousand (239,000) acre feet (294,806,000 cubic meters). Additional flood control storage of about one hundred thousand (100,000) acre feet (123,350,000 cubic meters) is available to elevation 4410, at which height a discharge of about four thousand five hundred (4,500) second feet (128 cubic meters per second) will be passing over the spillway crest.

2. Irrigation demand is to be limited to seven hundred thousand (700,000) acre feet (863,450,000 cubic meters) annually when on June 30th of any year the reservoir content is less than one million five hundred thousand (1,500,000) acre feet (1,850,250,000 cubic meters). Irrigation demand is to be limited to seven hundred eighty-seven thousand (787,000) acre feet (970,764,000 cubic meters) annually when on June 30th of any year the reservoir content is more than one million five hundred thousand (1,500,000) acre feet (1,850,250,000 cubic meters).

3. Reservoir capacity depletion thru silt deposit is at the average rate of twenty thousand (20,000) acre feet (26,670,000 cubic meters) per year.

4. San Marcial, New Mexico inflow records are corrected for changed conditions above.

5. The cycle of inflow, with the corrections, will repeat using the year 1898 as equal to 1930; the reservoir was full on January 1, 1898, and the irrigation storage capacity had been depleted by silt inflow to two million one hundred thousand (2,100,000) acre feet, (2,580,350,000 cubic meters) on that date.

(b) These assumed conditions required the theoretical use of flood storage in the years 1930, 1937, 1944, 1948, 1953, 1954, and 1956, with the maximum requirements coming in 1956. If a flow of four thousand five hundred (4500) second feet (128 cubic meters per second) was started in 1956 at the time the water reached elevation 4401 or the limit of irrigation storage a flow over the spillway of 4500 second feet (128 cubic meters) would have been just reached at the end of the flood. This condition occurs but once in the assumed cycle of thirty years and spill has not been necessary during the fifteen years of actual reservoir operation 1915-1930. Therefore, it seems safe to assume that the probable spill from Elephant Butte Dam will

not at any time be more than six thousand (6,000) second feet (171 cubic meters per second).

#### 5. *Probable Floods at El Paso-Juarez*

(a) The largest flood at El Paso-Juarez since the building of Elephant Butte Dam occurred on September 1, 1925 when a peak of thirteen thousand five hundred (13,500) second feet (382 cubic meters per second) passed the gaging station at Courchesne. This flood resulted from heavy rainfall in the Black Range between Elephant Butte and Leasburg, on top of a flow of two thousand (2000) second feet (57 cubic meters per second) already released from the reservoir. If a spill of six thousand (6000) second feet (170 cubic meters per second) was occurring at the time of this flood, a peak of about eighteen thousand (18,000) second feet (510 cubic meters per second) would have occurred at El Paso-Juarez. If the Caballo Dam and reservoir had been available at the time of this flood, and if the six thousand (6000) second feet (170 cubic meters per second) of spill was occurring at Elephant Butte, prior information of rain on the tributaries would have permitted the closing of the Caballo gates before the flow of the tributaries could have reached the Rio Grande, and the resulting peak at El Paso-Juarez could have been reduced to between ten thousand (10,000) and eleven thousand (11,000) second feet (283 and 314 cubic meters per second). The Caballo reservoir, by controlling one-half of the direct drainage area, and by acting as a temporary check on the spills from Elephant Butte Dam will reduce by almost one-half the probable peak at El Paso-Juarez.

#### 6. *Drainage Area in El Paso-Juarez Valley*

##### *At El Paso-Juarez*

(a) The Arroyo Colorado empties into the river immediately above the city of Juarez, Chihuahua, Mexico. This arroyo has been estimated to have had a peak flood of some three thousand (3,000) second feet (85 cubic meters per second). Other smaller arroyos empty into the river directly above the International Dam. Their drainage areas are small, and their discharge, together with that of the Arroyo Colorado, cannot increase the peak floods in the Rio Grande except in the improbable event of their occurrence simultaneously with the peak flow past El Paso-Juarez. Additional freeboard has been allowed in the design to take care of this improbable occurrence.

##### *Below El Paso-Juarez*

(b) Practically no direct discharge of side drainage occurs below El Paso-Juarez until the Arroyo Alamo in Hudspeth County is reached. Below this point three large arroyos and many small ones empty directly into the river. The total drainage area on the American side between the Arroyo Alamo and Quitman Canyon is six hundred eighty (680) square miles (1760

square kilometers), of which four hundred ninety (490) square miles (1270 square kilometers) have direct discharge into the river and one hundred ninety (190) square miles (490 square kilometers) are indirectly discharged into the river. The drainage area on the Mexican side is considerably less, although, due to the absence of maps, little detail knowledge is available. However, no arroyos empty directly into the river from the south until considerably below the town of McNary, Texas, and observations of the arroyo channels below this point show that their drainage areas are probably limited and their discharges small.

(c) The three largest arroyos on the American side are: the Alamo, with a drainage area of one hundred forty-five (145) square miles (375 square kilometers); the Diablo, with a drainage area of sixty-two (62) square miles (160 square kilometers); and the Guayuco, with a drainage area of one hundred sixty-five (165) square miles (427 square kilometers). The Alamo and the Guayuco have been known to discharge in excess of five thousand (5,000) second feet (142 cubic meters per second), and hearsay information gives probable peaks of twice that amount. If such flows should occur at the time the peak of a flood from upper river sources was passing, doubtless the designed channel would be overtaxed. Some additional safety has been provided by increasing the freeboard a short distance above and below these arroyos. However, as these arroyos empty into the river channel well below most of the area to be protected, it will be uneconomical to make any large expenditures against unlikely possibilities.

(d) The discharge from these arroyos must be taken into the channel and the location has been made at some distance from the present arroyo mouths to permit, in a measure, the deposit of detritus before the flows reach the channel.

### 7. *The River Above El Paso-Juarez*

(a) The distance by the river between Elephant Butte and El Paso-Juarez is about one hundred fifty (150) miles (241 kilometers), and the valley axial distance is about one hundred twenty (120) miles (193 kilometers). Immediately below the dam the river passes thru fifteen miles (24 kilometers) of canyon where the fall varies from .00037 (1.94 feet per mile) to .00080 (4.26 feet per mile) then thru the Palomas Valley for thirteen miles (21 kilometers) with a fall of .00080 (4.26 feet per mile), then thru three miles (5 kilometers) of canyon where the Caballo damsite is located, then thru the Rincon Valley, the first seven miles (11 kilometers) of which have an average fall of .00074 (3.93 feet per mile), and the last fourteen miles (22 kilometers) a fall of .00064 (3.40 feet per mile). The river then traverses seven miles (11 kilometers) known as the Selden Canyon, where the average fall is .00064 (3.4 feet per mile), and then reaches the Leasburg Dam which is at the head of the Mesilla Valley. From Leasburg Dam to Mesilla Dam, a distance of twenty four miles (39 kilometers), the river has a fall of .00073

(3.84 feet per mile). From Mesilla Dam to Canutillo Bridge, a distance of twenty-eight miles (45 kilometers) the river has a fall of .00070 (3.67 feet per mile), and from the Canutillo Bridge to the International Dam, some nineteen miles (30 kilometers) the river has a fall of .00048 (2.53 feet per mile).

(b) As previously stated, the effect of the release of clear water from Elephant Butte Dam has been to degrade the river bed in the upper reaches immediately below the dam, and to build it up thru the El Paso-Juarez Valley. There is necessarily a stretch of river between these two actions which is quiescent, where neither degradation nor building up is going on. Studies of river sections indicate that the river bed thru the lower Mesilla Valley rests in this state.

### 8. *The River Below El Paso-Juarez*

(a) The length of the channel of the river between El Paso-Juarez and the Quitman Canyon is about one hundred fifty-five (155) miles (250 kilometers) while the length measured along the valley axis is eighty-five (85) miles (137 kilometers). The fall of the river is about .00034 (1.82 feet per mile) while the fall of the valley is .00061 (3.20 feet per mile). It is thus seen that if the alignment of the river can be straightened a fall of approximately .00061 (3.2 feet per mile) can be obtained. It will be noted that this fall is in excess of that in the last stretch of the Mesilla Valley, or between Canutillo Bridge and the International Dam, where a fall of .00048 (2.53 feet per mile) was indicated and that this fall of .00061 (3.2 feet per mile) is somewhat under that of .00070 (3.67 feet per mile) for the upper part of the Mesilla Valley. If the lower stretch of the river in the Mesilla Valley is in equilibrium, that is, shows neither scour nor fill, with a gradient of .00048 (2.53 feet per mile) the river thru the El Paso-Juarez Valley must have a greater gradient to reach the same state of equilibrium since the quantities of water normally carried are greatly reduced at the International Dam.

### III. PROPOSED PLAN

(a) The treatment to be given the river thru the valley to increase the fall from .00034 (1.82 feet per mile) to .00061 (3.2 feet per mile), in order to accelerate the velocity and to let the current of the river carry along the burden of sand and sediment, which has caused the rapid river bottom rising, so marked since the construction of the Elephant Butte Dam, consists of a general straightening following the present channel of the river wherever possible, and cutting across the bends where necessary to decrease length. Along each side of the new channel, and also along each side of the present river where followed, levees will be built of sufficient height and far enough apart to pass the floods. The channel thus created will always be kept clear of brush and other obstructions which might retard the flow. In the align-

ment, due consideration has been given to the general principle of the compensation of the artificially segregated areas, in order to equalize the areas which will be cut from one country with those which will be cut from the other.

(b) This treatment brings about the result that the right-of-way to be acquired by each nation will balance practically in area. In general, the waterway proposed will consist of a normal channel of similar size and capacity to the present river bed, with levees set back with a total distance of about five hundred ninety (590) feet (180 meters) between them. Levees will be wide enough on top to permit travel for inspection and repair. The alignment has been so chosen as to avoid as far as possible all highly improved and cultivated areas, but at many places this was impracticable due to the meanderings of the river channel.

(c) The above plan of shortening the river by cut-offs is feasible in this case because Elephant Butte Dam, in conjunction with the proposed Caballo Dam and reservoir, will give practically complete control of the floods. Consequently the river through the El Paso-Juarez Valley will take on more the nature of a large central drain or canal than a river.

#### IV. BASIS OF ESTIMATE

##### 1. *Cost of Caballo Reservoir*

(a) The cost of the Caballo Dam, including the purchase of the lands to be submerged, has been estimated by the Bureau of Reclamation at about one million two hundred fifty thousand dollars (\$1,250,000) for the one hundred thousand (100,000) acre feet (123,350,000 cubic meters) capacity.

(b) The volume of water passing the Caballo Damsite during the flood of September 1925 was in the neighborhood of twenty-five thousand (25,000) acre feet (30,837,000 cubic meters). Storage in excess of this amount must be provided to take care of possible larger floods and silt depletion. Provision must also be made to store the probable spill from Elephant Butte during times of flood run-off below the dam. Fifty thousand (50,000) acre feet (61,675,000 cubic meters) are allowed for this item and would probably store three or four days' spill. This would permit the floods entering below Caballo to have receded.

(c) Of the total proposed storage of one hundred thousand (100,000) acre feet (123,350,000 cubic meters) approximately fifty thousand (50,000) acre feet (61,675,000 cubic meters) are allowed for flood storage and silt depletion, and fifty thousand (50,000) acre feet (61,675,000 cubic meters) for the control of spill from Elephant Butte.

##### 2. *Segregated Tracts*

(a) In order that neither nation shall sacrifice national area, it is required that the total land to be segregated or cut off from one country shall

equal that to be segregated or cut off from the other. On the attached maps these tracts and their total areas have been shown. Fifty-nine (59) separate tracts will be cut from Mexico and sixty-five (65) separate tracts will be cut from the United States. Their areas vary from 0.10 hectares (.25 acre) to 151 hectares (377 acres). The approximate total area to be cut from Mexico is one thousand four hundred (1400) hectares (3460 acres) and the approximate total area to be cut from the United States is one thousand four hundred (1400) hectares (3460 acres).

### 3. *San Elizario Island*

(a) Two alternate routes for the location of the rectified channel along the San Elizario Island are shown on Exhibit No. 2. One route follows in a general way the present river while the other follows in a general way the present boundary. The two routes are almost identical in length, and have practically the same gradient and grade elevation.

(b) The river route, by following the present river, is located entirely in the United States and passes thru areas largely undrained and uncultivated, while the boundary route passes largely thru highly cultivated and valuable areas. Therefore the costs of rights-of-way will be less with the river route and no areas will be segregated in the sense of changed national jurisdiction. The alignment possible with the boundary route is considerably better than that of the river route, especially at the lower end of the Island, where a sharp curve is necessary if the river route is used.

(c) The boundary route makes more feasible the carrying thru of irrigation and drainage works needed by Mexico, as the present boundary in places is located practically against the toe of the mesa. On the other hand, the abandonment of the river requires the building in the United States of a feeder canal to reestablish water deliveries to the Tornillo Canal system.

(d) The boundary route is estimated to cost about seventy-five thousand dollars (\$75,000) more than the river route, due largely to the higher value of the lands required for the right-of-way and the segregated areas, and to the disestablishment of some of the irrigation and drainage works now constructed in the United States of America with the river in its present location. The equalizing of all the segregated tracts and the estimate submitted herewith both are based on following the boundary route along the San Elizario Island.

## V. GENERAL

### 1. *Velocities*

(a) The requirements of the project indicate two important limiting velocities; namely, that the maximum velocity in the flood channel at full flow must not entail expensive bank protection, and that the minimum velocity in the normal flow channel must be high enough to carry the annual increment of sand and silt to prevent channel upbuilding.

(b) The increase in average gradient, which is from .00035 to .00061, or from 1.82 feet per mile to 3.2 feet per mile, and which is brought about by the shortening in the river length, will produce velocities of from five to six feet (1.52 to 1.83 meters) per second at full flow, depending on the cross section and the gradient of the particular section considered.

(c) These velocities can be safely carried in the channel designed for this project where the alignment is reasonably straight and the cross section relatively wide.

(d) The data on normal flow indicates that the low water channel will have a velocity of around three feet (0.91 meters) per second. Experience on the Rio Grande Irrigation Project, in the sluicing of canals in the design of sand skimming devices, has shown that such velocities are capable of carrying the usual sand and silt borne by the Rio Grande.

## 2. *Coefficient of Roughness*

(a) The value of "n" in Kutter's Formula adopted for use on this project is  $n=.025$  for the normal flow channel and  $n=.030$  for the flood channel. These values follow closely those determined on the Miami Conservancy District at Dayton, Ohio, taking such tests as are believed to nearly duplicate the conditions to be encountered on this project. On one particular determination where the channel was covered with weeds, and the flow was around twenty-three thousand (23,000) second feet (6520 cubic meters per second) the value of "n" was determined to be .0298, whereas the values for the same channel when free from weeds varied from .023 to .0255.

## 3. *Cross-sections*

(a) The cross-sections adopted as best suited to the requirements of the project are shown on the attached Exhibit No. 3. It will be noted that two cross-sections are shown. These are identical except in the placement of the normal flow channel. The one to be used from El Paso-Juarez to the lower end of the San Elizario Island places the normal flow channel in the center while the one to be used from the lower end of the San Elizario Island to the mouth of Quitman Canyon places the normal flow channel adjacent to the left levee. This different treatment of the two sections of the river is required because, in the upper part, the land passed thru in the making of cut-offs is generally low ground lying from only slightly above the proposed river grade to, in some cases, slightly below the proposed grade. Thru this section the amount of material to be excavated from the proposed new channel is small and can be wasted adjacent to the normal flow channel without seriously decreasing flood channel capacities. Throughout the lower section deeper cuts are encountered and spoiling into the flood channel is impracticable. This changed condition is met by placing the normal channel adjacent to the left levee where the material excavated can be placed to form the left levee or can be wasted beyond the flood channel.

(b) The proposed cross-section has levees spaced 180 meters (590 feet) apart with levee heights of about 2.2 meters (7.2 feet). In actual construction levee heights will vary from nothing, where bench lands are encountered, to four and a half meters (15 feet) where the old river channel is crossed. The levee section proposed has a five meter (16.4 feet) crown with side slopes of two to one. This will permit the use of the top as a road for inspection and repair.

(c) The normal flow channel is designed with a bottom width of twenty meters (66 feet) as this channel width seems to best fit the present channel width of the river. Side slopes are 1:1 except throughout the lower section where 2:1 slope is proposed on the side adjacent to the left levee.

(d) Gradients vary from .00045 (2.38 feet per mile) to .0008 (4.26 feet per mile) and the levee heights have been changed to conform, always adding 0.6 meters (2 feet) as freeboard.

(e) The estimated capacity below the 0.6 meters (2 feet) freeboard varies from ten thousand seven hundred (10,700) second feet (3,030 cubic meters per second) to eleven thousand five hundred (11,500) second feet (3,260 cubic meters per second).

#### 4. *Right-of-way*

(a) The total right-of-way required is eight thousand one hundred sixty (8,160) acres (3,300 hectares). This is equally divided between the two countries to Mexico four thousand eighty (4,080) acres (1650 hectares) and to the United States four thousand eighty (4,080) acres (1650 hectares). In addition to the land actually occupied by the works, a strip fifteen meters (49 feet) wide outside the land tow of each levee has been included for use in levee maintenance or possible future levee widening.

#### 5. *Clearing*

(a) The area to be cleared is estimated as seventy per cent of the total area required for the right-of-way. A part of the right-of-way is now cleared and in cultivation, and in addition a considerable part is now occupied by the present river. Unit cost is sixty-two dollars fifty cents per hectare, or about twenty-five dollars per acre. The work to be done consists of brush cutting, some grubbing, and the plowing of the area between the borrow pits and the normal channel.

#### 6. *Earthwork*

(a) All earthwork of both channel excavation and levee embankment is planned to be accomplished by machine methods, and the unit cost used in the estimates is eighteen cents per cubic meter which is about that developed on similar work in that locality. The machines best suited to the work are draglines equipped with one hundred foot booms, with buckets from two to three cubic yards in capacity, although on a great part of the levee work

smaller equipment can be used economically. Proper provision has been made in the unit cost for full machine upkeep and depreciation, and for the hazards of the work such as untimely high water, soft and marshy ground and unusable soft material.

(b) It is planned to secure material for the levee embankment from the channel excavation in building the left levee from the lower end of San Elizario Island to the mouth of Quitman Canyon. At practically all the other locations the material will be secured from discontinuous borrow pits located on the channel side of the levees. Practically no material will require a second handling.

#### 7. *Work near El Paso-Juarez*

(a) The item of one hundred twenty five thousand dollars (\$125,000) covers contemplated work on the section of river between International Dam and Cordova Island, and includes the extension and straightening of the present levees, the removal of existing obstructions, and purchase of title to all lands lying on the channel side of the present levees.

#### 8. *Changes in Canals and Drains*

(a) The sum of two hundred twenty five thousand dollars (\$225,000) is carried in the estimate to cover the cost of rebuilding all constructed irrigation and drainage works where they will be interfered with by the proposed river work. This work will include the rearrangement of the irrigation systems on both sides of the river, especially in the area below Monument No. 1 of San Elizario Island, and changed drain outlets on the United States side in the same area. The sum of seventy-five thousand dollars has been allocated to Mexico and one hundred fifty thousand dollars to the United States.

#### 9. *Bridges*

(a) Present bridges will either have to be lengthened or moved, depending on how they fit with the new plan and probably several more bridges will have to be built. The estimate of the amount of this item is three hundred thousand dollars (\$300,000).

#### 10. *Grade Controls*

(a) Because the effects of the introduction of steeper gradients in the river channel are problematical, and considerable scour may develop, and because the irrigation supply must be diverted at certain places, there has been set up in the estimate an amount of dollars 675,000 to meet the cost of grade control structures. This amount is deemed sufficient to build ten such structures. The immediate construction of three or four is contemplated—located at such places as the need of irrigation diversion dictates. The others will be built if their need becomes apparent.

### 11. *Engineering, Contingencies and Overhead*

(a) An allowance of twenty per cent has been added to cover the cost of the above item. A relatively low engineering cost should result, due to the magnitude of the quantities involved. Contingencies are not serious, as the flow of the river is largely controlled by Elephant Butte Dam, and no long-lasting floods are probable. Overhead should be no higher than on other similar work.

#### VI. COST WITHOUT CABALLO DAM

(a) During December 1928, a report was made on the probable floods at El Paso-Juarez, with and without, the additional flood control of a retention reservoir at Caballo. The data then available indicated a maximum flood of eight thousand (8,000) second feet (226 cubic meters per second) with the Caballo Dam, and a maximum flood of eighteen thousand second feet (510 cubic meters per second) without the Caballo Dam. Since that time additional data has been acquired, and restudies have shown that the assumed maximum flood with the Caballo Dam should be eleven thousand second feet (314 cubic meters per second), and that the assumed maximum flood without the Caballo Dam should be twenty thousand second feet (576 cubic meters per second).

(b) In adopting a design for the twenty thousand second feet (576 cubic meters per second) channel it was found necessary to increase the distance between levees from one hundred eighty meters (590 feet) to two hundred ninety meters (950 feet) for the upper part of the valley, or from El Paso-Juarez to Alamo Arroyo. For the lower part, or from Alamo Arroyo to the end it was found necessary to increase the size of the excavated channel from twenty meter (66 foot) base to a thirty meter (99 foot) base, and to raise the levees one meter (3.3 feet).

(c) Estimates show that the works required from Land Monument No. 1 to the mouth of the canyon below Fort Quitman will cost about one million five hundred thousand dollars more when designed for the twenty thousand second foot (576 cubic meters per second) channel than when designed for the eleven thousand second foot (314 cubic meters per second) channel. The principal items of difference are the increase in rights-of-way required due to the widening between levees in the upper part, or from El Paso-Juarez to the Alamo Arroyo; the increase in earthwork, due principally to the larger cross-section needed thru the deep cuts below the Alamo Arroyo, and to the lengthening of the grade control structures and the bridges. There is also an increase in the amount of clearing necessary.

(d) The additional area required for rights-of-way is about eight hundred hectares (2,000 acres) and will cost one hundred thousand dollars. The additional earthwork required is about four million one hundred fifty thousand cubic meters (5,424,000 cubic yards) which at eighteen cents per cubic meter amounts to seven hundred forty-seven thousand dollars. The length-

ening of grade control structures and bridges will cost an additional three hundred fifty thousand dollars. The additional clearing required will cost thirty-five thousand dollars. The total of the above items is one million two hundred thirty-two thousand dollars which, when increased by twenty per cent allowed for engineering, overhead and contingencies, makes a total additional cost of one million four hundred eighty thousand dollars.

(e) Therefore, the cost (\$1,250,000) of the Caballo Dam is more than offset by the economies made possible in the works from Land Monument No. 1 to the mouth of Quitman Canyon. Indeed, a saving of two hundred fifty thousand dollars is achieved. This saving is in addition to a reduction of 800 hectares (2,000 acres) in the land used for the channel which would be otherwise irredeemably lost for cultivation, and to an unknown amount annually saved in less expensive maintenance.

#### VII. RECOMMENDATIONS

The following recommendations are respectfully submitted:

(a) That the rectified channel be constructed as described and outlined in this report and the attached exhibits.

(b) That a flood detention dam, with a reservoir of not less than one hundred thousand acre feet (123.350,000 cubic meters) capacity be built at Caballo, New Mexico.

(c) That the areas to be detached from each country be brought into balance by such shifting of the river location as the Commission may decide.

(d) That the areas to be detached and those required for right-of-way be acquired by each nation so that all private rights to these lands be extinguished.

(e) That the balanced detached tracts and the acquired rights-of-way be exchanged between the two nations so that each nation will have jurisdiction to the center of the rectified channel where it forms the boundary line.

(f) That the International Boundary Commission have full control over the work during its construction, and over its maintenance when completed.

#### VIII. EXHIBITS

Five exhibits are attached, as follows:

##### EXHIBIT No. 1. River Gradients

This shows graphically the present river gradients between Elephant Butte and Quitman Canyon, and the proposed new gradient which the river shortening will bring about.

##### EXHIBIT No. 2. Location Map

This is a map of the El Paso-Juarez Valley on which is shown the located line and the segregated areas in color and in numerical table. Two routes are

shown at the San Elizario Island, one following generally the present river, and the other following generally the present boundary.

#### EXHIBIT No. 3. Typical Cross-Sections

This exhibit graphically illustrates the cross-sections proposed for use, and gives the theoretical hydraulic functions.

#### EXHIBIT No. 4. Drainage Areas

This exhibit indicates in colors and in figures the drainage area controlled by Elephant Butte Dam, and that to be controlled by the Caballo Dam.

#### EXHIBIT No. 5. Estimate of Cost

### IX. ACKNOWLEDGMENTS

In the preparation of this report the Consulting Engineers have been assisted by the technical advisers, Messrs. W. E. Robertson, Chairman of the El Paso Chamber of Commerce River Rectification Committee, and Salvador Arroyo, Chief Engineer of the Juarez Flood Control Commission; and have made use of the wealth of data contained in previous reports on this problem. Acknowledgment is made to the various engineers and agencies who collected this data and made the following reports:

1. "Report on Rio Grande Rectification", by Special Committee of Engineers, El Paso Chapter, American Association of Engineers, June 5, 1922.
2. "Report of Conditions of the Rio Grande on the Rio Grande Project", by L. M. Lawson, Engineer, United States Department of the Interior, March 10, 1925.
3. "Channel Improvement of the Rio Grande below El Paso", by Salvador Arroyo, Mexican Federal Civil Engineer, March 1925.
4. "Statement to the United States and Mexican Governments and the International Boundary Commission on Rectification of a Portion of the Rio Grande, Juarez and El Paso Valleys", by Salvador Arroyo and L. M. Lawson, April 25, 1925.
5. "Joint Report on the Preceding Report" (No. 4), by Armando Santacruz, Jr. and Randolph E. Fishburn, Consulting Engineers of the International Boundary Commission, May 12, 1925.
6. "Effect of Rio Grande Storage on River Erosion and Deposition", by L. M. Lawson, Project Superintendent, United States Bureau of Reclamation, El Paso, Texas, May 1928.
7. "The Present Regimen of the Upper Rio Grande and the Problem the River has Created in the El Paso-Juarez Valley", by Salvador Arroyo, Chief Engineer of Juarez Flood Control Commission, May 1928.
8. "Statement Regarding Rectification of the Rio Grande", by J. L. Savage, Designing Engineer, United States Bureau of Reclamation, November 28, 1928.

9. "Report on Preliminary Estimates, Rectification of the Rio Grande El Paso-Juarez to Quitman Canyon", by Salvador Arroyo and C. M. Ainsworth, December 1928.

10. "Proposed Rectification of the Rio Grande from El Paso-Juarez to Quitman Canyon", by R. M. Priest, Superintendent of the Yuma Project, United States Bureau of Reclamation, May 2, 1929.

Respectfully submitted, July 16, 1930.

C. M. AINSWORTH  
*Consulting Engineer*  
*United States Section*

ARMANDO SANTACRUZ  
*Consulting Engineer*  
*Mexican Section*

To the Honorable Commissioners, International Boundary Commission,  
United States and Mexico.

#### EXCHANGES OF NOTES

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTER FOR FOREIGN AFFAIRS  
MEXICO

FEBRUARY 1, 1933

DEAR MR. AMBASSADOR:

In proceeding to the signature of the Convention relative to the rectification of the river channel of the Rio Grande in the El Paso-Juárez valley, it is understood by both Governments that the documents annexed to the Convention, as provided in Article VIII thereof, are copies of Minute 129 of July 31, 1930 of the International Boundary Commission, and of the report, maps, plans, and specifications annexed to said Minute, and that in case any difference exists between such copies so annexed to the Convention and their originals, the originals shall control.

There being nothing further to discuss, I again subscribe myself, as always, your affectionate, devoted, and faithful servant.

PUIG

MR. J. REUBEN CLARK, JR.,  
*Ambassador Extraordinary and Plenipotentiary*  
*of the United States of America,*  
*Mexico.*

*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
MÉXICO, *February 1, 1933*

MY DEAR MR. MINISTER:

Referring to your note of even date, in which you set out that in proceeding to the signature of the Convention providing for the rectification of the river channel of the Rio Grande in the El Paso-Juárez valley, it is understood that the documents attached to the Convention, as provided in Article VIII thereof, are copies of Minute 129 (July 31, 1930) of the International Boundary Commission, and of the report, maps, plans, and specifications attached to that Minute, and that in case any difference exists between such copies so attached to the Convention and their originals, the originals shall control, I beg hereby to confirm such understanding.

Please accept, Mr. Minister, the renewed assurances of my highest consideration.

J. REUBEN CLARK, JR.

His Excellency

Señor Doctor DON JOSÉ M. PUIG CASAURANG,  
*Minister for Foreign Affairs,*  
*Mexico.*

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*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY FOR FOREIGN AFFAIRS  
UNITED MEXICAN STATES  
MEXICO

MEXICO, *September 8, 1933*

MR. AMBASSADOR:

In order to facilitate the early exchange of ratifications of the Convention signed between Mexico and the United States for the rectification of the Rio Bravo (Rio Grande) in the Juarez Valley, dated February 1, 1933, and in order to establish clearly the understanding of both Governments with respect to the question of rights and use of waters of the Rio Bravo (Rio Grande) along the stretch covered by said Convention, the two Governments declare through this exchange of notes that the spirit and terms of the Convention of February 1, 1933, do not alter the provisions of Conventions now in force as regards the utilization of water from the Rio Bravo (Rio Grande) and that, consequently, these matters remain entirely unaffected and in exactly the same status as existed before the Convention of February 1, 1933, was concluded.

I avail myself of this opportunity to renew to Your Excellency the assurances of my high consideration.

PUIG

His Excellency

MR. JOSEPHUS DANIELS,  
*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
Mexico.*

---

*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
MEXICO, *September 8, 1933*

No. 187

EXCELLENCY:

In order to facilitate the early exchange of ratifications of the Convention signed between Mexico and the United States for the rectification of the Rio Grande (Rio Bravo) in the Juárez Valley, dated February 1, 1933, and in order to establish clearly the understanding of both Governments with respect to the question of rights and use of waters of the Rio Grande (Rio Bravo) along the stretch covered by said Convention, the two Governments declare through this exchange of notes that the spirit and terms of the Convention of February 1, 1933, do not alter the provisions of Conventions now in force as regards the utilization of water from the Rio Grande (Rio Bravo) and that, consequently, these matters remain entirely unaffected and in exactly the same status as existed before the Convention of February 1, 1933, was concluded.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

JOSEPHUS DANIELS

His Excellency

Señor Doctor DON JOSÉ MANUEL PUIG CASURANC,  
*Minister for Foreign Affairs,  
Mexico.*

## SPECIAL CLAIMS

*Convention signed at México April 24, 1934, supplementing convention of September 10, 1923, as modified*

*Senate advice and consent to ratification June 15, 1934*

*Ratified by Mexico November 23, 1934*

*Ratified by the President of the United States November 27, 1934*

*Ratifications exchanged at México December 13, 1934*

*Entered into force December 13, 1934*

*Proclaimed by the President of the United States December 22, 1934*

*Terminated January 2, 1945*<sup>1</sup>

49 Stat. 3071; Treaty Series 878

### CONVENTION COVERING THE EN BLOC SETTLEMENT OF THE CLAIMS PRESENTED BY THE GOVERNMENT OF THE UNITED STATES TO THE COMMISSION ESTABLISHED BY THE SPECIAL CLAIMS CONVENTION CONCLUDED SEPTEMBER 10, 1923

The United States of America and the United Mexican States, desiring to settle and adjust amicably the claims comprehended by the terms of the Special Claims Convention concluded by the two Governments on the 10th day of September, 1923,<sup>2</sup> without resort to the method of international adjudication provided by the said agreement, have decided to enter into a Convention for that purpose, and to this end have nominated as their Plenipotentiaries:

The President of the United States:

The Honorable Josephus Daniels, Ambassador Extraordinary and Plenipotentiary of the United States of America in Mexico, and

The President of the United Mexican States:

The Honorable José Manuel Puig Casauranc, Secretary of State for Foreign Affairs

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<sup>1</sup> Date of final payment by Mexico.

<sup>2</sup> TS 676, *ante*, p. 941.

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

#### ARTICLE I

The claim of the United States of America covered by the Special Claims Convention of September 10, 1923, shall be adjusted, settled and forever thereafter barred from further consideration, by the payment by the Government of Mexico to the Government of the United States of a sum of money which shall equal the same proportion of the total amount claimed by the United States in all such cases (after the deductions provided for in Article IV hereof), as the proportion represented—in respect to the total sum claimed by the Governments of Belgium, France, Germany, Great Britain, Italy and Spain—by the total amount found to be due from the Mexican Government in the settlement of similar claims and under the conventions concluded with those Governments by the Government of Mexico during the years from September 25, 1924 to December 5, 1930.

To determine said general average percentage resulting from the settlements with said countries for similar claims, the classic arithmetical procedure shall be used, that is to say, the total amount awarded to Belgium, France, Germany, Great Britain, Italy and Spain shall be multiplied by one hundred and the product shall be divided by the total amount claimed by said countries.

Having thus determined the general average percentage, in order to ascertain the amount that Mexico should pay to the United States, said percentage shall be multiplied by the total amount claimed by the United States (after the deductions provided for in Article IV of this Convention) and the resulting products shall be divided by one hundred.

#### ARTICLE II

The amount provided for in Article I above shall be paid at Washington, in dollars of the United States, at the rate of 500,000.00 (five hundred thousand dollars) per annum, beginning January 1, 1935, and continuing until the whole amount thereof shall have been paid.

#### ARTICLE III

Deferred payments, by which term is meant all payments made after January 2, 1935, shall bear interest at the rate of one-fourth of one percent per annum for the first year counting from January 1, 1935, and an additional one-fourth of one percent for each additional year until the maximum of one percent is reached which shall be applied beginning January 1, 1939. In the event of failure to make annual payments when due, however, this rate shall be increased at the rate of one-fourth of one percent per annum on the

amount of deferred payments during the period of any such delay until a maximum additional rate of three percent on such overdue amounts is reached.

#### ARTICLE IV

In computing the total amount of claims mentioned in Article I above, there shall be deducted from the total amount of all special claims filed by the United States under the terms of the Special Claims Convention of September 10, 1923, the following items:

First: Claims decided.

Second: One-half of the amount represented by the total claimed in all cases in which the same claim has been filed twice, either for the same or for different amounts, with the Special Claims Commission.

Third: From the claims registered for the same reason with both Commissions, there shall be deducted the total amount of all claims that in fact or apparently should have registered only with the General Claims Commission established by the Convention of September 8, 1923.<sup>3</sup>

The determination, by the representatives of both Governments referred to in Article V of this Convention, of claims that ought to be withdrawn from the Special Commission because in fact or apparently they should have been registered only with the General Commission for presentation and adjudication, does not prejudice the jurisdiction in and validity of said claims, which shall be determined in each case when examined and adjudicated by the Commissioners or Umpire in accordance with the provisions of the General Claims Convention of September 8, 1923 and the Protocol of April 24, 1934,<sup>4</sup> or the Special Claims Convention of September 10, 1923, and the Protocol of June 18, 1932,<sup>5</sup> in the event it shall be found by the Commissioners or Umpire to have been improperly eliminated from the Special Claims settlement. In the latter event, the claims improperly eliminated in the opinion of the Commissioners or Umpire, shall be settled and adjusted by the same en bloc procedure prescribed by this Convention for all claims registered with the Special Commission.

#### ARTICLE V

The total amount of the special claims of the United States, as well as the deductions to be made therefrom, in accordance with Article IV above, and the proportionate amount thereof to be paid in accordance with Article I above, shall be determined by a Joint Committee consisting of two members, one to be appointed by each Government, whose joint report, after due conference and consideration, shall be accepted as final.

<sup>3</sup> TS 678, *ante*, p. 935.

<sup>4</sup> EAS 57, *post*, p. 1008.

<sup>5</sup> *Ante*, p. 970.

## ARTICLE VI

It is agreed that, for the purpose of facilitating a proper distribution by the United States to the respective claimants of the amount to be paid as provided for herein, the Mexican Government shall deliver to the United States, upon request, all evidence in its possession bearing upon the merits of particular claims and to procure, at the cost of the United States, such additional evidence as may be available in Mexico and as may be indicated by the Government of the United States to be necessary to the proper adjudication of particular claims, leaving to the judgment of the Mexican Government the furnishing of originals or certified copies thereof and with the specific reservation that no documents shall be delivered which owing to their nature cannot be furnished by said Government.

## ARTICLE VII

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective Constitution, such ratifications being exchanged in Mexico City as soon as practicable and the Convention shall take effect on the date of the exchange of ratifications.

In witness whereof, the respective Plenipotentiaries have signed and affixed their seals to this Convention.

Done in duplicate, in English and Spanish, at Mexico City this 24th day of April 1934.

JOSEPHUS DANIELS      [SEAL]

PUIG                      [SEAL]

## GENERAL CLAIMS

*Protocol signed at México April 24, 1934, supplementing agreement of September 8, 1923, as modified; exchange of notes at Washington February 1, 1935*

*Ratified by Mexico November 23, 1934*

*Senate advice and consent to ratification January 14, 1935*

*Ratified by the President of the United States January 14, 1935*

*Ratifications exchanged at Washington February 1, 1935*

*Entered into force February 1, 1935*

*Proclaimed by the President of the United States February 1, 1935*

*Superseded April 2, 1942, by convention of November 19, 1941*<sup>1</sup>

49 Stat. 3531; Executive Agreement Series 57

### PROTOCOL RELATIVE TO CLAIMS PRESENTED TO THE GENERAL CLAIMS COMMISSION, ESTABLISHED BY THE CONVENTION OF SEPTEMBER 8, 1923

Josephus Daniels, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Government of Mexico, and José Manuel Puig Casauranc, Secretary for Foreign Affairs of the United Mexican States, duly authorized, have agreed on behalf of their two Governments to conclude the following Protocol:

Whereas, It is the desire of the two Governments to settle and liquidate as promptly as possible those claims of each Government against the other which are comprehended by, and which have been filed in pursuance of, the General Claims Convention between the two Governments, concluded on September 8, 1923;<sup>2</sup>

Whereas, It is not considered expedient to proceed, at the present time, to the formal arbitration of the said claims in the manner provided in that Convention;

Whereas, It is considered to be conducive to the best interests of the two Governments, to preserve the *status quo* of the General Claims Convention above mentioned and the Convention extending the duration thereof, which latter was concluded on June 18, 1932,<sup>3</sup> as well as the agreement relating to agrarian claims under Article I of the additional Protocol of June 18, 1932;<sup>4</sup>

<sup>1</sup> TS 980, *post*, p. 1059.

<sup>2</sup> TS 678, *ante*, p. 935.

<sup>3</sup> TS 883, *ante*, p. 970.

<sup>4</sup> *Ante*, p. 973.

Whereas, It is advisable to endeavor to effect a more expeditious and more economical disposition of the claims, either by means of an *en bloc* settlement or a more simplified method of adjudication, and

Whereas, In the present state of development of the numerous claims the available information is not such as to permit the two Governments to appraise their true value with sufficient accuracy to permit of the successful negotiation of an *en bloc* settlement thereof at the present time;

Therefore, It is agreed that:

First. The two Governments will proceed to an informal discussion of the agrarian claims now pending before the General Claims Commission, with a view to making an adjustment thereof that shall be consistent with the rights and equities of the claimants and the rights and obligations of the Mexican Government, as provided by the General Claims Protocol of June 18, 1932. Pending such discussion no agrarian claims will be presented to the Commissioners referred to in Clause Third nor, in turn, to the Umpire referred to in Clause Fifth of this Protocol; but memorials of cases not yet memorialized may be filed in order to regularize the awards made upon the agreed adjustments.

Consequently, the subsequent provisions of this Protocol shall apply to agrarian claims only insofar as they do not conflict with the status thereof, as exclusively fixed by the terms of the agreed Article I of the additional protocol to the extension of the General Claims Convention, signed June 18, 1932.

Second. The two Governments shall proceed, in accordance with the provisions of clause Sixth below, promptly to complete the written pleadings and briefs in the remaining unpleaded and incompletely pleaded cases.

Third. Each Government shall promptly designate, from among its own nationals, a Commissioner, who shall be an outstanding jurist and whose function it shall be to appraise, on their merits, as rapidly as possible, the claims of both Governments which have already been fully pleaded and briefed and those in which the pleadings and briefs shall be completed in accordance herewith.

Fourth. Six months before the termination of the period herein agreed upon for the completion of the pleadings and briefs referred to in Clause Sixth or at an earlier time should they so agree, the said Commissioners shall meet, at a place to be agreed upon by them, for the purpose of reconciling their appraisals. They shall, as soon as possible, and not later than six months from the date of the completion of the pleadings and briefs, submit to the two Governments a joint report of the results of their conferences, indicating those cases in which agreement has been reached by them with respect to the merits and the amount of liability, if any, in the individual cases and also those cases in which they shall have been unable to agree with respect to the merits or the amount of liability, or both.

Fifth. The two Governments shall, upon the basis of such joint report, and with the least possible delay, conclude a convention for the final disposition of the claims, which convention shall take one or the other of the two following forms, namely, first, an agreement for an *en bloc* settlement of the claims wherein there shall be stipulated the net amount to be paid by either Government and the terms upon which payment shall be made; or, second, an agreement for the disposition of the claims upon their individual merits. In this latter event, the two above-mentioned Commissioners shall be required to record their agreements with respect to individual claims and the bases upon which their conclusions shall have been reached, in the respective cases.

The report shall be accepted, by the convention to be concluded by the two Governments, as final and conclusive dispositions of those cases. With respect to those cases in which the Commissioners shall not have been able to reach agreements, the two Governments shall, by the said convention, agree that the pleadings and briefs in such cases, together with the written views of the two Commissioners concerning the merits of the respective claims, be referred to an Umpire, whose written decisions shall also be accepted by both Governments as final and binding. All matters relating to the designation of an Umpire, time within which his decisions should be rendered and general provisions relating to his work shall be fixed in a Convention to be negotiated under provisions of this Clause.

Sixth. The procedure to be followed in the development of the pleadings and briefs, which procedure shall be scrupulously observed by the Agents of the two Governments, shall be the following:

(a) The time allowed for the completion of the pleadings and briefs shall be two years counting from a date hereafter to be agreed upon by the two Governments by an exchange of notes,<sup>5</sup> which shall not be later than November 1, 1934.

(b) The pleadings and briefs of each Government shall be filed at the Embassy of the other Government.

(c) The pleadings and briefs to be filed shall be limited in number to four, namely, Memorial, Answer, Brief and Reply Brief. Only three copies of each need be presented to the other Agent, but four additional copies shall be retained by the filing Agency for possible use in future adjudication. Each copy of Memorial, Answer and Brief shall be accompanied by a copy of all evidence filed with the original thereof. The pleadings and briefs, which may be in either English or Spanish at the option of the filing Government, shall be signed by the respective Agents or properly designated substitutes.

(d) With the Memorial the claimant Government shall file all the evidence on which it intends to rely. With the Answer the respondent Gov-

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<sup>5</sup> See p. 1013.

ernment shall file all the evidence upon which it intends to rely. No further evidence shall be filed by either side except such evidence, with the Brief, as rebuts evidence filed with the Answer. Such evidence shall be strictly limited to evidence in rebuttal and there shall be explained at the beginning of the Brief the alleged justification for the filing thereof. If the other side desires to object to such filing, its views may be set forth in the beginning of the Reply Brief, and the Commissioners, or the Umpire, as the case may require, shall decide the point, and if it is decided that the evidence is not in rebuttal to evidence filed with the Answer, the additional evidence shall be entirely disregarded in considering the merits of the claim.

The Commissioners may at any time order the production of further evidence.

(e) In view of the desire to reduce the number of pleadings and briefs to a minimum in the interest of economy of time and expense, it shall be the obligation of both Agents fully and clearly to state in their Memorials the contention of the claimant Government with respect to both the factual bases of the claims in question and the legal principles upon which the claims are predicated and, in the Answer, the contentions of the respondent Government with regard to the facts and legal principles upon which the defense of the case rests. In cases in which Answers already filed do not sufficiently meet this provision so as to afford the claimant Government an adequate basis for preparing its legal Brief with full general knowledge of the factual and legal defenses of the respondent Government, it shall have the right to file a Counter Brief within thirty days following the date of filing the Reply Brief.

(f) For the purposes of the above pleadings and briefs, as well as the appraisals and decisions of the two Commissioners and the decisions of the Umpire, above mentioned, the provisions of the General Claims Convention of September 8, 1923, shall be considered as fully effective and binding upon the two Governments, except insofar as concerns the matter of procedure, which shall be that provided for herein.

(g) Whenever practicable, cases of a particular class shall be grouped for memorializing and/or for briefing.

(h) In order that the two Agents may organize their work in the most advantageous manner possible and in order that the two-year period allowed for pleadings and briefs may be utilized, in a manner which shall be most equitable to both sides, each Agent shall, within thirty days from the beginning of the two-year pleading period, submit to the other Agent a tentative statement showing the total number of Memorials and Briefs such Agent intends to file. Six months after the beginning of the two-year pleading period, the two Agents shall respectively submit in the same manner statements setting out definitely by name and docket number the claims in which it is proposed to complete the pleadings and briefs, indicating those in which they intend to combine cases in the manner indicated in paragraph

(g) above. The number of pleadings and briefs so indicated shall not, except by later agreement between the two Governments, be exceeded by more than ten percent.

(i) In order to enable the Agencies to distribute their work equally over the two-year pleading period, each Agency shall be under the obligation to file its Memorials at approximately equal intervals during the first seventeen months of the two-year period, thus allowing the remaining seven months of the period for the completion of the pleadings and briefs in the last case memorialized. The same obligation shall attach with respect to the filing of the pleadings and briefs referred to in paragraph (k) below.

(j) The time to be allowed for filing Answers shall be seventy days from the date of filing Memorials. The time to be allowed for filing Briefs shall be seventy days from the date of filing the Answers. The time to be allowed for filing Reply Briefs shall be seventy days from the date of filing the Briefs.

(k) In those cases in which some pleadings or briefs were filed with the General Claims Commission before the date of signature hereof, the Agency which has the right to file the next pleading or brief shall be allowed to determine when that document shall be filed, taking into consideration the necessity of complying with the provisions of paragraph (i) above.

(l) In counting the seventy-day periods mentioned in paragraph (j) above, no deductions shall be made for either Sundays or holidays. The date of filing the above described pleadings and briefs shall be considered to be the date upon which they shall be delivered at the Embassy of the other Government. If the due date shall fall on Sunday or a legal holiday, the pleading or brief shall be filed upon the next succeeding business day. The two Governments shall, for this purpose, instruct their respective Embassies to receive and give receipts for such pleadings and briefs any weekday between the hours of 10 and 16 (4 p.m.) except on the following legal holidays of both countries:

*Of the United States*

January 1  
February 22  
May 30  
July 4

First Monday in September  
Last Thursday in November  
December 25

*Of Mexico*

January 1  
February 5  
May 1  
May 5  
September 14  
September 15

September 16  
October 12  
November 20  
December 25  
December 31

(m) In view of the herein prescribed limitations upon the time allowed for the completion of the work of the Agencies and the Commissioners, it is recognized that the success of this simplified plan of procedure depends fundamentally upon the prompt and regular filing of the pleadings and briefs in

accordance with the provisions of this Protocol. It is agreed, therefore, that any pleading or brief which shall be filed more than thirty days after the due date for the filing thereof, shall be disregarded by the Commissioners and the Umpire, and that the respective case shall be considered by them upon the pleadings and briefs preceding the tardy pleadings and briefs, unless, by agreement of the two Governments, the continued pleading of the respective case shall be resumed.

(*n*) It shall not be necessary to present original evidence but all documents hereafter submitted as evidence shall be certified as true and complete copies of the original if they be such. In the event that any particular document filed is not a true and complete copy of the original, that fact shall be so stated in the certificate.

(*o*) The complete original of any document filed, either in whole or in part, shall be retained in the Agency filing the document and shall be made available for inspection by any authorized representative of the Agent of the other side.

(*p*) Where the original of any document or other proof is filed at any Government office on either side, and cannot be conveniently withdrawn, and no copy of such document is in the possession of the Agent of the Government desiring to present the same to the Commissioners in support of the allegations set out in his pleadings or briefs, he shall notify the Agent of the other Government in writing of his desire to inspect such document. Should such inspection be refused, then the action taken in response to the request to inspect, together with such reasons as may be assigned for the action taken, shall be reported to the Commissioners and, in turn, to the Umpire mentioned in Clause Fifth of this Protocol, so that due notice thereof may be taken.

Done in duplicate in Mexico, D. F. in the English and Spanish languages this twenty fourth day of the month of April one thousand nine hundred and thirty four.

JOSEPHUS DANIELS [SEAL]

PUIG [SEAL]

#### EXCHANGE OF NOTES

*The Mexican Chargé d'Affaires ad interim to the Secretary of State*

[TRANSLATION]

EMBASSY OF MEXICO

*Washington, D.C., February 1, 1935*

MR. SECRETARY:

In conformity with the provision of paragraph (a) of clause six of the protocol relating to claims presented before the General Claims Commission,

signed on April 24, 1934, which states: "The time allowed for the completion of the pleadings and briefs shall be 2 years counting from a date hereafter to be agreed upon by the two governments by an exchange of notes, which shall not be later than November 1, 1934" and taking into account that the extension of time granted by the Mexican Government to that of the United States in note no. 6509 of September 26, 1934, expires on the 1st of February, both governments, for the purposes of the clause above mentioned, consider as initiated as of this date and by means of the exchange of these identic notes the period of 2 years to which the said provision of the protocol refers.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

P. CAMPOS ORTIZ  
*Chargé d'Affaires ad interim*

His Excellency

MR. CORDELL HULL,  
*Secretary of State,  
etc., etc., etc.*

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*The Secretary of State to the Mexican Chargé d'Affaires ad interim*

DEPARTMENT OF STATE  
*Washington, February 1, 1935*

SIR:

In conformity with the provision of Paragraph (a) of Clause Sixth of the Protocol relating to claims presented before the General Claims Commission, signed on April 24, 1934, which states: "The time allowed for the completion of the pleadings and briefs shall be two years counting from a date hereafter to be agreed upon by the two Governments by an exchange of notes, which shall not be later than November 1, 1934," and taking into account that the extension of time granted by the Mexican Government to the Government of the United States in Note No. 6509 of September 26, 1934, expires on the first of February, both Governments, for the purposes of the clause above mentioned, consider as initiated as of this date and by means of the exchange of these identic notes the period of two years to which the said provision of the Protocol refers.

Accept, sir, the renewed assurances of my high consideration.

CORDELL HULL

Señor Dr. Don PABLO CAMPOS-ORTIZ  
*Chargé d'Affaires ad interim of Mexico.*

## ASSISTANCE TO AND SALVAGE OF VESSELS

*Treaty signed at México June 13, 1935*

*Senate advice and consent to ratification August 24, 1935*

*Ratified by the President of the United States August 29, 1935*

*Ratified by Mexico January 14, 1936*

*Ratifications exchanged at Washington March 7, 1936*

*Entered into force March 7, 1936*

*Proclaimed by the President of the United States March 10, 1936*

49 Stat. 3359; Treaty Series 905

### TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES FOR THE SENDING OF VESSELS FOR PURPOSES OF ASSISTANCE AND SALVAGE

The United States of America and the United Mexican States, being desirous, for humanitarian reasons, to facilitate the assistance and salvage of vessels in danger or shipwrecked on the coasts or within the territorial waters of the other country, have for that purpose resolved to conclude a treaty, and to that end have appointed as their plenipotentiaries:

The President of the United States of America, R. Henry Norweb, Chargé d'Affaires ad interim of the United States of America to Mexico; and

The President of the United Mexican States, Emilio Portes Gil, Secretary of State for Foreign Affairs;

Who, after having communicated to each other their full powers, which were found to be in due and proper form, have agreed to the following articles:

#### ARTICLE I

The High Contracting Parties agree that vessels and rescue apparatus, public or private, of either country, may aid or assist vessels of their own nationality, including the passengers and crews thereof, which may be disabled or in distress on the shores or within the territorial waters of the other country within a radius of seven hundred and twenty nautical miles of the intersection of the International Boundary Line and the coast of the Pacific Ocean, or within a radius of two hundred nautical miles of the intersection of the International Boundary Line and the coast of the Gulf of Mexico.

## ARTICLE II

The Commanding Officer, master, or owner of a vessel or rescue apparatus of either country, entering or intending to enter the territory or territorial waters of the other, in order to assist a distressed vessel, shall, at the earliest practicable moment, send notice of such action or intention to the competent authorities of the port of entry of that other country nearest the scene of distress. This notice may be sent by radio or telegraphic dispatch or by any other expeditious method of communication. Such vessel or apparatus may freely proceed to, and assist, the distressed vessel unless advised by such competent authorities that adequate assistance is available, or that, for any other reason, such assistance is not considered necessary.

## ARTICLE III

The Commanding Officer, master, or owner of a vessel or apparatus which enters the territory or territorial waters of a country to render assistance to a distressed vessel under the authority of this treaty shall notify the competent authorities of such country upon departure from such territory or territorial waters; and private vessels, so entering, as well as private distressed vessels and the cargo, equipment, stores, crew and passengers thereof, shall be subject to the provisions of the laws in force in the country in whose territorial waters such assistance is rendered.

As used in this treaty, the word "assistance" means any act necessary or desirable to prevent the injury, arising from a marine peril, of persons or property, and the word "vessel" includes aircraft, as well as every kind of conveyance used or capable of being used for transportation on water.

## ARTICLE IV

This Treaty shall remain in force for one year, and thereafter until terminated with three months notice by one of the High Contracting Parties.

## ARTICLE V

The High Contracting Parties shall ratify this Treaty in conformity with their respective constitutional provisions. The exchange of ratifications shall take place in the city of Washington, D.C., as soon as possible, and the Treaty shall be in force from the time of the exchange of these ratifications.

In faith whereof the respective Plenipotentiaries have signed this Treaty and have hereunto affixed their seals.

Done in duplicate in the English and Spanish languages in the city of Mexico, the thirteenth of the month of June in the year one thousand nine hundred and thirty-five.

R. HENRY NORWEB [SEAL]

EMILIO PORTES GIL [SEAL]

## PROTECTION OF MIGRATORY BIRDS AND GAME MAMMALS

*Convention signed at México February 7, 1936*

*Senate advice and consent to ratification April 30, 1936*

*Ratified by the President of the United States October 8, 1936*

*Ratified by Mexico February 12, 1937*

*Ratifications exchanged at Washington March 15, 1937*

*Entered into force March 15, 1937*

*Proclaimed by the President of the United States March 15, 1937*

50 Stat. 1311; Treaty Series 912

### CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES FOR THE PROTECTION OF MIGRATORY BIRDS AND GAME MAMMALS

Whereas, some of the birds denominated migratory, in their movements cross the United States of America and the United Mexican States, in which countries they live temporarily;

Whereas it is right and proper to protect the said migratory birds, whatever may be their origin, in the United States of America and the United Mexican States, in order that the species may not be exterminated;

Whereas, for this purpose it is necessary to employ adequate measures which will permit a rational utilization of migratory birds for the purposes of sport as well as for food, commerce and industry;

The Governments of the two countries have agreed to conclude a Convention which will satisfy the above mentioned need and to that end have appointed as their respective plenipotentiaries: The Honorable Josephus Daniels representing the President of the United States of America, Franklin D. Roosevelt and the Honorable Eduardo Hay, representing the President of the United Mexican States, General Lázaro Cárdenas, who, having exhibited to each other and found satisfactory their respective full powers, conclude the following Convention:

#### ARTICLE I

In order that the species may not be exterminated, the high contracting parties declare that it is right and proper to protect birds denominated as migratory, whatever may be their origin, which in their movements live

temporarily in the United States of America and the United Mexican States, by means of adequate methods which will permit, in so far as the respective high contracting parties may see fit, the utilization of said birds rationally for purposes of sport, food, commerce and industry.

## ARTICLE II

The high contracting parties agree to establish laws, regulations and provisions to satisfy the need set forth in the preceding Article, including:

A) The establishment of close seasons, which will prohibit in certain periods of the year the taking of migratory birds, their nests or eggs, as well as their transportation or sale, alive or dead, their products or parts, except when proceeding, with appropriate authorization, from private game farms or when used for scientific purposes, for propagation or for museums.

B) The establishment of refuge zones in which the taking of such birds will be prohibited.

C) The limitation of their hunting to four months in each year, as a maximum, under permits issued by the respective authorities in each case.

D) The establishment of a close season for wild ducks from the tenth of March to the first of September.

E) The prohibition of the killing of migratory insectivorous birds, except when they become injurious to agriculture and constitute plagues, as well as when they come from reserves or game farms: provided however that such birds may be captured alive and used in conformity with the laws of each contracting country.

F) The prohibition of hunting from aircraft.

## ARTICLE III

The high contracting parties respectively agree, in addition, not to permit the transportation over the American-Mexican border of migratory birds, dead or alive, their parts or products, without a permit of authorization provided for that purpose by the government of each country, with the understanding that in the case that the said birds, their parts or products are transported from one country to the other without the stipulated authorization, they will be considered as contraband and treated accordingly.

## ARTICLE IV

The high contracting parties declare that for the purposes of the present Convention the following birds shall be considered migratory:

### MIGRATORY GAME BIRDS

Familia Anatidae

Familia Gruidae

Familia Rallidae

Familia Charadriidae

Familia Scolopacidae

Familia Recurvirostridae

Familia Phalaropodidae

Familia Columbidae

## MIGRATORY NON-GAME BIRDS

Familia Cuculidae  
 Familia Caprimulgidae  
 Familia Micropodidae  
 Familia Trochilidae  
 Familia Picidae  
 Familia Tyrannidae  
 Familia Alaudidae  
 Familia Hirundinidae  
 Familia Paridae  
 Familia Certhiidae  
 Familia Troglodytidae  
 Familia Turdidae

Familia Mimidae  
 Familia Sylviidae  
 Familia Motacillidae  
 Familia Bombycillidae  
 Familia Ptilonotidae  
 Familia Laniidae  
 Familia Vireonidae  
 Familia Compothlypidae  
 Familia Icteridae  
 Familia Thraupidae  
 Familia Fringillidae

Others which the Presidents of the United States of America and the United Mexican States may determine by common agreement.

## ARTICLE V

The high contracting parties agree to apply the stipulations set forth in Article III with respect to the game mammals which live in their respective countries.

## ARTICLE VI

This Convention shall be ratified by the high contracting parties in accordance with their constitutional methods and shall remain in force for fifteen years and shall be understood to be extended from year to year if the high contracting parties have not indicated twelve months in advance their intention to terminate it.

The respective plenipotentiaries sign the present Convention in duplicate in English and Spanish, affixing thereto their respective seals, in the City of Mexico, the seventh day of February of 1936.

JOSEPHUS DANIELS [SEAL]

EDUARDO HAY [SEAL]

## RECOVERY OF STOLEN OR EMBEZZLED MOTOR VEHICLES, TRAILERS, AND AIRPLANES

*Convention signed at México October 6, 1936*

*Senate advice and consent to ratification May 6, 1937*

*Ratified by the President of the United States May 19, 1937*

*Ratified by Mexico June 11, 1937*

*Ratifications exchanged at México June 19, 1937*

*Entered into force June 19, 1937*

*Proclaimed by the President of the United States June 24, 1937*

50 Stat. 1333; Treaty Series 914

### CONVENTION FOR THE RECOVERY AND RETURN OF STOLEN OR EMBEZZLED MOTOR VEHICLES, TRAILERS, AIRPLANES OR COMPONENT PARTS OF ANY OF THEM

The United States of America and the United Mexican States being mutually desirous that motor vehicles, trailers, airplanes, and the component parts of any of them which may be stolen or embezzled in either country and taken into the territory of the other country shall be recovered and returned to the country of the legitimate owner thereof, have agreed to conclude a convention to give effect to that purpose and have named as their Plenipotentiaries:

The President of the United States of America, Josephus Daniels, Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico; and

The President of the United Mexican States, General Eduardo Hay, Secretary of State for Foreign Affairs;

Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed upon the following articles:

#### ARTICLE I

Whenever the Government of the United Mexican States through its Embassy in Washington shall so request the Department of State of the United States of America, that Department will use every proper means to bring about the detention of alleged stolen or embezzled motor vehicles, trailers, airplanes or the component parts of any of them.

The request of the Embassy shall be accompanied by documents legally valid in the United Mexican States supporting the claim of the person or persons interested to the property the return of which is requested.

After the property shall have been detained, and in the absence of evidence conclusively controverting the proof just before mentioned, it will be delivered to the person or persons designated for such purpose by the Embassy in Washington of the United Mexican States.

## ARTICLE II

Whenever the Government of the United States of America through its Embassy in Mexico City shall so request the Department of Foreign Relations of the United Mexican States, that Department will use every proper means to bring about the detention of alleged stolen or embezzled motor vehicles, trailers, airplanes or the component parts of any of them.

The request of the Embassy shall be accompanied by documents legally valid in the United States of America supporting the claim of the person or persons interested to the property the return of which is requested.

After the property shall have been detained, and in the absence of evidence conclusively controverting the proof just before mentioned, it will be delivered to the person or persons designated for such purpose by the Embassy in Mexico City of the United States of America.

## ARTICLE III

When the stolen or embezzled property is held as evidence in a criminal case, in the country where recovered, such detention shall not exceed twenty days from the date of the presentation to the Department of State or the Department of Foreign Relations, as the case may be, of the official request for the return of the property.

## ARTICLE IV

The High Contracting Parties will extend all necessary customs and other facilities in order that the person or persons on whose behalf the return has been made shall receive the stolen property and return with it to the territory of the country from which the request emanated.

## ARTICLE V

The High Contracting Parties will not assess any duties, fines or other monetary penalties upon the property detained and returned under the terms and provisions of this Convention. All expenses incident to the return and delivery of the property to the requesting country shall be borne by the person or persons receiving the vehicles or their component parts and such person or persons shall have no claim for compensation against the detaining au-

thorities for damages to the property in connection with its seizure, detention and storage.

#### ARTICLE VI

The High Contracting Parties will ratify this Convention in accordance with the provisions of their respective Constitutions and the exchange of ratifications shall take place in the City of Mexico as soon as possible.

This Convention shall remain in force for one year from the date of exchange of ratifications. If upon the expiration of one year notice is not given by either High Contracting Party of the desire to terminate the same, it shall continue in force until thirty days after either party shall have given notice to the other of the desire to terminate it.

In witness whereof, the respective Plenipotentiaries have signed and affixed their seals to this Convention.

Done in duplicate, in English and Spanish, at Mexico City, this sixth day of the month of October one thousand nine hundred and thirty six.

JOSEPHUS DANIELS	[SEAL]
EDUARDO HAY	[SEAL]

## BOUNDARIES

*Treaty signed at Washington April 13, 1937, terminating article 8 of treaty of December 30, 1853*

*Senate advice and consent to ratification June 29, 1937*

*Ratified by the President of the United States July 15, 1937*

*Ratified by Mexico November 9, 1937*

*Ratifications exchanged at Washington December 21, 1937*

*Entered into force December 21, 1937*

*Proclaimed by the President of the United States December 27, 1937*

52 Stat. 1457; Treaty Series 932

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES WHEREBY ARTICLE VIII [8] OF THE BOUNDARY TREATY, CONCLUDED BETWEEN THE TWO COUNTRIES, IN THE CITY OF MEXICO, DECEMBER 30, 1853, IS TERMINATED

The Governments of the United States of America and the United Mexican States, desirous of manifesting the mutual and enduring respect which they have for their independence; desirous also of eliminating all obstacles that may arise to the good relations which happily exist between them; and deeming that Article VIII [8] of the Boundary Treaty which they concluded in the City of Mexico, December 30, 1853,<sup>1</sup> was agreed upon in the light of a certain state of affairs which has disappeared, have agreed to conclude a treaty in which the said Article VIII is declared to be terminated, and for this purpose, have appointed as their Plenipotentiaries:

The President of the United States of America, Cordell Hull, Secretary of State of the United States of America, and

The President of the United Mexican States, Francisco Castillo Nájera, Ambassador Extraordinary and Plenipotentiary of the United Mexican States to the United States of America.

Who, after having shown to each other their respective Full Powers, found to be in good and due form, have agreed upon the following articles:

### ARTICLE I

Article VIII of the Boundary Treaty concluded between the United States of America and the United Mexican States in the City of Mexico, December 30, 1853, is hereby terminated.

<sup>1</sup> TS 208, *ante*, p. 812.

## ARTICLE II

The present Treaty shall be ratified by the High Contracting Parties in accordance with their constitutional methods, and the ratifications shall be exchanged, as soon as possible, in the city of Washington, D.C.

The Treaty shall go into effect on the day when the ratifications are exchanged.

Done in duplicate, in English and Spanish, in the City of Washington, D.C., on April 13, 1937.

CORDELL HULL [SEAL]

F. CASTILLO NÁJERA [SEAL]

# EXCHANGE OF JOURNALS AND PARLIAMENTARY DOCUMENTS

*Exchange of notes at México September 9 and 24, 1937*  
*Entered into force September 24, 1937*

51 Stat. 311; Executive Agreement Series 108

*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*Mexico, September 9, 1937*

No. 2408

## EXCELLENCY:

I have the honor to refer to Your Excellency's note No. 39838 of August 31, 1937, informing me that the Mexican Government is prepared to enter into an agreement with the American Government providing for an exchange of official journals and parliamentary documents. It appears that a draft of this proposed agreement has already been approved by our respective Governments which have agreed that it shall take the form of an exchange of notes incorporating the text.

My Government is, therefore, prepared to give immediate effect to the following agreement as soon as a corresponding note may be received from Your Excellency:

“There shall be an immediate exchange of official journals and parliamentary documents between the United States of America and the United Mexican States, which shall be conducted in accordance with the following provisions:

1. The Government of the United States of America shall furnish regularly, immediately upon publication, one copy of each of the following publications: (a) the *Federal Register*, or any other general official gazette that may be published; (b) the *Congressional Record*, containing the debates of the Senate and of the House of Representatives; (c) Bills printed for the use of either the Senate or the House of Representatives; and (d) Hearings before Congressional committees.

2. The Government of the United Mexican States shall furnish regularly, immediately upon publication, one copy of each of the following publica-

tions: (a) the *Diario Oficial*, or any other general official gazette that may be published; (b) the *Diario de los Debates* of the Senate and of the Chamber of Deputies; (c) Bills printed for the use of either Chamber; and (d) Other documents printed for the use of either Chamber or of the committees of either Chamber.

3. The sendings shall be received on behalf of the United States of America by the Library of Congress; on behalf of the United Mexican States by the Departamento Autónomo de Publicidad y Propaganda.”

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

JOSEPHUS DANIELS

His Excellency

Señor General EDUARDO HAY,  
*Minister for Foreign Affairs,*  
*Mexico.*

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*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY FOR FOREIGN AFFAIRS  
 UNITED MEXICAN STATES  
 MEXICO

310990

MEXICO, *September 24, 1937*

MR. AMBASSADOR:

I have the honor to acknowledge the receipt of Your Excellency's note No. 2408, dated September 9, in which you kindly advised me that the Government of the United States of America is prepared to enter into an agreement with that of the United Mexican States for the exchange of official journals and parliamentary documents, which negotiations have been in progress, and according to the text presented in the same note, as soon as the Mexican Government makes known its acquiescence by means of the corresponding note.

In reply I am pleased to inform Your Excellency that the Government of the United Mexican States is also prepared to enter immediately into this agreement as follows:

“There shall be an immediate exchange of official journals and parliamentary documents between the United Mexican States and the United States of America, which shall be conducted in accordance with the following provisions:

1. The Government of the United Mexican States shall furnish regularly, immediately upon publication, one copy of each of the following publications:

(a) the “*Diario Oficial*”, or any other general official gazette that may be published; (b) the “*Diario de los Debates*” of the Senate and of the Chamber of Deputies; (c) Bills printed for the use of either Chamber; and (d) any other document printed for the use of either Chamber or of the committees of either Chamber.

2. The Government of the United States of America shall furnish regularly, immediately upon publication, one copy of each of the following publications: (a) the *Federal Register*, or any other general official gazette that may be published; (b) the *Congressional Record*, containing the debates of the Senate and of the House of Representatives; (c) Bills printed for the use of either the Senate or the House of Representatives; and (d) Hearings before Congressional committees.

3. The sendings shall be received on behalf of the United Mexican States by the Departamento Autónomo de Publicidad y Propaganda; on behalf of the United States of America by the Library of Congress.”

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

EDUARDO HAY

His Excellency Mr. JOSEPHUS DANIELS,  
*Ambassador Extraordinary and Plenipotentiary  
 of the United States of America,  
 City.*

## EXCHANGE OF PUBLICATIONS

*Exchange of notes at Washington June 3 and August 29, 1938  
Entered into force September 1, 1938*

53 Stat. 1977; Executive Agreement Series 134

*The Acting Secretary of State to the Mexican Ambassador*

DEPARTMENT OF STATE  
*Washington, June 3, 1938*

EXCELLENCY:

I have the honor to refer to the Department's note of April 5, 1938 and to previous correspondence regarding the conclusion of an agreement for the exchange of official publications between the Government of the United States of America and the Government of Mexico.

It gives me pleasure to inform Your Excellency that the Government of the United States of America will be glad to undertake a complete exchange of publications with the Government of Mexico to be conducted in accordance with the following provisions:

1. The official exchange office for the transmission of publications of the United States is the Smithsonian Institution. The official exchange office on the part of Mexico is the Departamento Autónomo de Prensa y Publicidad.

2. The exchange sendings shall be received on behalf of the United States by the Library of Congress; on behalf of Mexico by the Departamento Autónomo de Prensa y Publicidad.

3. The Government of the United States shall furnish regularly in one copy the official publications of its various departments, bureaus, offices, and institutions. Attached is a list of such departments and agencies (List No. 1). This list shall include, without the necessity of subsequent negotiations, any new office that the Government may create in the future.

4. The Government of Mexico shall furnish regularly in one copy the official publications which it issues, of its several departments, bureaus, offices, and institutions. Attached is a list (List No. 2) of the publications which the Departamento Autónomo de Prensa y Publicidad is issuing or intends to issue, a list which remains subject to the modifications that administrative necessities may require and shall include, without the necessity of subsequent negotiations, any new official publications that the Government may issue in the future.

5. With respect to the departments and instrumentalities which at this time do not issue publications and which have not been included in the attached lists, it is understood that publications issued in the future by those offices shall be furnished in one copy.

6. Neither Government shall be obligated by this agreement to furnish confidential publications, blank forms, or circular letters not of a public nature.

7. Each party to the agreement shall bear the postal, railroad, steamship, and other charges arising in its own country.

8. Both parties express their willingness as far as possible to expedite shipments.

9. This agreement shall not be understood to modify the already existing exchange agreements between the various government departments of the two countries.

I wish to point out that in entering upon this complete exchange of official publications the Government of the United States assumes that publications of the judicial branches of both Governments as well as those of the other branches are to be included in the exchange.

It is understood that the agreement shall enter into force upon the receipt of a note from the Embassy indicating that the Government of Mexico is prepared to undertake a complete exchange of publications with the Government of the United States in accordance with the foregoing provisions.

Accept, Excellency, the renewed assurances of my highest consideration.

SUMNER WELLES  
*Acting Secretary of State*

Enclosures:

1. List No. 1.
2. List No. 2.

His Excellency

Señor Dr. DON FRANCISCO CASTILLO NÁJERA,  
*Ambassador of Mexico.*

[LIST NO. 1]

LIST OF THE VARIOUS DEPARTMENTS AND INSTRUMENTALITIES OF THE UNITED STATES GOVERNMENT, THE PUBLICATIONS OF WHICH ARE TO BE FURNISHED, TOGETHER WITH NOTE OF THE PRINCIPAL SERIAL PUBLICATIONS TO BE INCLUDED IN THE EXCHANGE

AGRICULTURE DEPARTMENT

Crops and markets, monthly  
Department leaflet  
Farmers' bulletin, irregular  
Journal of agricultural research, semi-monthly  
Miscellaneous publication  
Technical bulletin, irregular  
Yearbook of agriculture, bound

- Agricultural economics bureau*
  - Agricultural situation, monthly
  - Statistical bulletin
  - Report, annual
- Agricultural engineering bureau*
  - Report, annual
- Animal industry bureau*
  - Service and regulatory announcements
- Biological survey bureau*
  - North American fauna
  - Report, annual
- Chemistry and soils bureau*
  - Soil survey reports
  - Report, annual
- Dairy industry bureau*
  - Report, annual
- Entomology and plant quarantine bureau*
  - Report, annual
- Experiment station office*
  - Experiment station record, monthly
  - Report on agricultural experiment stations, annual
- Extension service*
  - Extension service review, monthly
- Food and drug administration*
- Forest service*
  - Report, annual
- Home economics bureau*
  - Report, annual
- Information office*
  - Report, annual
- Plant industry bureau*
- Public roads bureau*
  - Public roads, journal of highway research, monthly
  - Report, annual
- Soil conservation service*
  - Soil conservation, monthly
  - Report, annual
- Weather bureau*
  - Climatological data for U.S., monthly
  - Monthly weather review

## CIVIL SERVICE COMMISSION

- Official register of the U.S., annual, bound
- Report, annual

## COMMERCE DEPARTMENT

- Annual report of the Secretary of Commerce
- Air commerce bureau*
- The census bureau*
  - Decennial census
  - Biennial census of manufactures
  - Birth, stillbirth and infant mortality statistics, annual
  - Financial statistics of cities over 100,000, annual
  - Financial statistics of state and local governments, annual
  - Mortality statistics, annual
  - County and city jails, prisoners, annual
  - Prisoners in state and federal prisons, annual
- Coast and geodetic survey*
  - Special publications
- Fisheries bureau*
  - Bulletin
  - Fishery circular
  - Investigational report

*Foreign and domestic commerce bureau*

Domestic commerce series  
 Survey of current business  
 Foreign commerce and navigation, bound, annual  
 Monthly summary of foreign commerce  
 Commerce reports, weekly  
 Statistical abstract, annual  
 Trade information bulletin  
 Trade promotion series

*Lighthouses bureau**National bureau of standards*

Circular  
 Journal of research, monthly  
 Technical news bulletin, monthly

*Navigation and steamboat inspection bureau*

Merchant marine statistics, annual  
 Merchant vessels of the United States, annual

*Patent office*

Official gazette, weekly  
 Index of trademarks, annual  
 Index of patents, annual

*Shipping board bureau*

Shipping board bureau reports

## CONGRESS

Congressional record, bound  
 Congressional directory, bound  
 Statutes at large, bound  
 Code of laws and supplements, bound

*House of representatives*

Journal, bound  
 Documents, bound  
 Reports, bound

*Senate*

Journal, bound  
 Documents, bound  
 Reports, bound

## COURT OF CLAIMS

Report of cases decided

## COURT OF CUSTOMS AND PATENT APPEALS

Reports (decisions), bound

## DISTRICT OF COLUMBIA

Reports of the various departments of the local government

## EMPLOYEES' COMPENSATION COMMISSION

Annual report

## FARM CREDIT ADMINISTRATION

Annual report

## FEDERAL COMMUNICATIONS COMMISSION

Annual report

## FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS

## FEDERAL HOME LOAN BANK BOARD

Federal home loan bank review, monthly

## FEDERAL HOUSING ADMINISTRATION

Annual report

## FEDERAL POWER COMMISSION

Annual report

## FEDERAL RESERVE SYSTEM

Federal reserve bulletin, monthly  
 Annual report

## FEDERAL TRADE COMMISSION

Annual report  
Decisions, bound

## GENERAL ACCOUNTING OFFICE

Decisions of comptroller-general, bound

## GOVERNMENT PRINTING OFFICE

Annual report  
*Documents office*  
Documents catalog, biennial  
Monthly catalog

## INTERIOR DEPARTMENT

Annual report  
Decisions  
*Education office*  
Bulletin  
Pamphlet series  
School life, monthly except July and August  
Vocational education bulletin  
*General land office*

*Geological survey*  
Bulletin  
Professional paper  
Water supply papers

*Mines bureau*  
Bulletin  
Minerals yearbook  
Technical paper

*National Park Service*

*Reclamation bureau*  
Reclamation era, monthly

## INTERSTATE COMMERCE COMMISSION

Annual report  
Annual report of statistics on railways  
Interstate commerce commission reports (decisions), bound

## JUSTICE DEPARTMENT

Annual report of the Attorney General  
Opinions of the Attorney General  
*Prisons bureau*  
Federal offenders, annual

## LABOR DEPARTMENT

Annual report  
*Children's bureau*  
*Employment service*  
*Immigration and naturalization service*  
*Labor standards division*  
Bulletin  
Industrial health and safety series  
*Labor statistics bureau*  
Bulletin  
Monthly labor review  
*Women's bureau*  
Bulletin

## LIBRARY OF CONGRESS

Annual report, bound  
*Copyright office*  
Catalog of copyright entries  
*Documents division*  
Monthly checklist of state publications  
*Legislative reference service*  
State law index, biennial, bound

- NATIONAL ACADEMY OF SCIENCES  
Annual report
- NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS  
Annual report  
Bibliography of aeronautics, annual  
Technical reports
- NATIONAL ARCHIVES
- NATIONAL EMERGENCY COUNCIL  
United States government manual
- NATIONAL LABOR RELATIONS BOARD  
Decisions
- NATIONAL MEDIATION BOARD  
Annual Report
- NATIONAL RESOURCES BOARD  
Report
- NAVY DEPARTMENT  
Annual report of the Secretary of the navy  
*Engineering bureau*  
*Marine corps*  
*Medicine and surgery bureau*  
Naval medical bulletin, quarterly  
Annual report of the surgeon general  
*Naval war college*  
International law situations, annual, bound  
*Navigation bureau*  
Navy directory, quarterly  
Register, annual  
*Hydrographic office*  
Publications  
*Nautical almanac office*  
American ephemeris and nautical almanac, annual  
American nautical almanac, annual  
*Supplies and accounts bureau*  
Naval expenditures, annual
- POST OFFICE DEPARTMENT  
Postal guide, annual with monthly supplements  
Annual report of the Postmaster general  
*Postal savings system*  
Annual report
- PRESIDENT OF THE UNITED STATES  
Addresses, messages
- RECONSTRUCTION FINANCE CORPORATION  
Report, quarterly
- SECURITIES AND EXCHANGE COMMISSION  
Decisions  
Annual report
- SMITHSONIAN INSTITUTION  
Report, annual  
*Ethnology bureau*  
Annual report  
Bulletin  
*National museum*  
Report, annual

## STATE DEPARTMENT

- Arbitration series
- Conference series
- Executive agreement series
- Foreign relations, annual, bound
- Latin American series
- Press releases weekly
- Territorial papers of the United States, bound
- Treaty series
- Treaty information bulletin, monthly

## SUPREME COURT

- Official reports, bound

## TARIFF COMMISSION

- Annual report
- Miscellaneous series
- Reports

## TAX APPEALS BOARD

- Board of tax appeals reports

## TREASURY DEPARTMENT

- Annual report of the Secretary of the treasurer on the state of finances
- Combined statement of receipts, expenditures, balances, etc., annual
- Treasury decisions, bound
- Budget bureau*
  - Budget annual, bound
- Bookkeeping and warrants division*
  - Digest of appropriations, annual
- Coast guard*
  - Register, annual
- Comptroller of the currency*
  - Annual report
- Internal revenue bureau*
  - Internal revenue bulletin, weekly
  - Annual report of the commissioner of internal revenue
  - Statistics of income
- Mint bureau*
  - Annual report
- Narcotics bureau*
- Procurement division*
- Public health service*
  - National institute of health bulletin
  - Public health bulletin, irregular
  - Public health reports, weekly
  - Annual report
  - Veneral disease information, monthly

## VETERANS' ADMINISTRATION

- Annual report
- Medical bulletin, quarterly

## WAR DEPARTMENT

- Report of the secretary of war, annual
- Adjutant general's department*
  - Official army register, annual
  - Army list and directory, semi-annual
- Engineer department*
  - Report of the chief of engineers (incl. commercial statistics on water-borne commerce), annual
  - Rivers and harbors board. Port series
- General staff corps*
- Insular affairs bureau*
  - Annual report
- Medical department*
  - Report of the surgeon general, annual
- Military intelligence division*

*National guard bureau  
 Ordnance department  
 Quartermaster general  
 Signal office*

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*The Mexican Ambassador to the Secretary of State*

[TRANSLATION]

EMBASSY OF MEXICO  
 5444

WASHINGTON, D. C., *August 29, 1938.*

MR. SECRETARY:

I have the honor to refer to Your Excellency's kind note of June 3, 1938, and take pleasure in advising you that my Government has been pleased to authorize me to conclude with the United States Government an agreement on exchange of official publications, on the following bases:

1. The official department for the exchange on the part of Mexico is the Autonomous Press and Publicity Department. The official agency of exchange for transmission of the United States publications is the Smithsonian Institution.

2. The exchange sendings will be received, in the name of Mexico, by the Autonomous Press and Publicity Department; in the name of the United States, by the Library of Congress.

3. The United States Government will regularly furnish one copy of the official publications of its various departments, directorates, offices, and institutions. A list of such departments and agencies is attached (List No. 1). This list will include, without necessity of subsequent negotiations, any new office which the Government may create in the future.

4. The Government of Mexico will regularly furnish one copy of the official publications which are published, corresponding to its various secretariats, departments, directorates, offices, and institutions. A list is attached (List No. 2) of the publications which the Autonomous Press and Publicity Department publishes or plans to publish, which list is subject to the modifications which administrative necessities may impose, and will include, without necessity of subsequent negotiations, any new official publication which the Government may publish in the future.

5. With respect to the departments and agencies which at present do not issue any publications, and which have not been mentioned on the attached lists, it is understood that a copy of any publications which the said offices may issue in the future will be furnished.

6. Neither of the two Governments will be obliged by this agreement to furnish confidential publications, forms, or circulars which are not of public character.

7. Each of the parties concluding this agreement will pay the expenses of the mails, railways, vessels, and other expenses which originate in its own country.

8. Both parties express their desire to facilitate the promptness of their sendings as much as possible.

9. It is understood that this agreement will not modify the arrangements which already exist for the exchange of publications between various agencies of the Governments of both countries.

In accordance with Your Excellency's kind note to which I have been referring, I have the honor to advise you that the Government of Mexico understands that, upon the entrance into force of this agreement on exchange of official publications, the publications of the judicial branch of both Governments will also be included as well as the publications of any other branch of the said Governments.

In view of the foregoing and according to the last paragraph of Your Excellency's note of June 3, 1938, I beg Your Excellency to be pleased to consider that, on and after the date of receipt of this note, my Government is prepared to establish the exchange of official publications with the Government of the United States of America.

Please accept, Excellency, the assurances of my highest and most distinguished consideration.

F. CASTILLO NÁJERA  
*Ambassador*

His Excellency

Mr. CORDELL HULL,  
*Secretary of State.*

[LIST NO. 2]

LIST OF PUBLICATIONS WHICH THE GOVERNMENT OF MEXICO UNDERTAKES  
TO SEND IN EXCHANGE TO THE GOVERNMENT OF THE UNITED STATES

Política	(Pending)
Revista Jurídica	Monthly
Agricultura	Bimonthly
Irrigación en México	Monthly
Protección a la naturaleza	Monthly
Boletín del Departamento Forestal y de Caza y Pesca	Every four months
Boletín Jurídico Militar	Monthly
Revista del Ejército	Monthly
Revista Naval Militar	Monthly
Revista de Polo	Monthly
Boletín del Instituto de Higiene	Irregular
Sociedades y Crédito	(Pending)
Revista de Estadística	Monthly
Revista de Industria	(Pending)
Revista de Ingeniería	Monthly
Revista de Educación	Monthly
Anales del Museo Nacional	Annual
Boletín del Museo Nacional	Quarterly

Boletín del Archivo General de la Nación	Monthly
Revista del Trabajo	Monthly
Revista de Hacienda	Monthly
Indicador Postal y Telegráfico	Monthly
Mercado Agrícola Ganadera	Weekly
Boletín de Aeronáutica	Irregular
El Soldado	Monthly
El Maestro Rural	Monthly
El Campesino	Monthly
Palomilla	Semimonthly
Mexican Art and Life	Quarterly
Educación Física	Monthly

## COMPENSATION FOR EXPROPRIATED LANDS

*Exchanges of notes at Washington November 9 and 12, 1938, and  
April 17 and 18, 1939*

*Entered into force November 12, 1938*

*Superseded April 2, 1942, by convention of November 19, 1941*<sup>1</sup>

53 Stat. 2442; Executive Agreement Series 158

*The Secretary of State to the Mexican Ambassador*

DEPARTMENT OF STATE

WASHINGTON

*November 9, 1938*

EXCELLENCY:

I have the honor to acknowledge the receipt of the note addressed by your Government on September 1 to Ambassador Daniels.<sup>2</sup>

Careful examination of that note discloses no grounds that would justify this Government in modifying the position set forth at length in my notes to you dated July 21 and August 22, 1938.<sup>2</sup> My Government must insist that the recognized rules of law and equity require the prompt payment of just compensation for property that may be expropriated. Therefore, inasmuch as my Government remains convinced of the basic soundness of its position, buttressed as it is by law and justice, and in view of the scope and content of our recent conversations, in the course of which you informed me of the policy of your Government and of the desire of the Government of Mexico, which is similar to the desire of the Government of the United States, to settle all difficulties which may arise between the two Governments in a spirit of friendship and of equity, further discussion of the note under reference seems unnecessary.

My Government has a particular desire to safeguard friendship with Mexico not only because Mexico is one of its nearest neighbors but on account of the many ways in which ever improving relations, in the fullest sense, between the two countries could be complementary and mutually beneficial. It has, therefore, spared no effort to arrive at prompt, friendly and satisfactory solutions of problems as they arose. It was in this spirit that last November my Government urged, in accordance with the principle of just compensation,

<sup>1</sup> TS 980, *post*, p. 1059.

<sup>2</sup> For text, see *Compensation for American-Owned Lands Expropriated in Mexico*, Department of State publication 1288 (U.S. Government Printing Office, 1939), p. 31.

the desirability of a comprehensive agreement providing for the compensation of the American citizens whose properties had been seized by the Mexican Government. It is in that same spirit that I have given every attention to the proposals of your Government which you recently communicated to me. Based upon them, my Government would be willing to agree to the plan proposed hereafter which, if acceptable to your Government, would resolve at once the present controversy, in so far as it relates to compensation for American-owned agrarian properties seized since August 30, 1927, that if continued must seriously impair the friendly relations between the two countries. It is also in this same spirit that I earnestly commend it to the favorable consideration of your Government.

One: Both our Governments are in accord that the values of the American-owned agrarian properties expropriated since August 30, 1927, be determined by a Commission composed of one representative of each of our Governments, and in case of disagreement, by a third person selected by the Permanent Commission with seat at Washington, as established by the so-called Gondra Treaty.<sup>3</sup>

Two: My Government proposes (a) that the two commissioners be appointed by their respective Governments at once; (b) that they hold their first meeting in the City of Mexico on the first day of December 1938; (c) that each Government bear the entire expense of the salaries, maintenance, transportation, and incidentals of its commissioner and his staff and that any expense incurred jointly, as for instance in connection with airplane travel, be shared equally.

Three: My Government believes it important, and understands that your Government is in accord in this regard, that a time limit be established for the completion of the work of the commissioners. It is therefore proposed that the commissioners be instructed that they must complete the determinations of value by not later than May 31, 1939. If during the course of the deliberations of the two commissioners they are unable to reach a common finding upon the matters submitted to them for their joint determination, my Government proposes that the Permanent Commission at Washington be requested to appoint immediately the third commissioner in order that he may resolve the matters upon which the two Governments' commissioners are unable to agree. It is further proposed that in case of disagreement in any particular case, the representative appointed by the Permanent Commission be requested to render his award within not more than two months from the time the case is submitted to him. The salaries and expenses of the third commissioner will be defrayed in equal proportions by the two Governments.

Four: The adequate and effective measure of compensation to be paid in each case shall be determined in the usual manner by taking into consideration, among other pertinent factors, the establishment of the nationality of

<sup>3</sup> Treaty signed at Santiago May 3, 1923 (TS 752, *ante*, vol. 2, p. 413).

the claimant, the legitimacy of his title, the just value of the property expropriated, the fair return from the property of which claimant has been deprived between the time of expropriation and the time of receiving compensation, as well as such other facts as in the opinion of the commissioners should be taken into account in reaching a determination as to compensation.

Five: It is my understanding that the Mexican Government will pay the sum of \$1,000,000 United States currency as first payment of the indemnities to be determined by the Commission to which this note refers, and that this payment will be made to the Government of the United States on or before May 31, 1939.

It is my further understanding that immediately subsequent to the determination by the Commission of the final valuation, in accordance with the procedure indicated in numbered paragraph Four of this note, of American-owned agrarian properties as defined in numbered paragraph One, the two Governments will reach an agreement as to the amounts to be paid to the Government of the United States by the Government of Mexico annually for the account of such claims in the years subsequent to the year 1939. As the basis for such agreement there will be taken into consideration such statement of its ability to pay as may be demonstrated by the Government of Mexico. The Government of Mexico, I understand, agrees that the annual payments to be made by it to the Government of the United States subsequent to the year 1939 for the account of these claims will in no event be less than \$1,000,000 United States currency, and that such payments will be made on June 30 of the corresponding year.

In view of our recent conversations I have every confidence that the foregoing proposals will prove acceptable to Your Excellency's Government. I shall await with interest Your Excellency's response to the suggestions made.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL

His Excellency

Señor Dr. Don FRANCISCO CASTILLO NÁJERA,  
*Ambassador of Mexico.*

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*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY FOR FOREIGN AFFAIRS  
UNITED MEXICAN STATES  
MEXICO

511284

MEXICO, *November 12, 1938*

MR. AMBASSADOR:

I have the honor to acknowledge receipt of the note dated November 9, 1938, addressed by His Excellency Secretary of State Cordell Hull to the Ambassador of Mexico in the United States of America, Dr. Francisco Castillo

Nájera, in which the Government of Your Excellency, while maintaining its opinion that the recognized principles of law and equity require the immediate payment of just compensation for expropriated properties, makes known its readiness to agree to a plan which, based on the proposals of my Government, may apply to the consideration and payment of agrarian expropriations (*afectaciones*) subsequent to 1927.

The Government of Mexico, in its turn, while reaffirming its conviction that it has not acted contrary to the rules and principles of international law, of justice and equity, by the enactment and application of its agrarian legislation, is in agreement with the plan presented and takes pleasure in recognizing that the sentiments of cordial friendship which unite our two countries have in the end prevailed over differences of a technical and juridical order.

As was proposed in my note to your Government on August 3 of the current year, my Government agrees that the value of the expropriated lands shall be established by a commission consisting of a representative of each Government, and that cases of disagreement between these representatives shall be decided by a third person designated by the Permanent Commission, established by the Gondra Pact, which has its seat in Washington, notwithstanding the fact that, in this instance, it is not a matter of an investigating commission, an express function assigned that commission in the said pact.

My Government agrees, likewise, in conformity with its original intention, that the representatives of the two Governments shall be immediately designated and that their first meeting shall take place in the City of Mexico on the 1st day of December of the present year. Outlays for emoluments, travel, and other expenditures, both of the representatives and of the persons assisting them in their work, shall be defrayed by the respective Government. The two Governments shall each pay one-half of the expenses incurred jointly.

Likewise, the emoluments which are to be paid to the third person referred to shall be shared equally, as proposed by your Government, by Mexico and the United States.

My Government expressly declares that it agrees that the representatives designated be instructed to the effect that their work of evaluation be concluded in May 1939, and that the cases of disagreement be submitted to the consideration of the third person, who will likewise be requested to render his decision within a period of not more than 2 months, counting from the date on which his intervention has been requested.

The Government of Mexico understands that the commissioners, in proceeding to make the respective evaluation, shall take into account, among other pertinent facts, the establishment of the nationality of the claimant, the legality of his title to enter a claim, and the last fiscal valuation prior to the expropriation.

Respecting the manner of payment of the corresponding indemnifications, my Government will pay the amount of one million dollars in the month of May 1939.

My Government is agreed that, once the representatives fix the amount of the indemnifications, the Governments shall agree upon the annual amount which the Government of Mexico shall pay to that of the United States, in the years subsequent to 1939, on the claims in question. In the determination of the said annual payments, the economic possibilities of Mexico shall be taken into account. My Government agrees, forthwith, that the annual amounts which must be paid to the United States Government shall not be less than one million dollars, United States currency, and, lastly, my Government agrees that the payments shall be made on the 30th day of June of each year.

The Government of Mexico deems it necessary to have it understood that the decisions reached by the representatives designated shall in no case extend beyond evaluation of the lands expropriated and the modalities of payment of the amount determined; that they shall not constitute a precedent, in any case nor for any reason; neither shall they decide the juridical principles maintained by the two Governments and applicable to the matter in question.

The Government of Mexico is pleased to recognize that, in formalizing this arrangement, it has been able, on the one hand, to show, as was expressed in the note to which I reply, its especial desire to safeguard its friendship with the United States, because of the mutual benefits which this reciprocal sentiment represents for both countries, and to carry out, on the other hand, the mandates of the agrarian legislation, an expression of our traditional policy, which, on being interpreted by the President of the Republic, was supported, formally, by the National Legislative Body in the reply given to the message from the Executive by the President of the Congress of the Union at the opening of the period of sessions on September 1, last.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

EDUARDO HAY

His Excellency

Mr. JOSEPHUS DANIELS,  
*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
City.*

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*The American Chargé d'Affaires ad interim to the Minister of Foreign  
Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

No. 3540

México, D. F., April 17, 1939

EXCELLENCY:

I have the honor to refer to the exchange of notes of November 9 and November 12, 1938 between Your Excellency's Government and my Government on the subject of agrarian claims.

In view of the very limited time now remaining within the period originally contemplated for the examination and evaluation of all the agrarian claims, it would seem that the period of time for the filing of claims might usefully be extended to July 31, 1939 and the period for the adjudication of claims might be extended to November 30, 1939. It would also seem that both periods might be further extended, if necessary, particularly since, under the provisions of the notes just mentioned, Mexico will obviously have a period of years in which to complete payments.

It would be understood that the extension of time would be without prejudice to any other aspect of the agreement of November 9–November 12, 1938.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

PIERRE DE L. BOAL  
*Chargé d'Affaires ad interim*

His Excellency  
Señor General EDUARDO HAY,  
*Minister for Foreign Affairs,*  
*México, D. F.*

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*The Minister of Foreign Affairs to the American Chargé d'Affaires ad interim*

[TRANSLATION]

MINISTRY FOR FOREIGN AFFAIRS  
UNITED MEXICAN STATES  
MEXICO

54133

MEXICO, *April 18, 1939*

MR. CHARGÉ D'AFFAIRES:

I am replying to your courteous note of the 17th instant, in which you state that—in view of the very limited time now remaining for the examination and evaluation of the agrarian claims of American citizens by the Commissioners of Mexico and the United States in the terms of the agreement concluded by means of the notes exchanged on November 9th and 12th 1938—you consider that both the period for the presentation of the claims and that for the deciding of them might usefully be extended.

My Government expresses, once more, its known desire that these matters be definitively settled and, animated by such purpose, it accedes, at once, to the request which you make in the note under acknowledgment, and agrees that the period for the filing of claims before the Commissioners of both countries shall be extended to July 31st of this year, and, from this latter date to November 30th next, there be established a period for the deciding of the amount to cover the claims presented.

I avail myself of this opportunity to renew to you the assurances of my very courteous and distinguished consideration.

EDUARDO HAY

PIERRE DE L. BOAL, Esquire,  
*Chargé d'Affaires of the  
United States of America,  
City.*

## EXTRADITION

*Convention signed at México August 16, 1939, supplementing convention of February 22, 1899, as supplemented and amended*  
*Senate advice and consent to ratification November 26, 1940*  
*Ratified by the President of the United States December 20, 1940*  
*Ratified by Mexico January 28, 1941*  
*Ratifications exchanged at México February 17, 1941*  
*Proclaimed by the President of the United States April 4, 1941*  
*Entered into force April 14, 1941*

55 Stat. 1133; Treaty Series 967

### SUPPLEMENTARY EXTRADITION CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES

The United States of America and the United Mexican States being desirous of enlarging the list of crimes on account of which extradition may be granted under the agreements concluded between the two countries on February 22, 1899,<sup>1</sup> June 25, 1902,<sup>2</sup> and December 23, 1925,<sup>3</sup> with a view to the better administration of justice and the prevention of crimes in their respective territories and jurisdictions, have resolved to conclude a supplementary Convention for this purpose and have appointed as their plenipotentiaries, to wit:

The President of the United States of America:

Hon. Josephus Daniels, Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico; and

The President of the United Mexican States:

General Eduardo Hay, Secretary of State and of Foreign Affairs.

Who, after having exhibited to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

#### ARTICLE I

The High Contracting Parties agree that the following crime is added to the list of crimes numbered 1 to 21 in the second Article of the Treaty of

<sup>1</sup> TS 242, *ante*, p. 900.

<sup>2</sup> TS 421, *ante*, p. 918.

<sup>3</sup> TS 741, *ante*, p. 955.

Extradition concluded between the United States and Mexico on the 22d of February, 1899, and to the crime designated in the Supplementary Extradition Convention concluded between the two countries on the 25th of June, 1902, and to the crimes designated in the Supplementary Extradition Convention concluded between the two countries on the 23d of December, 1925; that is to say:

26. Extradition shall also take place for participation in any of the crimes before referred to as an accessory before or after the fact; provided such participation be punishable by the laws of both the High Contracting Parties.

#### ARTICLE II

The present Convention shall be considered as an integral part of the said Extradition Treaty of the 22d of February, 1899, and it is agreed that the paragraph or crime added by the present Convention shall be applied when cases arise to all the crimes listed in that treaty and to the further crimes added by the said Supplementary Extradition Conventions of the 25th of June, 1902 and the 23d of December, 1925, respectively.

#### ARTICLE III

The present Convention shall be ratified and the ratifications shall be exchanged at Mexico City as soon as possible. It shall go into force ten days after its publication in conformity with the laws of the High Contracting Parties, such period to be computed from its publication in the country last publishing, and it shall continue and terminate in the same manner as the said Treaty of February 22, 1899.

In testimony whereof the respective Plenipotentiaries have signed the present Convention in duplicate, and have hereunto affixed their seals.

Done in duplicate at Mexico City, in the English and Spanish languages, this sixteenth day of August one thousand nine hundred and thirty-nine.

JOSEPHUS DANIELS [SEAL]

EDUARDO HAY [SEAL]

## RADIOBROADCASTING

*Exchange of notes at México August 24 and 28, 1940*

*Entered into force March 29, 1941*

*Terminated March 29, 1949*<sup>1</sup>

54 Stat. 2483; Executive Agreement Series 196

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

DEPARTMENT OF FOREIGN RELATIONS  
UNITED MEXICAN STATES  
MEXICO CITY

56248

MEXICO CITY, *August 24, 1940*

MR. AMBASSADOR:

With reference to the relevant antecedents, I have the honor to communicate to Your Excellency that the Government of Mexico is in accord that when the North American Regional Broadcasting Agreement becomes effective a Gentleman's Agreement shall be put into force relative thereto, the text of which is as follows:

A. The United States agrees to protect the following Mexican Class 1-A stations having frequencies of 730 kilocycles, 800 kilocycles, 900 kilocycles, 1570 kilocycles.

B. On 1220 kilocycles, the United States may assign a station in the Detroit, Michigan, area with a directional antenna that will direct the signal to the northward and protect the Mexican station's coverage in the United States as much as possible.

C. On 1050 kilocycles, the United States is permitted to assign a station in the New York, N.Y., area with a directional antenna that will direct the signal toward the northeast and protect the Mexican station's coverage in the United States as much as possible.

D. Mexico has the privilege of changing the location of its Class 1-A stations provided they are not closer to the United States border than specified in the North American Regional Broadcasting Agreement.

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<sup>1</sup> Upon expiration of North American Regional Broadcasting Agreement signed at Havana Dec. 13, 1937 (TS 962, *ante*, vol. 3, p. 503).

E. Reciprocally, Mexico agrees not to assign any stations on the following United States Class 1-A frequencies: 700 kilocycles, 720 kilocycles, 1120 kilocycles, and 1210 kilocycles.

F. Mexico and the United States to permit day-time Class II stations with a power not in excess of 1 kilowatt on the channels they agree to protect, provided that the signal from these stations shall not exceed 5 microvolts per meter ground wave results at any place on the Mexico-United States border. By day-time stations is meant that no operation is permitted between sunset and sunrise at the location of the transmitter of the Class II stations.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

EDUARDO HAY

His Excellency JOSEPHUS DANIELS  
*Ambassador Extraordinary and Plenipotentiary  
 of the United States of America,  
 City.*

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*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
 UNITED STATES OF AMERICA

*Mexico, August 28, 1940*

No. 4685

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's courteous note no. 56248 of August 24, 1940 and to communicate herein my Government's understanding of the agreement which was the subject of Your Excellency's note under acknowledgement, touching the questions of mutual interest to our Governments in relation to the North American Regional Broadcasting Agreement (the ratification by the Mexican Government having been deposited with the Cuban Government on March 29, 1940), which is as follows:

[For text of agreement, see lettered paragraphs of Mexican note, above.]

It is understood that this agreement shall enter into force when the North American Regional Broadcasting Agreement shall become effective.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

JOSEPHUS DANIELS

His Excellency  
 General EDUARDO HAY,  
*Minister for Foreign Affairs,  
 Mexico.*

## TRANSIT OF MILITARY AIRCRAFT

*Agreement signed at Washington April 1, 1941*

*Senate advice and consent to ratification April 3, 1941*

*Ratified by the President of the United States April 8, 1941*

*Ratified by Mexico April 15, 1941*

*Ratifications exchanged at Washington April 25, 1941*

*Entered into force April 25, 1941*

*Proclaimed by the President of the United States April 28, 1941*

55 Stat. 1191; Treaty Series 971

### AGREEMENT TO FACILITATE THE RECIPROCAL TRANSIT OF MILITARY AIRCRAFT

The Under Secretary of State of the United States of America, Sumner Welles, and the Ambassador Extraordinary and Plenipotentiary of Mexico, Dr. Francisco Castillo Nájera, the former appointed by the President of the United States, Franklin D. Roosevelt, and the latter by the President of Mexico, General Manuel Avila Camacho, after having communicated to each other their respective full powers, which were found to be in due and proper form, and following instructions from their Governments, declare: that both countries, the United States and Mexico, in view of the exceptional circumstances which have arisen from the present European conflict, and taking into consideration the necessity of ensuring conditions of maximum speed for the movements required in the defense of the American Continent in matters of aviation, and desirous of organizing a substantial and efficient collaboration by both countries in their task to defend the Americas, and with the highest regard for their juridical equality and respect for the sovereignty of both countries, have agreed to permit the reciprocal transit of military aircraft through their territories and territorial waters, pursuant to the following clauses:

FIRST. The mutual concessions which the High Contracting Parties grant each other under this Agreement, will be effective only for the duration of the present state of possible threats of armed aggression against either of them and, if so required, in the opinion of both Governments, by the needs of their mutual defense.

SECOND. In view of the resolutions of the Second Meeting of Ministers of Foreign Relations, held at Habana, the United States and Mexico will

grant free transit through their respective territories and territorial waters of military airplanes and seaplanes of the other country, without restrictions as to type, number, frequency of flights, personnel or material carried.

THIRD. Each Government agrees to give to the other, official notice, at least twenty-four hours in advance, of the departure from its territory of any such aircraft which it is desired shall fly over the territory of the other, and such notice shall specify the number and type of the aerial units, the flight routes, the land and sea airports on which the airplanes and seaplanes contemplate making regular landings, and the number of their crew and individuals carried.

FOURTH. The airplanes and seaplanes of each Government shall use only the routes previously determined by the other Government with regard to the flights over land and territorial waters of the latter. The Governments will also determine the regular landing places within their respective territorial boundaries.

The flights to which this Agreement refers, shall not be made until the routes and places referred to in the preceding paragraph shall have been designated.

FIFTH. Each Government assumes the obligation that none of its aircraft shall take more than 24 hours to transit the territory of the other, including the use of all land and sea airports within the latter's territory or territorial waters, except in case of *force majeure* when the stay may be prolonged for the time deemed necessary by the Government whose territory is being traversed.

SIXTH. Any military aircraft of one of the Contracting Parties, landing on any of the points designated for that purpose in the territory of the other Party, will have the right to be furnished only such fuel, food, provisions, etc., as the latter country may be willing to furnish according to its own legislation. But in no event shall an aircraft be denied fuel, food, provisions, supplies, etc., sufficient to enable it to reach the nearest source of supply within the jurisdiction of its own country.

SEVENTH. Each Government, within its own territory and by means of its own forces, shall protect the points designated on land or sea for the landing of aircraft. Should either Government be in need of material or equipment for this purpose which the other Government may be in a position to furnish, the matter shall form the subject of discussion and any material or equipment furnished shall be on such terms and conditions as may be agreed upon.

EIGHTH. Present conditions of possible threats of armed aggression against the American Continent will exist, in so far as the reciprocal concessions emanating from this Agreement are concerned, so long as the Governments of the United States and Mexico shall jointly deem them to exist; and it is expressly understood that the mere notification by one of the High

Contracting Parties to the other that it considers that the state of affairs that has brought about this Agreement has disappeared, will suffice for the complete termination of the concessions and obligations herein contained. Such notification may be given through the usual diplomatic channels, or direct by one Government to the other. Aircraft of either Party in transit at the time such unilateral notification is given shall have twenty-four hours within which to leave the territory of the other.

NINTH. This Agreement, when ratified by the Constitutional branch of each Government, will become effective as of the date of the exchange of ratifications, which shall take place in the city of Washington as soon as possible.

IN WITNESS WHEREOF, and with the powers hereinbefore stated, the Under Secretary of State of the United States of America and the Ambassador of Mexico, sign and cause their seals to be affixed to this Agreement, made in duplicate, in the English and Spanish languages, in the city of Washington, on the first day of April of the year nineteen hundred forty-one.

SUMNER WELLES [SEAL]  
*Under Secretary of State  
of the United States*

F. CASTILLO NÁJERA [SEAL]  
*Ambassador of Mexico*

## PLANTATION RUBBER INVESTIGATIONS

*Memorandum of agreement signed April 11, 1941*

*Entered into force April 11, 1941*

*Supplemented by memorandums of agreement of July 14, 1942,<sup>1</sup> and  
March 3, 4 and 29 and April 3, 1943<sup>2</sup>*

*Extended by agreement of July 10 and September 20, 1943<sup>3</sup>*

57 Stat. 1282; Executive Agreement Series 364

### MEMORANDUM OF AGREEMENT BETWEEN THE SECRETARIA DE AGRICULTURA Y FOMENTO OF THE UNITED MEXICAN STATES AND THE DEPARTMENT OF AGRICULTURE OF THE UNITED STATES OF AMERICA

The interest and desire of the Governments of the United Mexican States and of the United States of America in development of a source of crude rubber has already been expressed in previous correspondence and in active cooperative survey work. It is recognized by both Governments as a result of their studies and surveys that the development of a source of crude rubber must be based on the use of superior strains of *Hevea brasiliensis* if the industry is to be self-sustaining.

The representatives of the Secretaría de Agricultura y Fomento of the United Mexican States and those of the Department of Agriculture of the United States of America have consulted and tentatively selected two or three areas suitable for nurseries which can also serve as demonstration plots and centers for distribution of *Hevea brasiliensis*.

In order to make available the desirable strains of *Hevea brasiliensis* and to study and encourage the best methods of cultural practices, the following Memorandum is hereby agreed upon:

THE SECRETARIA DE AGRICULTURA Y FOMENTO OF THE UNITED MEXICAN STATES AGREES:

1. To maintain nurseries and experimental plots at its own expense, furnishing for this purpose fifty hectares of land for nurseries and one hundred hectares of land already planted with *Hevea brasiliensis* for experimental purposes in the region known as "El Palmar" in the State of Veracruz and in other places which may be selected in the future. To assign one or more

<sup>1</sup> EAS 364, *post*, p. 1067.

<sup>2</sup> EAS 364, *post*, p. 1125.

<sup>3</sup> 57 Stat. 1278; EAS 364.

agronomists or other trained representatives who will be responsible for the care and cultivation of said nurseries and experimental plots. With these representatives will cooperate the representatives of the Department of Agriculture of the United States of America in directing and educating the planters in all matters pertaining to the propagation, cultivation and preparation of *Hevea* rubber.

2. To formulate quarantine and other regulations designed to prevent the introduction into Mexico of rubber propagating materials, including seeds, trees and budwood from other countries, excepting such shipments as are duly certified to be free from noxious insects and contagious diseases.

3. To permit, upon request of the United States Department of Agriculture, the importation into or exportation from Mexico of all planting material (seeds, stumps, budwood) or rubber-producing plants which said Department may require for investigations herein contemplated or may desire to ship elsewhere, provided, however, that all such shipments, imports or exports shall be authorized by a duly qualified official of said Department.

4. To facilitate the entry into Mexico, free of all duties or other fees, of all property and materials needed in the proposed cooperative work. A like exemption from duties and fees shall be requested for the personal effects of all employees of the United States Department of Agriculture who are engaged in this cooperative work.

5. To prohibit redistribution of any selected strains of rubber trees furnished by the Department of Agriculture of the United States of America to the Secretaría de Agricultura y Fomento of the United Mexican States, to individuals, companies or other governments, except to those individuals, companies or governments who are willing to reciprocate by furnishing such similar material as they may have in their possession; this restriction shall be passed on to any other individual, company or government receiving material to prevent contravening the purpose of this restriction.

This restriction does not apply to extension work that is to be undertaken by the Government of Mexico to develop rubber plantations within the territory of the United Mexican States. Farmers receiving selected strains should, however, recognize the obligation of refraining from their transfer to other parties and of introducing in the plantations which they establish any other kind of rubber trees which have not previously been approved by the Secretaría de Agricultura y Fomento of the United Mexican States.

THE DEPARTMENT OF AGRICULTURE OF THE UNITED STATES OF AMERICA AGREES:

1. To furnish to the Secretaría de Agricultura y Fomento of the United Mexican States free of charge at its propagating stations or experimental fields, stocks of superior strains of the rubber tree now in its possession, as well as any additional strains collected on surveys or bred at its experiment stations, which, after test by it, are found to be superior. Such distribution will be made at as

early a date and in such quantity as may be possible in accordance with the facilities available for propagation and the equitable demands or requirements of other individuals, companies or governments cooperating in this work.

2. To supply to the Secretaría de Agricultura y Fomento of the United Mexican States such investigators and rubber specialists as may be necessary to advise and aid in the establishment of nurseries and the general development of the experimental work, including the direction and education of the planters in proper methods of propagation, planting, cultivation, thinning, tapping, preparation of rubber for market and other operations essential to the proper maintenance and productivity of their plantations. It will also conduct, in cooperation with the Secretaría de Agricultura y Fomento of the United Mexican States, field investigations on specific problems of rubber culture when necessary.

3. To make available for the benefit of the rubber industry in Mexico the results obtained in rubber investigations conducted by its Bureau of Plant Industry.

THE SECRETARIA DE AGRICULTURA Y FOMENTO OF THE UNITED MEXICAN STATES AND THE DEPARTMENT OF AGRICULTURE OF THE UNITED STATES OF AMERICA MUTUALLY AGREE:

1. That this agreement shall take effect immediately upon completion of the signature of the cooperating parties and shall expire on the thirtieth day of June, nineteen hundred and forty-one, but will renew itself automatically from year to year thereafter (not extending, however, beyond the thirtieth day of June, nineteen hundred and forty-three) provided there be no notification to the contrary from either party, which notification should be expressed in writing by a duly authorized representative, at least one month before the date upon which this agreement would otherwise expire.

2. That this agreement shall not be assigned in whole or in part; that no member or delegate to Congress of the United States of America, or resident commissioner thereof, after his election or appointment, and either before or after he has qualified, and no officer, agent or employee of the Government of the United States of America shall be admitted to any share or part of this agreement, or to any benefits to arise therefrom. The restriction contained in this paragraph shall also apply to the public representatives, officials, and employees of the Government of the United Mexican States.

MARTE R. GOMEZ  
*Secretario de Agricultura y Fomento  
de los Estados Unidos Mexicanos*

April 11, 1941

GROVER B. HILL  
*Assistant Secretary of Agriculture  
of the United States of America*

# EXPROPRIATION OF PETROLEUM PROPERTIES

*Exchange of notes at Washington November 19, 1941*

*Entered into force November 19, 1941*

*Terminated by agreement of September 25 and 29, 1943*<sup>1</sup>

55 Stat. 1554; Executive Agreement Series 234

*The Mexican Ambassador to the Secretary of State*

[TRANSLATION]

EMBASSY OF MEXICO

WASHINGTON, D.C., *November 19, 1941*

MR. SECRETARY:

I have the honor to refer to recent conversations I have had with Your Excellency with reference to compensating the nationals of the United States of America whose properties, rights or interests in the petroleum industry in the United Mexican States were affected by acts of expropriation or otherwise by the Government of Mexico subsequent to March 17, 1938.

It is my understanding that the following has been agreed upon:

1. Each of the Governments will appoint, within the thirty days following the date of this note, an expert whose duty it shall be to determine the just compensation to be paid the nationals of the United States of America whose properties, rights or interests in the petroleum industry in the United Mexican States were affected to their detriment by acts of the Government of Mexico subsequent to March 17, 1938. Nevertheless, the provisions of this note do not apply to properties, rights or interests which may have been included in any arrangement with respect to their purchase, transfer or indemnification concluded between their owners or possessors and the Government of the United Mexican States and, in consequence, the experts will exclude from their evaluation proceedings and reports said rights, interests and properties.

2. The designated experts will hold their first meeting in Mexico City within 15 days following the appointment last made by either Government. The later meetings and other activities of the experts will take place on the dates and at the places which the experts themselves determine within the periods contemplated by this agreement and they shall be held on Mexican territory.

<sup>1</sup> EAS 419, *post*, p. 1150.

3. Each Government shall designate such assistants as the respective experts may require to facilitate their labors.

4. The expenses of salaries, maintenance, transportation and other incidental expenditures of the experts and their assistants, will be met by the Government naming them. The joint expenses incurred during the proceedings of the experts shall be shared equally by the two Governments.

5. The experts shall at all times closely collaborate and cooperate in their evaluation proceedings. They may obtain directly such data and evidence as they may consider pertinent to forming their opinion, or receive them from the interested persons and institutions and from the Governments of Mexico and of the United States of America.

6. The experts shall have free access to all records in the possession of the Mexican Government, as well as to the oil fields, lands, installations, offices, buildings and any other properties whatsoever involved directly or indirectly in the evaluation. The United States expert, on the request of the Mexican expert, will ask the interested persons and institutions for pertinent evidence; when such request relates to evidence already submitted by such persons or institutions their refusal to comply with the request will bring into operation the applicable provision of paragraph 9.

7. As soon as one expert obtains or learns of any pertinent data, report, or evidence, he will inform the other. Either expert may request from the other the furnishing of any data, report or evidence which for any reason are available only to the other.

8. Within a period of two months, from the date of their first meeting, the experts shall obtain and receive all data, reports, and evidence; except that a further period of one month shall be allowed for the presentation by either expert of additional data, reports and evidence complementing, clarifying or rectifying the material obtained or received in the said period of two months.

9. The experts are required to examine and appraise all the proofs obtained directly or that may be submitted to them. They shall not take into account any specific evidence submitted *ex parte* when the person or institution submitting it refuses in connection with it to furnish pertinent complementary evidence requested by the United States expert, in accordance with the provisions of paragraph 6. The experts shall not take into account reasons of a technical nature in formulating their decisions—be these joint or those submitted in disagreement—but will fix adequate indemnities on the basis of common rules of justice and equity and will be guided by the value of the properties, rights or interests at the time they were affected by acts of the Government of Mexico provided that these properties, rights or interests had been acquired by nationals of the United States of America prior to March 18, 1938.

10. The experts shall complete their work within five months from the date of this note. If they are in accord regarding the amount of the compensation due to the affected United States nationals, they shall submit a joint report to the two Governments fixing exactly the indemnities upon which they agree. The experts shall formulate recommendations as to the manner and conditions of payment of the compensation.

11. The experts shall fix equitable interest upon the indemnity compensation they find due; this interest will apply from the date fixed by these experts up to the time of payment.

12. Both Governments agree to consider unappealable the joint report resulting from the agreement of the experts, and, in consequence, as definitive, the compensation and interest fixed in such report.

13. If, within the period indicated in paragraph 10, the experts are unable to reach agreement regarding the amount of just compensation, each one, within an additional period of one month, shall submit to his own Government a separate report specifying the compensations which he considers due.

14. In the event that the two experts fail to agree, and upon the expiration of the period specified in paragraph 13, the two Governments shall, within a period of one month, initiate diplomatic negotiations with a view to establishing the amount of the compensations to be paid.

15. If, within a period of five months from the date of initiation of diplomatic negotiations, as provided in paragraph 14, the two Governments do not agree upon the amount of compensation to be paid, the present agreement shall be without effect, and there shall be returned to the United Mexican States, at the request of the Government thereof, the amount deposited in accordance with the pertinent stipulation of the following paragraph.

16. The two Governments shall agree<sup>2</sup> upon the manner and conditions of payment of the compensation found to be due to the affected United States nationals under either of the two aforementioned procedures. Such payment shall, however, be completed within a period of not more than seven years.

The Government of Mexico will deliver today, as a deposit, to the Government of the United States of America, the sum of \$9,000,000 (NINE MILLION DOLLARS), United States currency, which sum shall be applied immediately on account of the compensation determined to be due.

17. The Government of the United States will facilitate negotiations between the Government of Mexico and representatives of such oil companies as may be interested in an agreement for the marketing of exports of Mexican petroleum products.

18. Nothing contained in this note shall be regarded as a precedent or

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<sup>2</sup> See agreement of Sept. 25 and 29, 1943 (EAS 419), *post*, p. 1150.

be invoked by either of the two Governments in the settlement, between them, of any future difficulty, conflict, controversy or arbitration. The action herein provided for is considered as singular and exceptional, appropriate solely to this case, and motivated by the character of the problem itself.

Accept, Excellency, the renewed assurances of my highest consideration.

F. CASTILLO NÁJERA  
*Ambassador*

His Excellency  
CORDELL HULL,  
*Secretary of State,*  
*etc., etc., etc.*

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*The Secretary of State to the Mexican Ambassador*

DEPARTMENT OF STATE  
WASHINGTON  
*November 19, 1941*

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's note of today's date, reading as follows:

[For text, see Mexican note, above.]

In reply, I have the honor to confirm the understanding we have reached as set forth in Your Excellency's note under reference.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL

His Excellency  
Señor Dr. Don FRANCISCO CASTILLO NÁJERA,  
*Ambassador of Mexico.*

## FINAL SETTLEMENT OF CERTAIN CLAIMS

*Convention signed at Washington November 19, 1941*

*Senate advice and consent to ratification January 29, 1942*

*Ratified by the President of the United States February 10, 1942*

*Ratified by Mexico February 12, 1942*

*Ratifications exchanged at Washington April 2, 1942*

*Entered into force April 2, 1942*

*Proclaimed by the President of the United States April 9, 1942*

*Final payment made by Mexico November 18, 1955*

56 Stat. 1347; Treaty Series 980

The United States of America and the United Mexican States, being desirous of effecting an amicable, expeditious and final adjustment of certain unsettled claims of the nationals of each country against the Government of the other country, without resort to methods of international arbitration for their adjudication, such as those established in prior agreements, have decided to conclude a Convention for that purpose, and to this end have named as their Plenipotentiaries:

The President of the United States of America:

Mr. Cordell Hull, Secretary of State of the United States of America; and

The President of the United Mexican States:

Dr. Francisco Castillo Nájera, Ambassador Extraordinary and Plenipotentiary of Mexico to the United States of America;

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

### ARTICLE I

The Government of the United Mexican States agrees to pay, and the Government of the United States of America agrees to accept, the sum of \$40,000,000.00 (forty million dollars, currency of the United States of America), as the balance due from the Government of the United Mexican States in full settlement, liquidation, and satisfaction of the following claims:

(a) All claims filed by the Governments of the United States of America and of the United Mexican States with the General Claims Commission,

established by the two countries pursuant to the Convention signed September 8, 1923;<sup>1</sup>

(b) All agrarian claims of nationals of the United States of America against the Government of the United Mexican States, which arose subsequent to August 30, 1927 and prior to October 7, 1940, including those referred to in the Agreement effected by exchange of notes signed by the Government of the United States of America and the Government of the United Mexican States on November 9 and 12, 1938,<sup>2</sup> respectively; and

(c) All other claims of nationals of either country, which arose subsequent to January 1, 1927 and prior to October 7, 1940, and involving international responsibility of either Government towards the other Government as a consequence of damage to, or loss or destruction of, or wrongful interference with the property of the nationals of either country.

## ARTICLE II

The Government of the United States of America and the Government of the United Mexican States agree that the following claims are not extinguished in consequence of the stipulations of this Convention:

(a) Claims of nationals of the United States of America against the Government of the United Mexican States, which arose subsequent to August 30, 1927, and are predicated upon acts of authorities of the United Mexican States in relation to petroleum properties, which claims are the subject of a special agreement;<sup>3</sup>

(b) Claims of nationals of the United Mexican States against the Government of the United States of America, which were formally presented to the Government of the United States of America by the Embassy of the United Mexican States in its note number 2705 of May 16, 1941;

(c) Claims of nationals of either country, predicated upon injuries essentially personal, which arose subsequent to January 1, 1927 and prior to the date of the signing of this Convention;

(d) Claims of the nationals of either country, of the character of those included in paragraphs (b) and (c) of Article I of this Convention, which arose subsequent to October 7, 1940 and prior to the date of the signing of this Convention; and

(e) Claims of nationals of the United States of America predicated upon default in the payment of the principal or of interest on bonds issued or guaranteed by the United Mexican States, which were not filed with the

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<sup>1</sup> TS 678, *ante*, p. 935.

<sup>2</sup> EAS 158, *ante*, p. 1038.

<sup>3</sup> Exchange of notes at Washington Nov. 19, 1941 (EAS 234, *ante*, p. 1055).

Commission established pursuant to the Convention signed September 8, 1923.

The claims included in paragraphs (b), (c), and (d) of this Article will be the subject of future agreements which the two Governments will conclude as soon as possible.

### ARTICLE III

The United States of America and the United Mexican States, in virtue of the stipulations of this Convention, reciprocally cancel, renounce, and hereby declare satisfied all claims, of whatsoever nature, of nationals of each country against the Government of the other, which arose prior to the date of the signing of this Convention, whether or not filed, formulated or presented, formally or informally, to either of the two Governments, except those claims which are included in Article II of this Convention.

The two Governments agree that, with respect to international obligations and rights of each Government towards the other, the stipulations of this Convention supersede the stipulations of the General Claims Convention signed September 8, 1923, and those of the Protocol signed April 24, 1934,<sup>4</sup> which refers to that Convention, and those of the Agrarian Claims Agreement effected by exchange of notes signed November 9 and 12, 1938.

### ARTICLE IV

There is credited against the sum of \$40,000,000.00 (forty million dollars, United States currency) mentioned in Article I of this Convention the sum of \$3,000,000.00 (three million dollars, United States currency), the total sum of payments made, prior to the signing of this Convention, to the Government of the United States of America by the Government of the United Mexican States pursuant to the Agreement in relation to agrarian claims, effected by the exchange of notes signed November 9 and 12, 1938. There shall also be credited the additional sum of \$3,000,000.00 (three million dollars, United States currency) which will be paid on the date of the exchange of ratifications of this Convention.

The balance of \$34,000,000.00 (thirty-four million dollars, United States currency) shall be paid by the Government of the United Mexican States to the Government of the United States of America at Washington, in annual instalments, beginning one year after the date of the signing of this Convention, of \$2,500,000.00 (two million, five hundred thousand dollars, United States currency) until the complete liquidation of this debt. The Government of the United Mexican States may, in its discretion, for the purpose of reducing the period for complete liquidation of the balance due, increase the amount of any of the annual instalments, or pay any such instalment or instalments in advance.

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<sup>4</sup> EAS 57, *ante*, p. 1008.

In consideration of the stipulations of this Convention it is agreed that the United Mexican States is relieved of the obligation to make further payments pursuant to the provisions of the Agreement in relation to agrarian claims effected by the exchange of notes signed November 9 and 12, 1938.

#### ARTICLE V

In the event of failure to pay any annual instalment, or instalments, when due, the United Mexican States shall pay interest at the rate of one per centum per annum on the amount of each such instalment, or instalments, from the date when the instalment, or instalments, became due up to the date of the payment.

#### ARTICLE VI

This Convention shall be ratified and shall become effective upon the exchange of ratifications which shall take place at Washington as soon as possible.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed and affixed their seals to this Convention.

DONE in duplicate, in English and Spanish, at Washington, this nineteenth day of November, 1941.

CORDELL HULL [SEAL]

F. CASTILLO NÁIERA [SEAL]

## LEND-LEASE

*Agreement signed at Washington March 27, 1942*

*Entered into force March 27, 1942*

*Replaced by agreement of March 18, 1943*<sup>1</sup>

1942 For. Rel. (VI) 485

Whereas the United States of America and the United Mexican States declare that in conformity with the principles set forth in the Declaration of Lima, approved at the Eighth International Conference of American States on December 24, 1938,<sup>2</sup> they, together with all the other American republics, are united in the defense of the Americas, determined to secure for themselves and for each other the enjoyment of their own fortunes and their own talents; and

Whereas the President of the United States of America, pursuant to the Act of the Congress of the United States of America of March 11, 1941,<sup>3</sup> and the President of the United Mexican States have determined, that the defense of each of the American republics is vital to the defense of all of them; and

Whereas the United States of America and the United Mexican States are mutually desirous of concluding an Agreement for the providing of defense articles and defense information by either country to the other country, and the making of such an Agreement has been in all respects duly authorized, and all acts, conditions and formalities which it may have been necessary to perform, fulfill or execute prior to the making of such an Agreement in conformity with the laws either of the United States of America or of the United Mexican States have been performed, fulfilled or executed as required;

The undersigned, being duly authorized for that purpose, have agreed as follows:

### ARTICLE I

The United States of America proposes to transfer to the United Mexican States under the terms of this Agreement armaments and munitions of war to a total value of about \$10,000,000.

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<sup>1</sup> *Post*, p. 1121.

<sup>2</sup> *Ante*, vol. 3, p. 534.

<sup>3</sup> 55 Stat. 31.

In conformity, however, with the Act of the Congress of the United States of America of March 11, 1941, the United States of America reserves the right at any time to suspend, defer, or stop deliveries whenever, in the opinion of the President of the United States of America, further deliveries are not consistent with the needs of the defense of the United States of America or the Western Hemisphere; and the United Mexican States similarly reserves the right to suspend, defer, or stop acceptance of deliveries under the present Agreement, when, in the opinion of the President of the United Mexican States, the defense needs of the United Mexican States or the Western Hemisphere are not served by continuance of the deliveries.

## ARTICLE II

Records shall be kept of all defense articles transferred under this Agreement, and not less than every ninety days schedules of such defense articles shall be exchanged and reviewed.

The Government of the United States of America agrees to accord to the Government of the United Mexican States a reduction of 52 percent in the scheduled cost of the materials delivered in compliance with the stipulations of the present Agreement; and the Government of the United Mexican States promises to pay in dollars into the Treasury of the United States of America 48 percent of the scheduled cost of the materials delivered. The United Mexican States shall not be required to pay more than a total of \$800,000 before July 1, 1943, more than a total of \$1,600,000 before July 1, 1944, more than a total of \$2,400,000 before July 1, 1945, more than a total of \$3,200,000 before July 1, 1946, more than a total of \$4,000,000 before July 1, 1947, or more than a total of \$4,800,000 before July 1, 1948.

## ARTICLE III

The United States of America and the United Mexican States, recognizing that the measures herein provided for their common defense and united resistance to aggression are taken for the further purpose of laying the bases for a just and enduring peace, agree, since such measures can not be effective or such a peace flourish under the burden of an excessive debt, that upon the payments above provided all fiscal obligations of the United Mexican States hereunder shall be discharged; and for the same purpose they further agree, in conformity with the principles and program set forth in Resolution XXV on Economic and Financial Cooperation of the Second Meeting of the Ministers of Foreign Affairs of the American Republics at Habana, July 1940,<sup>4</sup> to cooperate with each other and with other nations to negotiate fair and

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<sup>4</sup> For text, see *Department of State Bulletin*, Aug. 24, 1940, p. 141.

equitable commodity agreements with respect to the products of either of them and of other nations in which marketing problems exist, and to cooperate with each other and with other nations to relieve the distress and want caused by the war wherever, and as soon as, such relief will be succor to the oppressed and will not aid the aggressor.

#### ARTICLE IV

Should circumstances arise in which the United States of America in its own defense or in the defense of the Americas shall require defense articles or defense information which the United Mexican States is in a position to supply, the United Mexican States will make such defense articles and defense information available to the United States of America, to the extent possible without harm to its economy and under terms to be agreed upon.

#### ARTICLE V

The United Mexican States undertakes that it will not, without the consent of the President of the United States of America, transfer title to or possession of any defense article or defense information received under this Agreement, or permit its use by anyone not an officer, employee, or agent of the United Mexican States.

Similarly, the United States of America undertakes that it will not, without the consent of the President of the United Mexican States, transfer title to or possession of any defense article or defense information received in accordance with Article IV of this Agreement, or permit its use by anyone not an officer, employee, or agent of the United States of America.

#### ARTICLE VI

If, as a result of the transfer to the United Mexican States of any defense article or defense information, it is necessary for the United Mexican States to take any action or make any payment in order fully to protect any of the rights of any citizen of the United States of America who has patent rights in and to any such defense article or information, the United Mexican States will do so, when so requested by the President of the United States of America.

Similarly, if, as a result of the transfer to the United States of America of any defense article or defense information, it is necessary for the United States of America to take any action or make any payment in order fully to protect any of the rights of any citizen of the United Mexican States who has patent rights in and to any such defense article or information, the United States of America will do so, when so requested by the President of the United Mexican States.

## ARTICLE VII

This Agreement shall continue in force from the date on which it is signed until a date agreed upon between the two Governments.

Signed and sealed in the English and Spanish languages, in duplicate, at Washington, this twenty-seventh day of March, 1942.

For the United States of America:

SUMNER WELLES [SEAL]

*Acting Secretary of State of the United States of America*

For the United Mexican States:

F. CASTILLO NÁJERA [SEAL]

*Ambassador Extraordinary and Plenipotentiary of the United Mexican States at Washington*

## PLANTATION RUBBER INVESTIGATIONS

*Memorandum of agreement signed at México July 14, 1942, supplementing memorandum of agreement of April 11, 1941*  
*Entered into force July 14, 1942*

57 Stat. 1288; Executive Agreement Series 364

### SUPPLEMENTARY MEMORANDUM TO THE AGREEMENT BETWEEN THE SECRETARÍA DE AGRICULTURA Y FOMENTO OF THE UNITED MEXICAN STATES AND THE DEPARTMENT OF AGRICULTURE OF THE UNITED STATES OF AMERICA

1. Under the terms of the existing Memorandum of Agreement between the Secretaría de Agricultura y Fomento, Mexico, and the Department of Agriculture, United States of America, dated April 11, 1941,<sup>1</sup> more than a million locally produced and imported seeds of *Hevea brasiliensis* and several thousand imported trees budded to high-yielding clones of *Hevea* have been planted in nurseries of the central rubber experiment station, El Palmar, Veracruz, established in 1941 for rubber plant research and practical development of a *Hevea* rubber plantation industry in Mexico. It is estimated that during the next twelve months about a quarter of a million trees budded to the improved clones of *Hevea* will be available at El Palmar. The project has been notably successful to the present date and with a rapidly expanding volume of valuable plant material it is necessary to make definite plans for the best use of the plant material and of the experience that has been gained, in order to further insure achievement of a self-sustaining commercial rubber industry.

2. The time has now arrived for taking the second essential step toward development of the industry, namely the establishing of government demonstration plantations to serve as proving grounds for the trees and plantation procedure and as augmented sources of improved budded trees for small farms and other commercial operations.

3. Accordingly, as soon as practicable the Mexican government will acquire five tracts of suitable land on which the best growth of *Hevea* may be expected, each tract containing not less than 300 hectares, for the purpose of developing demonstration plantations. The lands will be selected by a

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<sup>1</sup> EAS 364, *ante*, p. 1052.

joint committee representing the Dirección General de Agricultura, Secretaría de Agricultura of Mexico and the Bureau of Plant Industry, United States Department of Agriculture. In order to prepare in advance for the reception and planting of the budded nursery trees mentioned in paragraph 1, the Mexican Government will proceed to develop the five tracts of land at the appropriate time, dictated by the stage of growth of the nursery trees, and will bear the cost of such development.

4. The United States Department of Agriculture will provide the additional technical and supervisory assistance necessary in proportion to the augmented scope of work now proposed, and will continue to supply budwood, budded stumps and other plant materials as improved strains of *Hevea* and other plants are developed by breeding and selection at the several cooperative stations in tropical America.

5. The development of this program is contingent upon appropriation of money for the purpose by the Congresses of the United Mexican States and the United States of America for the fulfillment of the respective obligations of the signatories.

MARTE R. GOMEZ

*Secretario de Agricultura y Fomento  
de los Estados Unidos Mexicanos*

Julio 14, 1942

CLAUDE R. WICKARD

*Secretary of Agriculture of the  
United States of America*

July 14, 1942

## MIGRATORY WORKERS

*Exchange of notes at México August 4, 1942, with recommendations  
signed at México July 23, 1942*

*Entered into force August 4, 1942*

*Replaced by agreement of April 26, 1943*<sup>1</sup>

56 Stat. 1759; Executive Agreement Series 278

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

DEPARTMENT OF FOREIGN RELATIONS  
UNITED MEXICAN STATES  
MEXICO CITY

No. 312

MEXICO, D.F., August 4, 1942

MR. AMBASSADOR:

I have the honor to refer to the matter presented by the Embassy worthily in Your Excellency's charge regarding the possibility that the Government of Mexico authorize the departure of Mexican workers for the United States and the conditions under which such emigration can be effected.

This Department considers itself under the obligation, first of all, of pointing out the importance for the country at the present moment of conserving intact its human material, indispensable for the development of the program of continental defense to which the Government of Mexico is jointly obligated and in which, by very urgent recommendation of the Head of the Executive Power, the intensification of activities and especially agricultural production take first rank. Nevertheless, the need for workers which exists in some parts of the United States having been laid before the President of the Republic himself, and the First Magistrate, being desirous of not scanting the cooperation which he has been offering to the Government worthily represented by Your Excellency in the measure that the Nation's

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<sup>1</sup> EAS 351, *post*, p. 1129.

resources permit, has been pleased to decide that no obstacles be placed in the way of the departure of such nationals as desire to emigrate, temporarily, for the performance of the tasks in which their services may be required and that no other essential conditions be fixed than those which are required by circumstances and those established by legal provisions in force in the two countries.

For the purpose of determining the scope of this matter it was agreed, as Your Excellency is aware, to treat it as a matter between States, and in order to examine it in all its aspects, it was deemed necessary to hold a meeting of Mexican and American experts, who have just completed their task, having already submitted the recommendations which they formulated and which, duly signed, are sent enclosed with this communication.<sup>2</sup>

The conclusions in reference have been examined with all care, and the Government of Mexico gives them its full approval. I beg Your Excellency to be good enough to take steps that the Government of the United States of America may, if it sees fit, do likewise, in order that this matter may be concluded and that the proper instructions may be issued, consequently, to the various official agencies which are to intervene therein, and in this way the arrangement which has been happily arrived at may be immediately effective.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

E. PADILLA

His Excellency

GEORGE S. MESSERSMITH,

*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
City*

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*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

MEXICO, August 4, 1942

No. 503

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's Note No. 312 of August 4, 1942, regarding the temporary migration of Mexican workers to the United States to engage in agricultural work, the subject matter of which was presented by the Embassy some days ago.

Due note has been taken of the considerations expressed in Your Excellency's Note under acknowledgment with respect to the maintenance of

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<sup>2</sup> For English text of recommendations, see p. 1071.

indispensable labor within the Republic of Mexico for the development of the Continental Defense Program, especially agricultural production, to which the Government of Mexico is committed. My Government is fully conscious of these commitments and at the same time is deeply appreciative of the attitude of His Excellency President Manuel Avila Camacho for the sincere and helpful manner in which he has extended the cooperation of the Government of Mexico within the resources of the nation to permit Mexican nationals temporarily to emigrate to the United States for the purpose of aiding in our own agricultural production.

In order to determine the scope of the conditions under which Mexican labor might proceed to the United States for the purpose set forth above, it was agreed that the negotiations should be between our two Governments, and Your Excellency was kind enough to arrange for the meeting of Mexican and American representatives to submit recommendations which they have duly completed. Your Excellency was good enough to enclose a copy of these recommendations in the Spanish with your Note under reference.

My Government accepts these recommendations as a satisfactory arrangement, and I am authorized to inform Your Excellency that my Government will place this arrangement in effect immediately, and in confirmation thereof I attach hereto the English text of the arrangement as agreed upon.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

GEORGE S. MESSERSMITH

Enclosure

His Excellency

Señor Lic. EZEQUIEL PADILLA  
*Minister for Foreign Affairs,  
Mexico.*

[ENCLOSURE]

In order to effect a satisfactory arrangement whereby Mexican agricultural labor may be made available for use in the United States and at the same time provide means whereby this labor will be adequately protected while out of Mexico, the following general provisions are suggested:

1) It is understood that Mexicans contracting to work in the United States shall not be engaged in any military service.

2) Mexicans entering the United States as a result of this understanding shall not suffer discriminatory acts of any kind in accordance with the Executive Order No. 8802 issued at the White House June 25, 1941.<sup>3</sup>

<sup>3</sup> 6 Fed. Reg. 3109.

3) Mexicans entering the United States under this understanding shall enjoy the guarantees of transportation, living expenses and repatriation established in Article 29 of the Mexican Labor Law.

4) Mexicans entering the United States under this understanding shall not be employed to displace other workers, or for the purpose of reducing rates of pay previously established.

In order to implement the application of the general principles mentioned above the following specific clauses are established.

(When the word "employer" is used hereinafter it shall be understood to mean the Farm Security Administration of the Department of Agriculture of the United States of America; the word "sub-employer" shall mean the owner or operator of the farm or farms in the United States on which the Mexican will be employed; the word "worker" hereinafter used shall refer to the Mexican farm laborer entering the United States under this understanding.)

#### CONTRACTS

a. Contracts will be made between the employer and the worker under the supervision of the Mexican Government. (Contracts must be written in Spanish.)

b. The employer shall enter into a contract with the sub-employer, with a view to proper observance of the principles embodied in this understanding.

#### ADMISSION

a. The Mexican health authorities will, at the place whence the worker comes, see that he meets the necessary physical conditions.

#### TRANSPORTATION

a. All transportation and living expenses from the place of origin to destination, and return, as well as expenses incurred in the fulfillment of any requirements of a migratory nature shall be met by the employer.

b. Personal belongings of the workers up to a maximum of 35 kilos per person shall be transported at the expense of the employer.

c. In accord with the intent of Article 29 of the Mexican Federal Labor Law, it is expected that the employer will collect all or part of the cost accruing under (a) and (b) of transportation from the sub-employer.

#### WAGES AND EMPLOYMENT

a. (1) Wages to be paid the worker shall be the same as those paid for similar work to other agricultural laborers in the respective regions of destination; but in no case shall this wage be less than 30 cents per hour (U.S.

currency); piece rates shall be so set as to enable the worker of average ability to earn the prevailing wage.

a. (2) On the basis of prior authorization from the Mexican Government salaries lower than those established in the previous clause may be paid those emigrants admitted into the United States as members of the family of the worker under contract and who, when they are in the field, are able also to become agricultural laborers but who, by their condition of age or sex, cannot carry out the average amount of ordinary work.

b. The worker shall be exclusively employed as an agricultural laborer for which he has been engaged; any change from such type of employment shall be made with the express approval of the worker and with the authority of the Mexican Government.

c. There shall be considered illegal any collection by reason of commission or for any other concept demanded of the worker.

d. Work for minors under 14 years shall be strictly prohibited, and they shall have the same schooling opportunities as those enjoyed by children of other agricultural laborers.

e. Workers domiciled in the migratory labor camps or at any other place of employment under this understanding shall be free to obtain articles for their personal consumption, or that of their families, wherever it is most convenient for them.

f. Housing conditions, sanitary and medical services enjoyed by workers admitted under this understanding shall be identical to those enjoyed by the other agricultural workers in the same localities.

g. Workers admitted under this understanding shall enjoy as regards occupational diseases and accidents the same guarantees enjoyed by other agricultural workers under United States legislation.

h. Groups of workers admitted under this understanding shall elect their own representatives to deal with the employer, but it is understood that all such representatives shall be working members of the group. The Mexican consuls in their respective jurisdiction shall make every effort to extend all possible protection to all these workers on any questions affecting them.

i. For such time as they are unemployed under a period equal to 75% of the period (exclusive of Sundays) for which the workers have been contracted they shall receive a subsistence allowance at the rate of \$3.00 per day.

For the remaining 25% of the period for which the workers have been contracted during which the workers may be unemployed they shall receive subsistence on the same bases that are established for farm laborers in the United States.

Should the cost of living rise this will be a matter for reconsideration.

The master contracts for workers submitted to the Mexican Government shall contain definite provisions for computation of subsistence and payments under this understanding.

j. The term of the contract shall be made in accordance with the authorities of the respective countries.

k. At the expiration of the contract under this understanding, and if the same is not renewed, the authorities of the United States shall consider illegal, from an immigration point of view, the continued stay of the worker in the territory of the United States, exception made of cases of physical impossibility.

#### SAVINGS FUND

a) The respective agency of the Government of the United States shall be responsible for the safekeeping of the sums contributed by the Mexican workers toward the formation of their Rural Savings Fund, until such sums are transferred to the Mexican Agricultural Credit Bank which shall assume responsibilities for the deposit, for their safekeeping and for their application, or, in the absence of these, for their return.

b) The Mexican Government through the Banco de Credito Agricola will take care of the security of the savings of the workers to be used for payment of the agricultural implements, which may be made available to the Banco de Credito Agricola in accordance with exportation permits for shipment to Mexico with the understanding that the Farm Security Administration will recommend priority treatment for such implements.

#### NUMBERS

As it is impossible to determine at this time the number of workers who may be needed in the United States for agricultural labor employment, the employer shall advise the Mexican Government from time to time as to the number needed. The Government of Mexico shall determine in each case the number of workers who may leave the country without detriment to its national economy.

#### GENERAL PROVISIONS

It is understood that, with reference to the departure from Mexico of Mexican workers, who are not farm laborers, there shall govern in understandings reached by agencies of the respective Governments the same fundamental principles which have been applied here to the departure of farm labor.<sup>4</sup>

It is understood that the employers will co-operate with such other agencies of the Government of the United States in carrying this understanding into effect whose authority under the laws of the United States are such as to contribute to the effectuation of the understanding.

Either government shall have the right to renounce this understanding, giving appropriate notification to the other Government 90 days in advance.

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<sup>4</sup> See also agreement of Apr. 29, 1943 (EAS 376), *post*, p. 1136.

This understanding may be formalized by an exchange of notes between the Ministry of Foreign Affairs of the Republic of Mexico and the Embassy of the United States of America in Mexico.

MEXICO CITY, the 23rd of July 1942.

MEXICAN COMMISSIONERS

E. HIDALGO

*acting as representative of the  
Foreign Office*

ABRAHAM J. NAVAS

*acting as representative of the  
Department of Labor and Social  
Provision*

AMERICAN COMMISSIONERS

J. F. MCGURK

*Counselor of the American Embassy in Mexico*

JOHN O. WALKER

*Assistant Administrator, Farm  
Security Administration (De-  
partment of Agriculture)*

DAVID MEEKER

*Assistant Director, Office of  
Agricultural War Relations (De-  
partment of Agriculture)*

## CONSULAR OFFICERS

*Convention signed at México August 12, 1942; exchanges of notes at México August 12 and December 11 and 12, 1942*

*Senate advice and consent to ratification March 9, 1943*

*Ratified by the President of the United States March 26, 1943*

*Ratified by Mexico April 29, 1943*

*Ratifications exchanged at México June 1, 1943*

*Proclaimed by the President of the United States June 16, 1943*

*Entered into force July 1, 1943*

57 Stat. 800; Treaty Series 985

### CONSULAR CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES

The President of the United States of America and the President of the United Mexican States, being desirous of defining the duties, rights, privileges, exemptions and immunities of consular officers of each country in the territory of the other country, have decided to conclude a convention for that purpose and have appointed as their plenipotentiaries:

The President of the United States of America:

George S. Messersmith, Ambassador Extraordinary and Plenipotentiary of the United States of America in Mexico, and

The President of the United Mexican States:

Ezequiel Padilla, Secretary of Foreign Relations;

Who, having communicated to each other their respective full powers, which were found to be in good and due form, have agreed upon the following Articles:

#### ARTICLE I

1. Each High Contracting Party agrees to receive from the other High Contracting Party, consular officers in those of its ports, places, and cities, where it may be convenient and which are open to consular representatives of any foreign States.

2. Consular officers of each High Contracting Party shall, after entering upon their duties, enjoy reciprocally in the territories of the other High

Contracting Party all the rights, privileges, exemptions and immunities which are enjoyed by consular officers of the same grade of the most favored nation, there being understood by consular officers Consuls General as well as Consuls and Vice Consuls who are not honorary. As official agents, such officers shall be entitled to the high consideration of all officials, national or local, with whom they have official intercourse in the State which receives them.

3. The Government of each High Contracting Party shall furnish free of charge the necessary exequatur of such consular officers of the other High Contracting Party as present a regular commission signed by the chief executive of the appointing State and under its great seal; and shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his Government, or by any other competent officer of his Government, such documents as according to the laws of the respective States shall be requisite for the exercise by the appointee of the consular function; provided in either case that the person applying for an exequatur or other document is found acceptable. On the exhibition of an exequatur, or other document in lieu thereof issued to a subordinate or substitute consular officer, such consular officer or such subordinate or substitute consular officer, as the case may be, shall be permitted to perform his duties and to enjoy the rights, privileges, exemptions and immunities granted by this Convention.

4. Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, secretaries or chancellors, whose official character may previously have been made known to the Government of the State in the territory of which the consular function was exercised, may temporarily exercise the consular functions of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, privileges, exemptions and immunities that were granted to the consular officer.

5. A consular officer or a diplomatic officer of either High Contracting Party, a national of the State by which he is appointed and duly commissioned or accredited by such State, may, in the capital of the other State, have the rank also of a diplomatic officer or of a consular officer, as the case may be, provided that and for so long as permission for him to exercise such dual functions has been duly granted by the Government of the State in the territory of which he exercises his functions as a consular officer and to which he is accredited as a diplomatic officer, and provided further that in any such case the rank as a diplomatic officer shall be understood as being superior to and independent of the rank as a consular officer.

## ARTICLE II

1. Consular officers, nationals of the State by which they are appointed, and not engaged in any private occupation for gain within the territory of

the State in which they exercise their functions, shall be exempt from arrest in such territory except when charged with the commission of an act designated by local legislation as crime other than misdemeanor and subjecting the individual guilty thereof to punishment by imprisonment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever.

2. In criminal cases the attendance at court by a consular officer as a witness may be demanded by the plaintiff, the defendant, or the judge. The demand shall be made with all possible regard for the consular dignity and the duties of the office; and there shall be compliance on the part of the consular officer.

3. In civil, contentious-administrative<sup>1</sup> and labor cases, consular officers shall be subject to the jurisdiction of the courts of the State which receives them. When the testimony of a consular officer who is a national of the State which appoints him and who is not engaged in any private occupation for gain is taken in civil cases, it shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at the opportune moment of the trial whenever it is possible to do so without serious interference with his official duties.

4. A consular officer shall not be required to testify in criminal, contentious-administrative,<sup>1</sup> labor or civil cases, regarding acts performed by him in his official capacity.

### ARTICLE III

1. Consular officers and employees in a consulate,<sup>2</sup> nationals of the State by which they are appointed, and not engaged in any private occupation for gain within the territory of the State in which they exercise their functions, shall be exempt from all taxes, National, State, Provincial and Municipal, including taxes on fees, wages or salaries received specifically in compensation for consular services, and they shall be exempt from all kinds of charges incident to the licensing, registration, use or circulation of vehicles. However, they shall not be exempt from taxes levied on account of the possession or ownership of immovable property situated within the territory of the State in which they exercise their functions or taxes levied against income derived from property of any kind situated within such territory or belonging thereto.

2. The exemptions provided in paragraph 1 of this Article shall apply equally to other officials who are duly appointed by one of the High Con-

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<sup>1</sup> For an understanding regarding the meaning and extent of the expression "contentious-administrative," see exchange of notes of Aug. 12, 1942, p. 1085.

<sup>2</sup> For an understanding regarding interpretation of the phrase "consular officers and employees in a consulate" in art. III and the word "suites" in art. IV, see exchange of notes of Dec. 11 and 12, 1942, p. 1087.

tracting Parties to exercise official functions in the territory of the other High Contracting Party, provided that such officials shall be nationals of the State appointing them and shall not be engaged in any private occupation for gain within the territory of the State in which they exercise their functions; and provided further that permission for them to exercise such official functions has been duly granted by the Government of the receiving State. The Government of the State appointing such officials shall communicate to the Government of the receiving State satisfactory evidence of the appointment and shall indicate the character of the services which will be performed by the officials to whom the exemptions are intended to apply.

#### ARTICLE IV

1. Each High Contracting Party agrees to permit the entry free of all duty of all furniture, equipment and supplies intended for official use in the consular offices of the other High Contracting Party, and to extend to such consular officers of the other High Contracting Party as are its nationals and to such members of their families and suites<sup>2</sup> as are its nationals, the privilege of entry free of duty of their baggage and all other personal property whether accompanying the officer or his family or suite to his post or imported at any time during his incumbency thereof; provided, nevertheless, that there shall not be brought into the territories of either High Contracting Party any article, the importation of which is prohibited by the law of such High Contracting Party, until requirements in accordance with the appropriate law have been duly met.

2. The exemptions provided in paragraph 1 of this Article shall apply equally to other officials who are duly appointed by one of the High Contracting Parties to exercise official functions in the territory of the other High Contracting Party, provided that such officials shall be nationals of the State appointing them. The Government of the State appointing such officials shall communicate to the Government of the receiving State satisfactory evidence of the appointment and shall indicate the character of the services which are to be performed by the officials to whom the exemptions are intended to apply.

3. It is understood, however, that the exemptions provided in this Article shall not be extended to consular officers or other officials who are engaged in any private occupation for gain within the territory of the State to which they have been appointed or in which they exercise their functions, save with respect to Governmental supplies.

#### ARTICLE V

1. Consular officers may place over the outer door of their respective offices the arms of their State with an appropriate inscription designating the nature of the office, and they may place the coat of arms and fly the

flag of their State on automobiles employed by them in the exercise of their consular functions. Such officers may also fly the flag of their State on their offices, including those situated in the capitals of the respective countries. They may likewise fly such flag over any boat or vessel employed in the exercise of the consular functions.

2. The quarters where consular business is conducted, correspondence to which the official seal of the consulates is affixed, and the archives of the consulates shall at all times be inviolable, and under no pretext shall any authorities of any character of the State in which such quarters or archives are located make any examination or seizure of papers or other property in such quarters or archives or to which the official seal is affixed. When consular officers are engaged in business within the territory of the State in which they exercise their functions, the files and documents of the consulate shall be kept in a place entirely separate from the place where private or business papers are kept. Consular offices shall not be used as places of asylum. No consular officers shall be required to produce official archives in court or to testify as to their contents.

#### ARTICLE VI

1. Consular officers of either High Contracting Party may, within their respective consular districts, address the authorities, National, State, Provincial or Municipal, for the purpose of protecting the nationals of the State by which they were appointed in the enjoyment of rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital may apply directly to the Government of the country.

2. Consular officers shall, within their respective consular districts, have the right:

(a) to interview and communicate with the nationals of the State which appointed them;

(b) to inquire into any incidents which have occurred affecting the interests of the nationals of the State which appointed them;

(c) upon notification to the appropriate authority, to visit any of the nationals of the State which appointed them who are imprisoned or detained by authorities of the State; and

(d) to assist the nationals of the State which appointed them in proceedings before or relations with authorities of the State.

3. Nationals of either High Contracting Party shall have the right at all times to communicate with the consular officers of their country.

### ARTICLE VII

1. Consular officers, in pursuance of the laws of their respective countries, may, within their respective districts:

(a) take and attest the depositions of any person whose identity they have duly established;

(b) authenticate signatures;

(c) draw up, attest, certify and authenticate unilateral acts, translations, testamentary dispositions, and transcripts of civil registry of the nationals of the State which has appointed the consular officer; and

(d) draw up, attest, certify and authenticate deeds, contracts, documents and written instruments of any kind, provided that such deeds, contracts, documents and written instruments shall have application, execution, and legal effect primarily in the territory of the State which shall have appointed the consular officer.

2. Instruments and documents thus executed and copies and translations thereof, when duly authenticated by the consular officer, under his official seal, shall be received as evidence in the territories of either State, as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn up or executed before a notary or other public officer duly authorized in the State by which the consular officer was appointed; provided, always, that such documents shall have been drawn and executed in conformity to the laws and regulations of the State where they are designed to take effect.

### ARTICLE VIII

1. In case of the death of a national of either High Contracting Party in the territory of the other High Contracting Party, without having in the locality of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the State of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the persons interested.

2. In case of the death of a national of either High Contracting Party in the territory of the other High Contracting Party, without will or testament whereby he has appointed testamentary executors, the consular officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of such property. Such consular officer shall have the right to be appointed as administrator within the discretion of a court or other

agency controlling the administration of estates, provided the laws of the place where the estate is administered so permit.

3. Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself in that capacity to the jurisdiction of the court or other agency making the appointment for all necessary purposes to the same extent as if he were a national of the State by which he has been received.

#### ARTICLE IX

1. A consular officer of either High Contracting Party shall within his district have the right to appear personally or by authorized representative in all matters concerning the administration and distribution of the estate of a deceased person under the jurisdiction of the local authorities, for all such heirs or legatees in the estate, either minors or adults, as may be non-residents of the country and nationals of the State by which the consular officer was appointed, unless such heirs or legatees have appeared, either in person or by authorized representatives.

2. A consular officer of either High Contracting Party may on behalf of his nonresident countrymen collect and receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called Workmen's Compensation Laws or other like statutes, for transmission through channels prescribed by his Government to the proper distributees, provided that the court or other agency making distribution through him may require him to furnish reasonable evidence of the remission of the funds to the distributees.

#### ARTICLE X

1. A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, and shall alone exercise jurisdiction in situations, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrongdoing shall have entered territorial waters or a port within his consular district. Consular officers shall also have jurisdiction over issues concerning the adjustment of wages and the execution of labor contracts of the crews; provided that their intervention will have a conciliatory character, without authority to settle disputes which may arise. This jurisdiction shall not exclude the jurisdiction conferred on the respective local authorities under existing or future laws of the place.

2. When an act committed on board a private vessel under the flag of the State by which the consular officer has been appointed and within the territory or the territorial waters of the State by which he has been received constitutes a crime according to the laws of the receiving State, subjecting the person guilty thereof to punishment as a criminal, the consular officer

shall not exercise jurisdiction except in so far as he is permitted to do so by the local law.

3. A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board a vessel under the flag of his country within the territory or the territorial waters of the State by which he has been received, and upon such request the requisite assistance shall be given.

4. A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the State by which he has been received for the purpose of observing proceedings or of rendering assistance as an interpreter or agent.

#### ARTICLE XI

1. A consular officer of either High Contracting Party shall have the right to inspect within the ports of the other High Contracting Party within his consular district, the private vessels of any flag destined to and about to clear for ports of his country, for the sole purpose of observing the sanitary conditions and measures taken on board such vessels, in order that he may be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country and to inform his Government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to one of its ports, with a view to facilitating entry of such vessels, provided that the captain of the vessel shall have requested of the consular officer the issuance or visa of the appropriate bill of health.

2. In exercising the right conferred upon them by this Article, consular officers shall act with all possible despatch and without unnecessary delay.

#### ARTICLE XII

1. All proceedings relative to the salvage of vessels of either High Contracting Party wrecked upon the coasts of the other High Contracting Party shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred, or by some other person authorized for such purpose by the law of such country and whose identity shall be made known to the local authorities by the consular officer.

2. The local authorities of the receiving State shall immediately inform the consular officer, or the other authorized person to whom reference is made in the foregoing paragraph, of the occurrence, and shall in the meantime take all necessary measures for the protection of persons and the preservation of the wrecked property. Such authorities shall intervene only to maintain order, to protect the interests of the salvors, if the salvors do not belong to the crew of the wrecked vessel, and to ensure the execution of the arrangements

which shall be made for the entry and exportation of the salvaged merchandise, such merchandise not to be subjected to any customs charges unless intended for subsequent consumption in the country where the wreck has occurred.

3. When the wreck occurs within a port, there shall be observed also those arrangements which may be ordered by the local authorities with a view to avoiding any damage that might otherwise be caused thereby to the port and to other ships.

4. The intervention of the local authorities shall occasion no expense of any kind to the owners or operators of the vessels, except such expenses as may be caused by the operations of salvage and the preservation of the goods saved, together with expenses that would be incurred under similar circumstances by vessels of the country.

#### ARTICLE XIII

Honorary Consuls or Vice Consuls, as the case may be, shall enjoy, in addition to all the rights, privileges, exemptions, immunities and obligations enjoyed by honorary consular officers of the same rank of the most favored nation, those rights, privileges, exemptions, immunities and obligations provided for in paragraph 3 of Article I and in Articles V, VI, VII, VIII, IX, X, XI and XII of the present Convention, for which they have received authority in conformity to the laws of the State by which they are appointed.

#### ARTICLE XIV

1. This Convention shall be ratified and the ratifications thereof shall be exchanged in the City of Mexico.

The Convention shall take effect in all its provisions the thirtieth day after the day of the exchange of ratifications and shall continue in force for the term of five years.

2. If, six months before the expiration of the aforesaid period of five years, the Government of neither High Contracting Party shall have given notice to the Government of the other High Contracting Party of an intention of modifying by change or omission any of the provisions of any of the Articles of this Convention or of terminating the Convention upon the expiration of the aforesaid period of five years the Convention shall continue in effect after the aforesaid period and until six months from the date on which the Government of either High Contracting Party shall have notified to the Government of the other High Contracting Party an intention of modifying or terminating the Convention.

In witness whereof the respective Plenipotentiaries have signed this Convention and have hereunto affixed their seals.

Done in duplicate in the English and Spanish languages, in the City of Mexico, on this 12th day of the month of August, 1942.

G. S. MESSERSMITH [SEAL]

E. PADILLA [SEAL]

EXCHANGES OF NOTES

*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*Mexico, D.F., August 12, 1942*

No. 525

EXCELLENCY:

Pursuant to instructions from my Government, I have the honor to refer to the use in numbered paragraphs 3 and 4 of Article II of the Consular Convention today signed by Your Excellency on behalf of the Government of the United Mexican States, and by me on behalf of the Government of the United States of America, of the expression in the Spanish text "contencioso-administrativos".

My Government has authorized me to state, and to request Your Excellency's confirmation, that the meaning and the extent of this expression is, in English:

"The expression 'contentious-administrative' covers cases involving controversy before an administrative organ of the State, other than those of the Judicial Power, which is invested with judicial functions in accordance with the respective administrative laws"

and, in Spanish,

"La expresión 'contencioso-administrativos' abarca los casos de controversia ante un órgano administrativo del Estado, distinto de los del Poder Judicial, que esté investido de funciones judiciales de acuerdo con las respectivas Leyes Administrativas".

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

GEORGE S. MESSERSMITH

His Excellency  
Señor Licenciado EZEQUIEL PADILLA,  
*Minister for Foreign Relations,*  
*Mexico, D.F.*

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN RELATIONS  
 UNITED MEXICAN STATES  
 MEXICO CITY

56685

MÉXICO, D.F., *August 12, 1942*

MR. AMBASSADOR:

I have the honor to acknowledge the receipt of Your Excellency's courteous note no. 525, dated today, in which you were good enough to state that for the Government of the United States of America the meaning and extent of the expression "contentious-administrative" which is used in paragraphs 3 and 4 of article II of the Consular Convention signed on this same date, by Your Excellency, in the name of the Government of the United States of America, and by me, in that of the United Mexican States, shall be as follows:

[See quoted paragraphs in U.S. note, above.]

As Your Excellency is good enough to request, I have the honor to confirm to you that for the Government of Mexico the above-mentioned expression has the meaning and extent expressed in the note to which I have the honor to reply.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

E. PADILLA

His Excellency

GEORGE S. MESSERSMITH,  
*Ambassador Extraordinary and Plenipotentiary  
 of the United States of America,  
 City.*

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN RELATIONS  
 UNITED MEXICAN STATES  
 MEXICO CITY

56586

MÉXICO, D.F., *August 12, 1942*

MR. AMBASSADOR:

With reference to the Consular Convention, signed today, between Mexico and the United States of America, I have the honor to communicate to Your Excellency by this note that my Government is in agreement that the provisions thereof do not apply to the Panama Canal Zone.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

E. PADILLA

His Excellency

GEORGE S. MESSERSMITH,  
*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
City.*

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*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*Mexico, D.F., August 12, 1942*

No. 526

EXCELLENCY:

I have the honor to acknowledge receipt of Your Excellency's Note No. 56586 of August 12, 1942, wherein Your Excellency informs me that the Government of the United Mexican States, with reference to the Consular Convention signed today between Mexico and the United States of America, agrees that the provisions of this Convention are not applicable in the Panama Canal Zone.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

GEORGE S. MESSERSMITH

His Excellency

Señor Licenciado EZEQUIEL PADILLA,  
*Minister for Foreign Relations,  
Mexico, D.F.*

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*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*Mexico, D.F., December 11, 1942*

No. 553

EXCELLENCY:

I have the honor to refer to Your Excellency's Note of September 29, 1942, with respect to the interpretation of the word "suite" as used in the Consular Convention signed by Your Excellency and by myself on behalf of our respective Governments in Mexico City August 12, 1942.

I have the honor to state that the following understanding is proposed by, and is acceptable to my Government with respect to the interpretation of "suite" as used in the Convention under reference:

"The expression 'consular officers and employees in a consulate' as used in Article III of the consular convention between the United States of America and the United Mexican States, signed at Mexico City on August 12, 1942, is understood to include, in addition to duly commissioned and approved consular officers, all persons who are associated with and assist such officers in the necessary and proper conduct of the consular offices, and who are appointed or employed upon a permanent status by, and receive their compensation for consular services from, the Government in whose consular offices they are employed, subject to such exceptions or limitations as may be provided in the convention.

"The expression 'suites' as used in Article IV of the consular convention between the United States of America and the United Mexican States, signed at Mexico City on August 12, 1942, is understood to include (1) persons to whom the expression 'employees in a consulate' in Article III applies, and (2) persons in the suites or retinues of attendants in the proper personal service of consular officers or their families.

"It is understood that, in the case of the extension, to persons in the suites or retinues of attendants in the proper personal service of consular officers or their families as well as to persons to whom the expression 'employees in a consulate' in Article III applies, of the privileges of entry free of duty of their baggage and all other personal property whether accompanying such persons to a consular post or imported at any time during their stay at such post, such importations as may be made under this privilege shall be in the name of, or under the supervision of the consular officer concerned".

If the above interpretation is agreeable to Your Excellency's Government, it will be appreciated if the acceptance thereof may be confirmed by Note.

Please accept, Excellency, the assurances of my most distinguished consideration.

GEORGE S. MESSERSMITH

His Excellency

Señor Licenciado EZEQUIEL PADILLA,  
*Minister for Foreign Affairs,*  
*Mexico, D.F.*

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN RELATIONS  
UNITED MEXICAN STATES  
MEXICO CITY

510040

MEXICO CITY, *December 12, 1942*

MR. AMBASSADOR:

I have the honor to acknowledge the receipt of Your Excellency's very courteous note no. 853, of the 11th of this month, relative to the interpretation which—in your opinion—should be given to the word "suite" used in the Consular Convention of August 12, 1942.

I have taken note that the Government of the United States of America is in agreement that, in the case of importations made by a person of the suite of a consular official, they shall be made—in order to enjoy the exemptions to which the above-mentioned international instrument refers—in the name of the said representative or under his supervision.

In view of the negotiations on this subject conducted between this Ministry and the Embassy worthily in your charge, and bearing in mind, moreover, that the proposal of the American Government fulfils, in principle, the purpose which I sought in making to Your Excellency the suggestion contained in my note of September 29, last, I take pleasure in informing you that the interpretation to which I refer has the acceptance of my Government.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

E. PADILLA

HIS EXCELLENCY GEORGE S. MESSERSMITH,  
*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
City.*

## FISHERIES

*Exchange of notes and memorandums at México April 17, May 22, July 22 and 27, and October 24, 1942*

*Entered into force October 24, 1942*

*Amended by agreement of September 7 and October 18, 1944<sup>1</sup>*

*Extended by agreements of September 7 and October 18, 1944;<sup>1</sup> September 23 and October 22, 1946;<sup>2</sup> and September 15 and October 6, 1948<sup>3</sup>*

*Expired October 23, 1950*

58 Stat. 1554; Executive Agreement Series 443

*The American Ambassador to the Acting Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*Mexico, D.F., April 17, 1942*

No. 138

### EXCELLENCY:

I have the honor to refer to previous correspondence regarding the assignment to Mexico of Mr. Milton J. Lindner, of the United States Fish and Wildlife Service of the United States Department of the Interior.

My Government, it being understood that the preliminary work has now been completed, has directed me to suggest to Your Excellency the development of subsequent operations through a proposed memorandum agreement. Under this agreement, the cooperative study would be continued with a view to the formulation, through biological and statistical research, of a plan for the administration, regulation, and scientific management of the shrimp and other marine fisheries of Mexican waters which would serve to increase the fisheries food supply and protect it against depletion, to increase efficiency of fisheries operations and to improve the livelihood of those engaged in the fishing enterprise. I have the honor to submit to Your Excellency a proposed memorandum agreement covering the suggested organization of the cooperative work to be undertaken in accordance with this project.

<sup>1</sup> EAS 443, *post*, p. 1197.

<sup>2</sup> 61 Stat. 2903; TIAS 1624.

<sup>3</sup> 62 Stat. 3575; TIAS 1869.

My Government has directed me to report, as soon as possible, whether this project would meet with the approval of Your Excellency's Government.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

GEORGE S. MESSERSMITH

Enclosure:

Memorandum Agreement

His Excellency

Señor JAIME TORRES BODET

*Acting Minister for Foreign Affairs,  
Mexico, D.F.*

#### MEMORANDUM AGREEMENT

At the request of the Mexican Government, Mr. Milton J. Lindner, an expert of the Fish and Wildlife Service of the United States Department of the Interior, was assigned to Mexico for varying periods during the years 1940 and 1941 for the purpose of conducting preliminary marine fishery surveys and formulating plans for a detailed scientific study of marine fishery problems. The preliminary investigation having been completed, it is now proposed that a more comprehensive cooperative study of the marine fisheries of Mexico be undertaken by the Fish and Wildlife Service and the Mexican Department of Fisheries, subject to the following understanding:

It shall be the general objective of the cooperative study to formulate through biological and statistical research a plan for the administration, regulation, and scientific management of the shrimp and other marine fisheries of Mexican waters which will serve to increase the fishery food supply and protect it against depletion, increase the efficiency of fishing operations, and improve the livelihood of those engaged in the fishing enterprise.

To accomplish this objective the Fish and Wildlife Service proposes to detail a technical expert to Mexico at various intervals over a period of two years to assist the local authorities in conducting and supervising field investigations. The investigations will include a study of the life history, distribution, abundance, and migration of commercial shrimp and such other important marine fishery products as time and facilities will permit; collection and analysis of statistics of commercial production of the fishing industry; and a study of present fishing methods with a view to devising means for their improvement both in the interest of economy and efficiency of operation; and a study of the best means of conserving fishery resources, consistent with advantageous economic utilization.

It is understood that exhaustive studies will not have been completed at the end of the two year period, but it is expected that sufficient data will have been obtained at that time to make it possible to formulate plans for fishery administration and regulation, and provide sufficient training for Mexican fishery workers to enable them to carry on the permanent biological and statistical studies that continuously should accompany commercial fishing activities in the interest of scientific management and conservation.

The Government of the United States will make available to the Mexican Government, from time to time, reports on the progress of the investigations, and as soon as possible after conclusion of the two year study will submit a comprehensive report covering:

- (a) The Scientific data obtained and the biological conclusions reached concerning the shrimp and other marine fishery resources of Mexican waters;
- (b) Suggestions for the administration, development and management of the Mexican marine fishery resources in the interest of conservation and economic utilization; and
- (c) A summary of the nature and scope of continuing studies and statistical compilations that should be undertaken by the Mexican Government as permanent activities to parallel the actual operations of the fishing industry.

Following is an outline of the plan under which the Fish and Wildlife Service proposes to cooperate with the Department of Fisheries of Mexico:

1. The Fish and Wildlife Service will assign to Mexico Mr. Milton J. Lindner, an aquatic biologist of its Division of Fishery Biology who is already known to the Mexican authorities, to assist in planning and directing the proposed studies, his services to be rendered on a part-time basis covering a period of approximately six months of each of two consecutive years.
2. The Fish and Wildlife Service will pay Mr. Lindner's salary and other expenses during the entire period of his services.
3. The Fish and Wildlife Service will provide, for the duration of the studies, part-time clerical assistance, for Mr. Lindner; pay expenses incident to the annual rental, furnishing, equipment and supplies for an office and laboratory in Mexico City, or elsewhere in Mexico; and defray all expenses incident to communication services and the transportation of supplies, equipment and scientific materials.
4. The Fish and Wildlife Service will also loan for the duration of the studies such supplies, equipment, books, or other materials as it may now have available for that purpose.
5. It is proposed that the Government of Mexico assign three assistants for the shrimp investigations and pay their salaries and travel and subsistence expenses, and that additional personnel be provided if studies of other fisheries

are undertaken simultaneously. Persons already employed by the Mexican Department of Fisheries or persons familiar with the marine fisheries and possessing training in biology shall be given preference for these assignments, and it is suggested that they be selected with a view to their future employment by the Department of Fisheries to carry out the recommendations made at the end of the two year study.

6. It is proposed that the Government of Mexico provide suitable office and laboratory facilities and equipment for the investigation at Guaymas, Sonora; that funds be made available for the charter, when needed, of a small vessel for off-shore studies at an estimated annual cost of about 2,500 pesos; and that approximately 5,000 pesos be set aside for miscellaneous scientific equipment, and miscellaneous fishing equipment and supplies (including 2,500 pesos for shrimp pins and tags which have already been ordered by the Mexican Government).

7. The expenses incident to the obligations mentioned in Items 5 and 6, shall be paid directly by the Mexican Government.

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*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

*México, D.F., May 22, 1942*

No. 269

EXCELLENCY:

I have the honor to refer to my note No. 138 of April 17, 1942, regarding the assignment to Mexico of Mr. Milton J. Lindner of the Fish and Wildlife Service of the United States Department of the Interior, as well as to correspondence regarding the assignment to Mexico of Mr. J. Adger Smyth, also of the Fish and Wildlife Service of the United States Department of the Interior.

It will be recalled that in my note No. 138, I had the honor to submit to Your Excellency a proposed memorandum agreement covering the suggested organization of cooperative work with reference to Mr. Lindner.

Pursuant to instructions from my Government, I now have the honor to submit a proposed memorandum covering the agreement for cooperative work with particular reference to the limnological services to be rendered by Mr. Smyth, with the same general conditions applying in his case as in the case of Mr. Lindner.

My Government has suggested that in the event Your Excellency's Government finds this memorandum acceptable, Your Excellency's reply to that effect might constitute full agreement without the necessity of exchanging signed memoranda. Inasmuch as Mr. Smyth's assignment under Public [Law] No. 63, 76th Congress of the United States of America has expired,

my Government has directed me to request of Your Excellency the views of the Government of Mexico at the earliest possible and convenient moment.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

GEORGE S. MESSERSMITH

Enclosure:

Memorandum as stated

His Excellency

Señor Licenciado EZEQUIEL PADILLA

*Minister for Foreign Relations*

*Mexico, D.F.*

#### MEMORANDUM AGREEMENT

At the request of the Mexican Government, Mr. J. Adger Smyth, an employee of the Fish and Wildlife Service of the United States Department of the Interior, was assigned to Mexico for a period of one year beginning in April, 1941, for the purpose of providing assistance in the conduct of preliminary biological surveys of streams and lakes and to provide technical advice in the operation of fish hatcheries and the artificial restocking of interior waters with fresh-water fishes. Considering that the period of Mr. Smyth's assignment has expired, the Fish and Wildlife Service now proposes to cooperate with the Mexican Department of Fisheries in the execution of a more comprehensive program in the same general field, subject to the following understanding:

It shall be the general objective of the cooperative program to assist in improving the food and recreational resources of the interior fresh-water fisheries of Mexico by the following means:

1. Biological surveys of lakes and streams to determine their suitability to support various species of fresh-water fishes from the standpoint of conditions of temperature, natural food, cover, and spawning areas;
2. The determination of stocking policies and programs for lakes and streams that are depleted or are capable of supporting greater quantities of fish life;
3. Improvements in hatchery construction and operation through the introduction of scientific methods of incubation, general sanitation, artificial feeding and control of diseases and parasites;
4. The training of hatchery personnel;
5. The stocking of lakes and streams with native fishes, and with imported species where desirable if eggs can be obtained (the eggs to be purchased by the Mexican Government); and

6. The development of methods of scientific management of the fresh-water fisheries to be carried out by Mexican officials.

To attain the foregoing objectives, the Fish and Wildlife Service will cooperate with the Mexican Department of Fisheries in the following manner:

(a) Make available the services of Mr. J. Adger Smyth, an Associate Aquatic Biologist of its Division of Fishery Biology, who is already known to the Mexican authorities, to direct and assist in planning the proposed program, his services to be rendered on a full-time basis;

(b) Continue Mr. Smyth's assignment for a period of two years and pay his salary and other personal expenses during the two-year period, subject to the availability of appropriations.

(c) Loan to the Mexican authorities for the duration of the program such supplies, equipment, or other materials as it may now have available for that purpose; and

(d) Make available to the Mexican Government, from time to time, reports on the progress of the work and, as soon as possible after the completion of the program, submit a comprehensive report to the Mexican Government embodying data, conclusions, and recommendations concerning the various phases of the studies.

The Government of Mexico, through the Mexican Department of Fisheries, will undertake to—

(1) assign two assistants for the biological investigation and provide funds for their travel and subsistence, giving preference in the selection of such assistants to persons already employed by the Mexican Department of Fisheries or to persons familiar with the fresh-water fisheries of Mexico and possessing training in biology or experience in the technical aspects of fish culture. (It is suggested that such persons be selected with a view to their future employment by the Department of Fisheries to carry out the permanent program to be developed during the two year cooperative study and the recommendations made at its conclusion);

(2) provide a suitable motor truck to be used exclusively for field work and bear the expense of its operation and maintenance; and

(3) provide the office and laboratory facilities at Patzcuaro which have previously been made available, and provide the necessary field and laboratory equipment for Mr. Smyth and the Mexican personnel assigned to the program.

It is understood that all expenses incident to the obligations assumed by the Government of Mexico will be paid direct by that Government.

*The Ministry for Foreign Affairs to the American Embassy*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
 UNITED MEXICAN STATES  
 MEXICO

55981

## MEMORANDUM

With reference to the correspondence relative to the stay in Mexico of the American experts, Messrs. Milton J. Lindner and J. Adger Smyth, the Ministry of Foreign Affairs takes pleasure in informing the Embassy of the United States of America that the Ministry of Marine recently communicated to it the following opinion concerning the work that the above-mentioned experts have been carrying on in the country:

“Due to the result eloquently and palpably obtained, the collaboration which Messrs. Milton J. Lindner and J. Adger Smyth have been lending the Division of Fisheries and Connected Industries is deemed not only estimable but positively useful for the efficient performance of the duties which in the matter of fisheries devolve upon the above-mentioned branch of this Department and, furthermore, to advance the fishing industry of the country technically.”

Accordingly, the Government of Mexico will be grateful if the Government of the United States of America will take the necessary steps to the effect that Messrs. Lindner and Smyth may resume in the country the discharge of the commission with which they have for some time been charged.

MEXICO, D.F., July 22, 1942

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*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
 UNITED STATES OF AMERICA

*Mexico, D.F., July 27, 1942*

No. 501

EXCELLENCY:

I have the honor to acknowledge Memorandum No. 55981 of July 22, 1942, from the Ministry for Foreign Relations, regarding the work which had been carried out by Messrs. Milton J. Lindner and J. Adger Smyth, experts of the Fish and Wild Life Service of the United States Department of the Interior.

I have noted with deep pleasure and appreciation the comments which were made by the Ministry of National Marine regarding its opinion of the

work carried out by these two gentlemen and the request of Your Excellency's Government that there be taken those steps necessary to obtain the continued carrying out in Mexico of the mission which had been entrusted to these two gentlemen.

In assuring Your Excellency that I have every reason to believe that my Government will have particular pleasure in extending the fullest cooperation in this matter, I have the honor to inquire of Your Excellency if the Memorandum under reference may be considered by my Government as a reply to the proposals of my Government for the continued operation in Mexico of the cooperative work being performed by these two gentlemen. The proposal, in the case of Mr. Lindner, was contained in my Note No. 138 of April 17, 1942, and in the enclosure thereto; the proposal in the case of Mr. Smyth was contained in my Note No. 269 of May 22, 1942, and the enclosure thereto. If the Memorandum under reference herein is to be considered as a reply, I have the honor to inquire of Your Excellency whether Your Excellency's Government desires that it should be considered as an acceptance of the two proposals above under reference.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

GEORGE S. MESSERSMITH

His Excellency

Señor Licenciado EZEQUIEL PADILLA,  
*Minister for Foreign Relations,*  
*Mexico, D. F.*

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*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
UNITED MEXICAN STATES  
MEXICO

58807

MEXICO, D.F., *October 24, 1942*

MR. AMBASSADOR:

I have the honor to refer to Your Excellency's kind note no. 501, in which you are good enough to request an explanation regarding whether the Ministry of Marine accepts the terms of the proposals of the United States Government for experts Milton J. Lindner and J. Adger Smyth to lend their cooperation to the Mexican authorities on fisheries.

It is a particular pleasure for me to inform Your Excellency that the Ministry of Marine accepts expressly the collaboration of the said experts

on the terms contained in your Embassy's notes nos. 138 and 269 under date of April 17 and May 22, 1942, respectively, as well as in the attached memoranda.

I avail myself of the opportunity to renew to Your Excellency the assurances of my very high and distinguished consideration.

E. PADILLA

His Excellency

GEORGE S. MESSERSMITH,

*Ambassador Extraordinary and Plenipotentiary  
of the United States of North America,  
City.*

## WEATHER STATIONS

*Exchange of notes at México October 13 and 20 and November 10, 1942, with memorandum agreement*

*Entered into force November 10, 1942*

*Amended and extended by agreement of May 12 and June 16, 21, and 28, 1945<sup>1</sup>*

*Superseded July 1, 1948, by agreement of March 29 and August 15, 1949<sup>2</sup>*

61 Stat. 4281; Treaties and Other  
International Acts Series 1989

*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*Mexico, D.F., October 13, 1942*

No. 697

EXCELLENCY:

I have the honor to refer to the Undersecretary's courteous note no. 5682 of January 31, 1941, and related correspondence in connection with the visit to Mexico of Mr. Stephen Lichtblau of the United States Weather Bureau to confer with Dr. José C. Gomez and other officials of the Mexican Meteorological Service with a view to the establishment on a cooperative basis of radiosonde observation stations.

Since Mr. Lichtblau's visit to Mexico, Dr. F. W. Reichelderfer, Chief of the Weather Bureau, has corresponded with Dr. Gomez on the subject and it is understood that as a result of these preliminary discussions the United States Weather Bureau and the Mexican Meteorological Service have agreed in principle that it would be desirable to cooperate in the establishment and operation of three radiosonde observation stations to be located in Mexico City (Tacubaya), Mazatlan and Tapachula.

In this connection I have the honor to transmit herewith a Memorandum Agreement setting forth in detail the conditions under which the United States Weather Bureau proposes to cooperate with the Mexican Meteorological Service in the establishment and operation of the proposed stations

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<sup>1</sup> TIAS 1989, *post*, p. 1206.

<sup>2</sup> TIAS 1995, *post*, p. 1259.

in question. If this Memorandum Agreement meets with the approval of Your Excellency's Government I should appreciate it if Your Excellency would be so kind as to inform me as soon as may be possible in order that I may so inform my Government.

It is the view of my Government that a note from Your Excellency accepting the proposals set forth in the Memorandum will constitute an agreement to that effect and it is not necessary that the Memorandum be signed.

For Your Excellency's further information I may state that my Government has already established a network of radiosonde observation stations in the United States, the West Indies, and the Canal Zone, and if additional stations can be established at Mexico City, Mazatlan, and Tapachula the project will result in filling an existing gap in the network. The stations will make it possible for the Mexican Meteorological Service and the Weather Bureau to obtain data on the temperature, pressure and humidity of the atmosphere from the earth's surface to great heights. This information is of vital importance to aviation both in Mexico and the United States and it is therefore hoped that Your Excellency will be so kind as to expedite a reply in the premises.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

GEORGE S. MESSERSMITH

Enclosure:

Memorandum Agreement, as stated.

His Excellency

Señor Licenciado EZEQUIEL PADILLA,  
*Minister for Foreign Relations,*  
*Mexico, D.F.*

#### MEMORANDUM AGREEMENT

In accordance with recent correspondence between Dr. F. W. Reichelderfer, Chief of the United States Weather Bureau, and Dr. José C. Gomez, Chief of the Mexican Meteorological Service, and previous conversations between representatives of the two organizations, the Government of the United States, through the Weather Bureau, now proposes to cooperate with the Government of Mexico, through the Mexican Meteorological Service, in organizing the regular exchange of meteorological data, subject to the following understanding:

It shall be the general objective of the said meteorological services of the two countries—

1. To cooperate in the establishment and operation of three radiosonde observation stations in Mexico, to be located at Mexico City (Tacubaya), Mazatlan and Tapachula; and

2. To provide for the daily exchange of upper-air weather observations between the United States Weather Bureau and the Mexican Meteorological Service for the use of each country, especially in serving the needs of aviation, and to render it possible for the Government of the United States and the Government of Mexico to assist in the development of a continental exchange of weather information, forecasts, and warnings.

To attain the foregoing objectives, the United States Weather Bureau agrees to—

(a) Provide and install the ground equipment necessary for making radiosonde observations at each of the three stations and pay the cost of necessary repairs;

(b) Authorize one of its technicians to visit the observation stations to repair the ground equipment, whenever such equipment becomes inoperative and repairs cannot be made locally;

(c) Detail three experienced radiosonde observers to Mexico (one to each observation station) for a period of about two months to instruct observers employed by the Mexican Meteorological Service in the technique of making radiosonde observations and in the maintenance of equipment;

(d) Provide the necessary radiosondes, balloons, parachutes, helium gas, meteorological forms and other accessories required for the observations; and

(e) Provide balloon inflation shelters, if necessary.

The Government of Mexico, through the Mexican Meteorological Service, agrees to—

(a) Assign a minimum of one observer and one assistant to each station for the purpose of making daily observations in accordance with standard practice and procedure;

(b) Supply the necessary office quarters and office equipment, including heat, light and electric power;

(c) Provide adequate ground space for balloon inflation shelters, as may be necessary;

(d) Arrange for the prompt transmission of the radiosonde observation reports made pursuant to this agreement to a point in the United States to be designated by the United States Weather Bureau; and

(e) Make available the recorder records to the United States Weather Bureau for reference purpose, and supply that Bureau with copies of the Weather Bureau forms which will be used for all radiosonde observations made at the stations.

I. The total amount to be expended by the United States Weather Bureau shall not exceed Fifty Thousand Dollars (\$50,000) during the fiscal year ending June 30, 1943. All expenditures incurred by the Weather Bureau shall be paid directly by that organization and all expenditures incident to the obligations assumed by the Government of Mexico shall be paid directly by that Government.

II. Title to all property supplied by the Mexican Government shall remain vested in that Government, and likewise the title to all property supplied by the Government of the United States shall remain vested therein.

This agreement shall come into effect on the day on which it is accepted by the Government of Mexico, and shall continue in effect until June 30, 1943 [1945<sup>3</sup>], or for an additional period if mutually agreed upon in writing, unless the Congress of either country shall fail to make available the funds necessary for its execution in which case it may be terminated on sixty days' advance written notice by the Government of either country.

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*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*Mexico, D.F., October 20, 1942*

No. 708

EXCELLENCY:

I venture to refer to my note no. 697 of October 13, 1942, transmitting, for Your Excellency's consideration, a Memorandum Agreement respecting the desire of the United States Weather Bureau to cooperate with the Mexican Meteorological Service in the establishment and operation of three radiosonde observation stations to be located in Mexico City (Tacubaya), Mazatlan, and Tapachula.

I now have the honor to inform Your Excellency that the date mentioned in the last paragraph of the Memorandum Agreement should be changed to read "June 30, 1945" and the paragraph in question would therefore read as follows:

"This agreement shall come into effect on the day on which it is accepted by the Government of Mexico, and shall continue in effect until June 30, 1945, or for an additional period if mutually agreed upon in writing, unless the Congress of either country shall fail to make available the funds necessary

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<sup>3</sup> For a correction, see note of Oct. 20, 1942.

for its execution in which case it may be terminated on sixty days' advance written notice by the Government of either country."

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

GEORGE S. MESSERSMITH

His Excellency

Señor Licenciado EZEQUIEL PADILLA,  
*Minister for Foreign Relations,*  
*Mexico, D.F.*

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*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN RELATIONS  
UNITED MEXICAN STATES  
MEXICO

59195

MEXICO, D.F., *November 10, 1942*

MR. AMBASSADOR:

I have the honor to refer again to Your Excellency's courteous note number 697, dated October 13, 1942, relative to the establishment of a meteorological observation service by radiosonde in Mexico City, Mazatlán and Tapachula.

The Department of Agriculture and Development (Fomento) notified me that it agrees to fulfill the part it is assigned in the proposed Agreement and in the terms of the memorandum which Your Excellency was good enough to enclose with the note to which I have referred, it being understood that the duration of the said Agreement shall be until June 30 of the year 1945.

Please accept, Excellency, the assurances of my highest and most distinguished consideration.

E. PADILLA

His Excellency

GEORGE S. MESSERSMITH,  
*Ambassador Extraordinary and Plenipotentiary*  
*of the United States of America,*  
*City.*

# REHABILITATION OF CERTAIN MEXICAN NATIONAL RAILWAYS

*Exchange of notes at México November 18, 1942*

*Entered into force November 18, 1942*

*Amended by agreement of September 21 and December 13 and 29, 1944, and April 17, 1945<sup>1</sup>*

*Extended by agreements of September 21 and December 13 and 29, 1944, and April 17, 1945,<sup>1</sup> and December 20, 1945, and March 5, 1946<sup>2</sup>*

*Paragraphs 1, 2, 3, 5, and 6 of United States note terminated December 31, 1944<sup>1</sup>*

*Program terminated June 30, 1946<sup>3</sup>*

56 Stat. 1824; Executive Agreement Series 289

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

DEPARTMENT OF FOREIGN RELATIONS  
UNITED MEXICAN STATES  
MEXICO CITY

59430

MEXICO CITY, *November 18, 1942*

MR. AMBASSADOR:

In conformity with resolution II<sup>4</sup> of the Third Consultative Meeting of the Ministers of Foreign Affairs of the American Republics held at Rio de Janeiro from January 15 to 28 of the present year, the Mexican Government has made every effort within its power to bring about the mobilization of the economic resources of the Republic, particularly with respect to the production of strategic materials necessary for the defense of the hemisphere. In this regard, I am pleased to inform Your Excellency that such production is being achieved at a constantly accelerated pace, for it is the firm intention of Mexico to unite its action with that of the United Nations so as to attain a definitive victory over the Axis powers.

For this purpose agreements have been concluded through which Mexico furnishes to the United States its exportable surplus of a long list of essential products.

<sup>1</sup> *Post*, p. 1200.

<sup>2</sup> 120 UNTS 3.

<sup>3</sup> Termination confirmed by joint memorandum signed July 5, 1946.

<sup>4</sup> For text, see *Department of State Bulletin*, Feb. 7, 1942, p. 119.

I have the pleasure, likewise, of informing Your Excellency that the Mexican economy has reacted favorably to the constantly increasing strain to which it has been subjected as a consequence of this increase in production and also that there are indications which permit the assumption that the materials which will be furnished in 1943 will exceed by far the quantities which have been made available during the current year.

Unfortunately, Mexico's capacity to produce the articles which are so urgently needed is greater than the possibilities of the Mexican system of transportation to carry them from the mines, fields, or forests where they are extracted or produced to the places where they are exported, manufactured, or consumed.

The burden which is now being borne by the national railways surpasses by far the maximum freight limit which it could reasonably have been expected that they would carry in time of peace. If the United Nations in general, and Mexico and the United States in particular, are to benefit to the maximum by our common effort, it will be necessary for prompt and effective measures to be taken in order that the national railways of Mexico may be in a position to transport a wartime load much larger in volume than that which they can move at present.

In brief, the matter of transportation is today the real key to the Mexican-American program of joint production and economic cooperation in the prosecution of the war.

In my opinion the best proof that the Government of the United States recognizes the basic importance of this question of transportation is the careful attention which Your Excellency has personally given to it, as well as the attitude of your Government in sending to Mexico, at the suggestion of my Government, a mission of expert railroad men who will put the fruit of their experience at the service of the officials of the Mexican railways for the purpose of improving conditions of operation and maintenance thereof, and to expedite the flow of traffic.

However, in order that our efforts may be crowned with the desired success, it is urgent that basic improvements be effected in the lines themselves, in their equipment, and in their motive power. For this, the collaboration of the Government and of the industry of the United States of America is absolutely necessary.

I also think that the operation of the railways should be improved in order to obtain the greatest efficiency in the utilization of the resources already existing and of those which may be obtained.

My Government would, accordingly, be gratified if the Government of the United States of America would consider it possible to strengthen the present mission of railway experts by including therein for a period of six months—or for a longer time, which would be determined officially by means of an exchange of notes at the expiration of the period here provided—a high-ranking official with wide knowledge of this subject; also a limited number of special-

ists who could assist him in making a complete study of the national railways of Mexico, who could likewise make available to the railways the results of their investigations, and who could aid them with their advice.

I desire to assure Your Excellency that the Government of Mexico will, on its part, see that the necessary steps are taken—from the point of view of the organization and operation of the national railways—to obtain maximum efficiency. With regard to this, it would gratefully receive the suggestions of the American railway mission.

I take the opportunity to renew to Your Excellency the assurance of my highest and most distinguished consideration.

E. PADILLA

His Excellency GEORGE S. MESSERSMITH,  
*Ambassador Extraordinary and Plenipotentiary*  
*of the United States of America,*  
*City.*

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*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

*Mexico, November 18, 1942*

No. 787

EXCELLENCY:

I acknowledge with appreciation Your Excellency's cordial note of November 18, 1942, outlining the constructive work which the Government of Mexico has accomplished in implementing Resolution II of the Third Meeting of Ministers of Foreign Affairs of the American republics at Rio de Janeiro through the mobilization of its economic resources, particularly in the production of strategic materials essential for the defense of the hemisphere. Your Excellency has indicated that the production of Mexico of materials for use in the prosecution of the war in which both of our countries are now engaged is being pressed to the limit, but you appropriately point out that unless certain basic changes and improvements are made in the structure and operation of the Mexican National Railways, these lines will not be able to carry the unusual war time peak load which is now and which will be increasingly placed upon them. It is made clear that unless this situation is promptly corrected, the war interests of our two countries and of the other United Nations will suffer. Your Excellency refers to the joint efforts to improve the situation which have already been made through the cooperation of our two governments and requests that this collaboration be extended materially.

The Government of the United States is in full accord with the thoughts expressed in Your Excellency's note under acknowledgment, and desires promptly to extend the added measure of collaboration which is essential to solve our mutual problems. Agencies of the Government of the United States have agreed to purchase from Mexican producers extensive quantities of a long list of strategic commodities. These are materials which are urgently needed by the United States in providing raw materials for the manufacture of war equipment for its own forces, for those of Mexico and for those of the other United Nations. Were it not for the augmented strain being placed on the Mexican National Railways because of United States purchases of strategic materials for its Armed Forces, the extensive rehabilitation of certain parts of the system and the furnishing of additional technical assistance and labor would not be necessary for the normal needs of the Railway Lines. My Government considers that it would not be fair to expect Mexico to bear this disproportionate burden. Consequently, my Government is prepared to pay its equitable share of the cost of the improvements which must be made in order that the materials in question may be transported to American War Plants.

I have noted with gratification that, in consideration of the assistance by my Government, the Mexican Government will on its part see to it that there are taken, from an organizational and operating point of view, all measures necessary to achieve optimum efficiency of the Mexican National Railways and that in this connection it will welcome the suggestions and advice of the United States Railway Mission.

It is my understanding, from the informal conversations thus far held on the subject, that it will be acceptable to the Mexican Government if my Government undertakes, through the Office of the Coordinator of Inter-American Affairs, the following measures of rehabilitation on certain sections of the Mexican Railways:

1. The lines to be covered are :

- (a) Main line extending south from United States border at Laredo, Texas, via Monterrey-Salttillo-San Luis Potosi to Mexico;
- (b) East-West line from Torreón via Paredón to Monterrey;
- (c) Main line southward from Cordoba and Puerto Mexico via Jesus Carranza and Ixtepec through Suchiate on the Guatemalan border;
- (d) Line from Chihuahua to Torreón.

2. To bear the cost of all materials and equipment which the Mexican Government shall agree with the United States Railway Mission to be necessary for the rehabilitation of the aforescribed lines, and which material and equipment must be obtained in the United States;

3. To pay for such rails and fastenings produced in Mexico and agreed between the Mexican Government and the United States Railway Mission to be necessary for this same undertaking;

4. To furnish without cost to Mexico the United States technicians agreed between the Mexican Government and the United States Railway Mission to be necessary;

5. To bear the cost of repairing in the United States such Mexican National Railways locomotives and other equipment which shall be mutually agreed upon shall be sent to the United States for repair under this particular rehabilitation program;

6. To bear the cost of such additional Mexican road gangs as the Mexican Government and the Railway Mission mutually agree are necessary to put into adequate operating condition the road-bed of the lines aforementioned. Expenditures for this purpose will, of course, be ones of a character which the Mexican National Railways could not be expected to bear for normal maintenance purposes.

I am confident that it will be appreciated that for fiscal and accounting reasons it is necessary that the expenditures which the Governments of the United States and Mexico agree are desirable be first approved by the Chief of the United States Railway Mission in Mexico City so that he can certify to the appropriate agency of my Government that in his judgment the expenditures are necessary at a given time and in the amount stipulated. I have every confidence that there will be at no time major differences of opinion concerning the time or extent of aid which cannot be resolved by the frank and friendly consultative procedure which has so happily characterized the relationships between our two Governments.

In addition to the materials and equipment, which in the opinion of the two Governments it will be necessary to secure from the United States, there will undoubtedly be equipment and materials which the facilities of Mexican industry can supply, which would be furnished for the rehabilitation program by the Mexican Government.

My Government fully agrees with the view of the Mexican Government that this rehabilitation program must go forward with optimum rapidity unless our joint war efforts are to suffer.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest and most distinguished consideration.

GEORGE S. MESSERSMITH

His Excellency

Señor Licenciado Don EZEQUIEL PADILLA

*Minister for Foreign Affairs,*

*Mexico*

## RECIPROCAL TRADE

*Agreement signed at Washington December 23, 1942*<sup>1</sup>

*Proclaimed by the President of the United States December 28, 1942*

*Proclaimed by Mexico December 31, 1942*

*Entered into force January 30, 1943*

*Terminated December 31, 1950*<sup>2</sup>

57 Stat. 833; Executive Agreement Series 311

The President of the United States of America and the President of the United Mexican States, being desirous of strengthening the traditional bonds of friendship existing between the two countries by maintaining the principle of equality of treatment in its unconditional and unlimited form as the basis of commercial relations and by granting mutual and reciprocal concessions and advantages for the promotion of trade, have through their respective plenipotentiaries arrived at the following Agreement :

### ARTICLE I

With respect to customs duties and charges of any kind imposed on or in connection with importation or exportation, and with respect to the method of levying such duties and charges, and with respect to all rules and formalities in connection with importation or exportation, and with respect to all laws and regulations affecting the taxation, sale, distribution or use of imported articles within the country, any advantage, favor, privilege or immunity which has been or may hereafter be granted by the United States of America or the United Mexican States to any article originating in or destined for any third country shall be accorded immediately and unconditionally to the like article originating in or destined for the United Mexican States or the United States of America, respectively.

### ARTICLE II

Articles the growth, produce or manufacture of the United States of America or the United Mexican States imported into the other country, shall be exempt from all internal taxes, fees, charges or exactions other or higher than those imposed on like articles of national origin.

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<sup>1</sup> For schedules annexed to agreement, see 57 Stat. 852 or p. 20 of EAS 311.

<sup>2</sup> By exchange of notes at México June 23, 1950.

## ARTICLE III

1. No prohibition or restriction of any kind shall be imposed by the Government of the United States of America or the Government of the United Mexican States on the importation, sale, distribution or use of any article the growth, produce or manufacture of the other country, or on the exportation of any article destined for the territory of the other country, unless the importation, sale, distribution or use of the like article the growth, produce or manufacture of all third countries, or the exportation of the like article to all third countries, respectively, is similarly prohibited or restricted.

2. If the Government of the United States of America or the Government of the United Mexican States imposes any quantitative regulation on the importation or exportation of any article, or on the sale, distribution or use of any imported article, it shall as a general rule give public notice of the total quantity or value of such article permitted to be imported, exported, sold, distributed or used during a specified period, and of any change in such quantity or value. Furthermore, if the Government of either country allots a share of such total quantity or value to any third country, it shall as a general rule allot to the other country, with respect to any article in which the latter has an important interest, a share based upon the proportion of the total quantity or value supplied by, or in the case of exports a share based upon the proportion exported to, such other country during a previous representative period. In such cases the Government imposing the regulation shall consult with the Government of the other country before the share to be allotted to that country is determined.

3. The provisions of this Article relating to imported articles shall also apply in respect of the quantity or value of any article permitted to be imported free of duty or tax or at a lower rate of duty or tax than the rate of duty or tax imposed on imports in excess of such quantity or value.

## ARTICLE IV

1. If the Government of the United States of America or the Government of the United Mexican States establishes or maintains any form of control of the means of international payment, it shall accord unconditional most-favored-nation treatment to the commerce of the other country with respect to all aspects of such control.

2. The Government establishing or maintaining such control shall impose no prohibition, restriction or delay on the transfer of payment for any article the growth, produce or manufacture of the other country which is not imposed on the transfer of payment for the like article the growth, produce or manufacture of any third country. With respect to rates of exchange and with respect to taxes or charges on exchange transactions, articles the growth, produce or manufacture of the other country shall be accorded unconditionally treatment no less favorable than that accorded to the like articles the

growth, produce or manufacture of any third country. The foregoing provisions shall also extend to the application of such control to payments necessary for or incidental to the importation of articles the growth, produce or manufacture of the other country. In general, the control shall be administered so as not to influence to the disadvantage of the other country the competitive relationships between articles the growth, produce or manufacture of the territories of that country and like articles the growth, produce or manufacture of third countries.

#### ARTICLE V

1. If the Government of the United States of America or the Government of the United Mexican States establishes or maintains an exclusive agency for the importation, exportation, sale, distribution or production of any article or grants exclusive privileges to any agency to import, export, sell, distribute or produce any article, the commerce of the other country shall be accorded fair and equitable treatment in respect of the foreign purchases or sales of such agency. To this end such agency shall, in making its foreign purchases or sales of any article, be influenced solely by considerations, such as price, quality, marketability, transportation and terms of purchase or sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing or selling such article on the most favorable terms.

2. The Government of the United States of America and the Government of the United Mexican States, in the awarding of contracts for public works and generally in the purchase of supplies, shall accord fair and equitable treatment to the commerce of the other country as compared with the treatment accorded to the commerce of any third country.

#### ARTICLE VI

1. Laws, regulations of administrative authorities and decisions of administrative or judicial authorities of the United States of America and the United Mexican States, respectively, pertaining to the classification of articles for customs purposes or to rates of duty shall be published promptly in such a manner as to enable traders to become acquainted with them. Such laws, regulations and decisions shall be applied uniformly at all ports of the respective country, except as otherwise specifically provided in statutes of the United States of America relating to articles imported into Puerto Rico.

2. No administrative ruling by the Government of the United States of America or the Government of the United Mexican States effecting advances in rates of duties or in charges applicable under an established and uniform practice to imports originating in the territory of the other country, or imposing any new requirement with respect to such importations, shall be effective retroactively or as a general rule with respect to articles either entered, or withdrawn from warehouse, for consumption prior to the expiration of thirty

days after the date of publication of notice of such ruling in the usual official manner. The provisions of this paragraph do not apply to administrative orders imposing antidumping duties, or relating to regulations for the protection of human, animal or plant life or health, or relating to public safety, or giving effect to judicial decisions.

3. Greater than nominal penalties shall not be imposed by the Government of the United States of America or the Government of the United Mexican States in connection with the importation of articles the growth, produce or manufacture of the other country because of errors in documentation which are obviously clerical in origin or with regard to which good faith can be established.

4. The Government of the United States of America and the Government of the United Mexican States will accord sympathetic consideration to such representations as the other Government may make with respect to the operation of customs regulations, quantitative regulations or the administration thereof, the observance of customs formalities, and the application of sanitary laws and regulations for the protection of human, animal or plant life or health.

5. If the Government of the United States of America or the Government of the United Mexican States makes representations to the other Government in respect of the application of any sanitary law or regulation for the protection of human, animal or plant life or health, and if there is disagreement with respect thereto, a committee of technical experts on which each Government shall be represented shall, on the request of either Government, be established to consider the matter and to submit recommendations with respect thereto as soon as practicable.

#### ARTICLE VII

Articles the growth, produce or manufacture of the United States of America, enumerated and described in Schedule I<sup>3</sup> annexed to this Agreement and made an integral part thereof, shall, on their importation into the United Mexican States, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Schedule, subject to the conditions therein set out. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United Mexican States in force on that day.

#### ARTICLE VIII

1. Articles the growth, produce or manufacture of the United Mexican States, enumerated and described in Schedules II and III annexed to this

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<sup>3</sup> See footnote 1, p. 1109.

Agreement and made an integral part thereof, shall, on their importation into the United States of America, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Schedules, subject to the conditions therein set out. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on that day.

2. The Government of the United States of America reserves the right to withdraw or to modify the concession in respect of the ordinary customs duty granted on any article enumerated and described in Schedule III of this Agreement at any time after the termination of the unlimited national emergency proclaimed by the President of the United States of America on May 27, 1941,<sup>4</sup> on giving six months' written notice to the Government of the United Mexican States, but in no event shall the rate of duty on such article exceed the rate of duty in effect on the day of the signature of this Agreement.

#### ARTICLE IX

The provisions of Articles VII and VIII of this Agreement shall not prevent the Government of the United States of America or the Government of the United Mexican States from imposing at any time on the importation of any article a charge equivalent to an internal tax imposed in respect of a like domestic article or in respect of a commodity from which the imported article has been manufactured or produced in whole or in part.

#### ARTICLE X

1. No prohibition, restriction or any other form of quantitative regulation shall be imposed by the Government of the United Mexican States on the importation, sale, distribution or use of any article the growth, produce or manufacture of the United States of America enumerated and described in Schedule I, or by the Government of the United States of America on the importation, sale, distribution or use of any article the growth, produce or manufacture of the United Mexican States enumerated and described in Schedule II or Schedule III.

2. The foregoing provision shall not prevent the Government of either country from imposing quantitative regulations in whatever form on the importation or sale of any article in conjunction with governmental measures or measures under governmental authority operating to regulate or control the production, market supply, quality or prices of like domestic articles, or tending to increase the labor costs of production of such articles, or to maintain the exchange value of the currency of the country. Whenever the Gov-

<sup>4</sup> 55 Stat. 1647.

ernment of either country proposes to impose or to alter substantially any quantitative regulation authorized by this paragraph, it shall give notice thereof in writing to the other Government and shall afford such other Government an opportunity to consult with it in respect of the proposed action; and if agreement with respect thereto is not reached the Government which proposes to take such action shall, nevertheless, be free to do so and the other Government shall be free within thirty days after such action is taken to terminate this Agreement in whole or in part on thirty days' written notice.

3. The provisions of paragraph 1 of this Article shall not apply in respect of quantitative restrictions imposed by the Government of the United States of America on imports of coffee from the United Mexican States pursuant to the provisions of the Inter-American Coffee Agreement signed on November 28, 1940.<sup>5</sup>

#### ARTICLE XI

1. If, as a result of unforeseen developments and of the concession granted on any article enumerated and described in the Schedules annexed to this Agreement, such article is being imported in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers of like or similar articles, the Government of either country shall be free to withdraw the concession, in whole or in part, or to modify it to the extent and for such time as may be necessary to prevent such injury. Accordingly, if the President of the United States of America finds as a fact that imports of any article enumerated and described in Schedule II or Schedule III are entering the United States of America under the circumstances specified in the preceding sentence, he shall determine whether the withdrawal, in whole or in part, of the concession with regard to the article, or any modification of the concession, by the imposition of quantitative regulations or otherwise, is necessary to prevent such injury, and he shall, if he finds that the public interest will be served thereby, proclaim such finding and determination, and on and after the effective date specified in such proclamation, and so long as such proclamation remains in effect, imports of the article into the United States of America shall be subject to the customs treatment so determined to be necessary to prevent such injury. Similarly, if the Government of the United Mexican States finds as a fact that any article enumerated and described in Schedule I is being imported into the United Mexican States under the circumstances specified, it may, if it finds that the public interest will be served thereby, withdraw in whole or in part the concession with regard to the article, or modify the concession by the imposition of quantitative regulations or otherwise, to the extent and for such time as may be necessary to prevent such injury.

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<sup>5</sup> TS 970, *ante*, vol. 3, p. 671.

2. Before the Government of either country shall withdraw or modify a concession pursuant to the provisions of paragraph 1 of this Article, it shall give notice in writing to the Government of the other country as far in advance as may be practicable and shall afford such other Government an opportunity to consult with it in respect of the proposed action; and if agreement with respect thereto is not reached the Government which proposes to take such action shall, nevertheless, be free to do so and the other Government shall be free within thirty days after such action is taken to terminate this Agreement in whole or in part on thirty days' written notice.

#### ARTICLE XII

In respect of articles the growth, produce or manufacture of the United States of America or of the United Mexican States enumerated and described in Schedule I or in Schedule II or Schedule III, respectively, imported into the other country, on which ad valorem rates of duty, or duties based upon or regulated in any manner by value, are or may be assessed, the general principles applicable in the respective countries for determining dutiable value and converting currencies shall not be altered so as to impair the value of any of the concessions provided for in this Agreement.

#### ARTICLE XIII

1. There shall be freedom of transit through the United States of America and the United Mexican States, respectively, on the routes most convenient for international transit for articles coming from or going to the territories of the other country.

2. Articles in transit shall be entered at the proper customhouse, but, subject to applicable customs laws and regulations, they shall be exempt from the payment of any transit duty, customs duty or similar charge, and they shall not be subject to any unnecessary delays or restrictions.

3. All charges and regulations imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic.

4. Articles coming from or going to either country shall be accorded treatment in the other country with respect to all charges, rules and formalities in connection with transit no less favorable than the treatment accorded to articles coming from or going to any third country.

#### ARTICLE XIV

If the Government of the United States of America or the Government of the United Mexican States should consider that any measure adopted by the other Government, even though it does not conflict with the terms of this Agreement, has the effect of nullifying or impairing any object of the Agreement, such other Government shall give sympathetic consideration to

such written representations or proposals as may be made with a view to effecting a mutually satisfactory adjustment of the matter.

#### ARTICLE XV

1. The provisions of this Agreement relating to the treatment to be accorded by the United States of America and the United Mexican States, respectively, to the commerce of the other country shall apply to the respective customs territories of the two countries.

2. Furthermore, the provisions of this Agreement relating to most-favored-nation treatment shall apply to all territory under the sovereignty or authority of the United States of America or the United Mexican States, except that they shall not apply to the Panama Canal Zone.

#### ARTICLE XVI

1. The advantages now accorded or which may hereafter be accorded by the United States of America or the United Mexican States to adjacent countries in order to facilitate frontier traffic, and advantages accorded by virtue of a customs union to which either country may become a party, shall be excepted from the operation of this Agreement.

2. The advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another or to the Republic of Cuba shall be excepted from the operation of this Agreement. The provisions of this paragraph shall continue to apply in respect of any advantages now or hereafter accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another, irrespective of any change in the political status of any of the territories or possessions of the United States of America.

#### ARTICLE XVII

Nothing in this Agreement shall be construed to prevent the adoption or enforcement of measures

- (a) imposed on moral or humanitarian grounds;
- (b) designed to protect human, animal or plant life or health;
- (c) relating to prison-made goods;
- (d) relating to the enforcement of police or revenue laws;
- (e) relating to the importation or exportation of gold or silver;
- (f) relating to the control of the export, sale for export, or transit of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies;
- (g) relating to neutrality;
- (h) relating to public security, or imposed for the protection of the country's essential interests in time of war or other national emergency.

## ARTICLE XVIII

1. This Agreement shall enter into full force on the thirtieth day following proclamation thereof by the President of the United States of America and the President of the United Mexican States or, should the proclamations be issued on different days, on the thirtieth day following the later in time of such proclamations, and, subject to the provisions of Article X and Article XI, shall remain in force for a period of three years thereafter.

2. Unless six months before the expiration of the aforesaid period of three years the Government of the United States of America or the Government of the United Mexican States shall have given to the other Government notice of intention to terminate this Agreement upon the expiration of the aforesaid period, the Agreement shall remain in force thereafter, subject to the provisions of Article X and Article XI, until six months from the date on which notice of intention to terminate it shall have been given by either Government.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Agreement and have affixed their seals hereto.

DONE in the English and Spanish languages, both authentic, in duplicate, at Washington, this twenty-third day of December 1942.

For the President of the United States of America:

For the President of the United States of America:

CORDELL HULL [SEAL]

*Secretary of State*

*of the United States of America*

For the President of the United Mexican States:

F. CASTILLO NÁJERA [SEAL]

*Ambassador Extraordinary and Plenipotentiary*

*of the United Mexican States at Washington*

[For schedules annexed to agreement, see 57 Stat. 852 or p. 20 of EAS 311.]

## MILITARY SERVICE

*Exchange of notes at México January 22, 1943*

*Entered into force January 22, 1943*

*Terminated October 28, 1952*<sup>1</sup>

57 Stat. 973; Executive Agreement Series 323

*The Minister of Foreign Affairs to the American Chargé  
d'Affaires ad interim*

[TRANSLATION]

JANUARY 22, 1943

MR. CHARGÉ D'AFFAIRES :

I have the honor to refer to the negotiations effected for the purpose of regulating certain aspects of the performance of military service by nationals of our two countries residing in the territory of the other country.

The conversations held to date elicit not only the natural interest with which the authorities of both nations view this matter, but also their determination to reach a satisfactory agreement which will coincide with the excellent relations which happily bind our two Republics.

In view of the foregoing I beg to propose for the consideration of the Government of the United States of America through your esteemed intermediary, the following proposed arrangement:

I. The nationals of either country resident within the territory of the other may be registered and inducted into the armed forces of the country of their residence on the same conditions as the nationals thereof unless otherwise provided herein.

II. Nationals of either country residing in the other shall be accorded the same rights and privileges as nationals of the country of residence. In the selection and induction into their armed forces of nationals of the other country the authorities of the respective countries shall take into account on the same basis as if their own nationals were involved the physical condition and health of the individuals concerned, their civil status, their financial depend-

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<sup>1</sup> Six months after entry into force for the United States of treaty of peace with Japan signed Sept. 8, 1951 (3 UST 3169; TIAS 2490).

ents, regardless of the place of residence and any other circumstances which under the laws and regulations in force in the country of residence would apply in selecting and inducting nationals of the latter country.

III. Nationals of either country in the territory of the other country for purposes of study and with the intention of returning to the country of which they are nationals upon the termination of such study shall upon establishing such facts in accordance with existing selective service laws and regulations be relieved from the obligation of military service.

IV. Nationals of either country who under the immigration laws of the other country are technical residents of that country known as 'border crossers' shall for military service purposes be considered residents of the country in which they actually live.

V. Officials and employees of either country residing in the other whose official status has been notified to the Government of the country in which they are residing and accepted by that Government shall not be considered for military service purposes as residents of the country in which they are residing.

VI. Each Government in so far as necessities imposed by the war effort permit will furnish the other Government with information concerning its nationals who have registered for or been inducted into the military service.

VII. Nationals of either country serving in the armed forces of the other country shall receive the same treatment and have equal opportunities with respect to commissions, promotions and other incidents of military service as are accorded by that country in conformity with military law and practice to its nationals.

VIII. Representatives of either Government shall have the right to assist their nationals serving in the military forces of the other in all matters relating to their welfare including but not limited to the payment of pensions, gratuities, indemnities or other benefits to them or their dependents wherever the latter may be resident.

IX. Nationals of each country who have been registered for or inducted into the Army of the other country in accordance with the military service laws of the latter and who have not declared their intention to acquire the citizenship of the country in which they reside shall upon being designated by the country of which they are nationals and with their consent be released for military service in its forces provided that this has no prejudicial effect on the common war effort. The procedure for the transportation and turning over of these persons will be agreed upon by the appropriate authorities of the two countries who are empowered to bring about the objectives desired.

X. The understandings in the foregoing arrangement shall be in effect as of today for the duration of the present war and six months thereafter.

Should the Government of the United States of America be in agreement with the foregoing text I consider that your affirmative reply to the present

note shall be sufficient for the arrangement to enter immediately into effect.

I take this occasion to reiterate my very high consideration.

E. PADILLA

Mr. HERBERT S. BURSLEY,  
*Chargé d'Affaires ad interim of the  
 United States of America,  
 City.*

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*The American Chargé d'Affaires ad interim to the Minister of Foreign  
 Affairs*

EMBASSY OF THE  
 UNITED STATES OF AMERICA

*Mexico, D.F., January 22, 1943*

No. 960

EXCELLENCY:

I have the honor to refer to Your Excellency's note of January 22, 1943 concerning an agreement between the Governments of Mexico and the United States of America relating to military service of the nationals of either country residing in the other country, which reads textually in translation as follows:

[For translation of Mexican note, see above.]

The above text has been submitted to my Government and has been found entirely acceptable. It is the belief of the United States Government that this agreement adds further testimony to the mutual desire of our respective countries to unite their efforts as members of the United Nations in prosecuting the war and achieving the victory.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

HERBERT S. BURSLEY  
*Counselor of Embassy  
 Chargé d'Affaires ad interim*

His Excellency,  
 EZEQUIEL PADILLA,  
*Minister of Foreign Relations,  
 Mexico, D.F.*

## LEND-LEASE <sup>1</sup>

*Agreement signed at Washington March 18, 1943*  
*Entered into force March 18, 1943*

Department of State files

Whereas the Governments of the United States of America and the United Mexican States declare that they are engaged in a cooperative undertaking, together with every other nation or people of like mind, to the end of laying the bases of a just and enduring world peace securing order under law to themselves and all nations;

And whereas, in conformity with the Declaration of Lima of December 24, 1938,<sup>2</sup> and Declaration XV approved July 30, 1940<sup>3</sup> at the Second Meeting of the Ministers of Foreign Affairs of the American Republics held at Habana, and in harmony with the spirit and purpose of the Third Meeting of the Ministers of Foreign Affairs of the American Republics held at Rio de Janeiro, the Governments of the United States of America and the United Mexican States have determined to cooperate further in the defense of the security and integrity of all the American Republics against acts of aggression directed against any of them;

And whereas the Governments of the United States of America and the United Mexican States, as signatories of the Declaration by United Nations of January 1, 1942,<sup>4</sup> have subscribed to a common program of purposes and principles embodied in the Joint Declaration made on August 14, 1941, by the President of the United States of America and the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, known as the Atlantic Charter;<sup>5</sup>

And whereas the President of the United States of America, pursuant to the Act of the Congress of the United States of America of March 11, 1941,<sup>6</sup> and the President of the United Mexican States have determined that the defense of each of the American Republics is vital to the defense of all of them;

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<sup>1</sup> An arrangement for full settlement within basic terms of the lend-lease agreement was effected by exchange of notes at México Feb. 24, 1951.

<sup>2</sup> *Ante*, vol. 3, p. 534.

<sup>3</sup> For text, see *Department of State Bulletin*, Aug. 24, 1940, p. 136.

<sup>4</sup> EAS 236, *ante*, vol. 3, p. 697.

<sup>5</sup> EAS 236, *ante*, vol. 3, p. 686.

<sup>6</sup> 55 Stat. 31.

And whereas the United States of America and the United Mexican States have extended and will continue to extend to each other respectively aid in resisting aggression;

And whereas the Governments of the United States of America and the United Mexican States are mutually desirous of concluding an agreement for the providing of defense articles and defense information by either country to the other country, and the making of such an agreement has been in all respects duly authorized, and all acts, conditions and formalities which it may have been necessary to perform, fulfill or execute prior to the making of such an agreement in conformity with the laws either of the United States of America or of the United Mexican States have been performed, fulfilled or executed as required;

The undersigned, being duly authorized by their respective Governments for that purpose, have agreed as follows:

#### ARTICLE I

The Agreement concluded by the United States of America and the United Mexican States on March 27, 1942<sup>7</sup> for the providing of defense articles, defense services, and defense information by either country to the other country, shall cease to have effect upon the signing of the present Agreement. All deliveries of defense materials or defense information by either country to the other country in accordance with the terms of the Agreement concluded by the United States of America and the United Mexican States on March 27, 1942 shall be deemed to constitute deliveries or payments in accordance with the terms of the present Agreement.

#### ARTICLE II

The Government of the United States of America will continue to supply the Government of the United Mexican States with such armaments and munitions of war as the President of the United States of America shall authorize to be transferred or provided.

#### ARTICLE III

Should circumstances arise in which the United States of America in its own defense or in order to collaborate in the defense of the Americas shall require defense articles, defense services or defense information which the United Mexican States are in a position to supply, the Government of the United Mexican States will make such defense articles, defense services and defense information available to the United States of America, to the extent possible without harm to its economy and under terms to be agreed upon.

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<sup>7</sup> *Ante*, p. 1063.

## ARTICLE IV

The Government of the United Mexican States undertakes that it will not, without the consent of the President of the United States of America, transfer title to, or possession of, any defense article or defense information received under this Agreement, or permit the use thereof by anyone not an officer, employee, or agent of the Government of the United Mexican States.

Similarly, the Government of the United States of America undertakes that it will not, without the consent of the President of the United Mexican States, transfer title to or possession of any defense article or defense information received in accordance with Article III of this Agreement, or permit the use thereof by anyone not an officer, employee, or agent of the Government of the United States of America.

## ARTICLE V

If, as a result of the transfer to the Government of the United Mexican States of any defense article or defense information, it is necessary for that Government to take any action or make any payment in order fully to protect any of the rights of any citizen of the United States of America who has patent rights in and to any such defense article or information, the Government of the United Mexican States will take such action or make such payment, when requested to do so by the President of the United States of America.

Similarly, if, as a result of the transfer to the Government of the United States of America of any defense article or defense information, it is necessary for that Government to take any action or make any payment in order fully to protect any of the rights of any citizen of the United Mexican States who has patent rights in and to any such defense article or information, the Government of the United States of America will take such action or make such payment, when requested to do so by the President of the United Mexican States.

## ARTICLE VI

The terms and conditions upon which each Government receives the aid provided under this Agreement by the other Government shall not burden commerce between the two countries, but shall promote mutually advantageous economic relations between them and the betterment of worldwide economic relations. To that end, the two Governments will make provision for agreed action by the United States of America and the United Mexican States open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international com-

merce and to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the Joint Declaration made on August 14, 1941, by the President of the United States of America and the Prime Minister of the United Kingdom.

At an early convenient date, conversations shall be begun between the two Governments with a view to determining, in the light of governing economic conditions, the best means of attaining the above-stated objectives by their own agreed action and of seeking the agreed action of other like-minded governments.

Certain terms and conditions upon which each Government receives certain specified items provided under the Agreement by the other Government are set forth in the attached exchange of notes,<sup>8</sup> which is an integral part of this Agreement.

#### ARTICLE VII

This Agreement shall continue in force from the date on which it is signed until a date agreed upon between the two Governments.

Signed and sealed in Washington, in the English and Spanish languages, in duplicate, this eighteenth day of March, 1943.

For the United States of America:

CORDELL HULL [SEAL]

*Secretary of State of the  
United States of America*

For the United Mexican States:

F. CASTILLO NÁJERA [SEAL]

*Ambassador Extraordinary and Pleni-  
potentiary of the United Mexican  
States at Washington*

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<sup>8</sup> Not printed here.

## PLANTATION RUBBER INVESTIGATIONS

*Memorandum of agreement signed March 3, 4, and 29, and April 3, 1943, supplementing memorandum of agreement of April 11, 1941, as supplemented*

*Entered into force April 3, 1943*

57 Stat. 1291; Executive Agreement Series 364

### SUPPLEMENTAL MEMORANDUM TO THE AGREEMENT BETWEEN THE SECRETARIA DE AGRICULTURA Y FOMENTO OF THE UNITED MEXICAN STATES AND THE DEPARTMENT OF AGRICULTURE OF THE UNITED STATES OF AMERICA

Under the terms of the existing agreement between the Secretaría de Agricultura y Fomento, Mexico and the Department of Agriculture, United States of America, dated April 11, 1941,<sup>1</sup> and in accordance with agreements supplemental thereto, the Governments of the United Mexican States and of the United States of America have established a program of rubber plant research and government demonstration plantations for the development of a Hevea rubber plantation industry in Mexico, and have initiated also a cooperative experimental program on *Cryptostegia*.

During 1942 the United States Department of Agriculture has greatly expanded its program of investigations of guayule and has undertaken an extensive program of guayule production. In cooperation with the Secretaría de Agricultura y Fomento of the United Mexican States a few indicator plantings have been established in Mexico. As a consequence of work conducted during the past year the United States Department of Agriculture now has a sufficient supply of guayule seed of high rubber-yielding strains to permit a limited expansion of its guayule program.

To implement the desire of the Governments of the United Mexican States and the United States of America to develop a source of crude rubber, it is the mutual wish of the Secretaría de Agricultura y Fomento of the United Mexican States and of the United States Department of Agriculture to cooperate in undertaking the investigations necessary to determine the suitability of areas in Mexico for the cultivation of guayule, and through assistance to private cooperators in establishing plantings of guayule for the production of rubber.

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<sup>1</sup> EAS 364, *ante*, p. 1052.

Accordingly, in recognition of the common interest of the Governments of Mexico and of the United States in the cultivation of guayule for rubber production, the following Supplementary Memorandum is hereby agreed upon:

A. THE DEPARTMENT OF AGRICULTURE OF THE UNITED STATES AGREES:

1. To provide at its expense guayule seed or seedlings of improved strains of high rubber-bearing capacity for the investigations contemplated under this agreement.

2. To conduct extensive surveys for the purpose of broadly delineating the location and extent of areas within which it is believed guayule may successfully be cultivated.

3. To develop and maintain at its expense, on sites selected in cooperation with the Secretaría de Agricultura y Fomento of the United Mexican States, experimental plantings believed to be representative of areas where guayule may successfully be cultivated.

4. To conduct, except as otherwise provided in this Memorandum, at its expense the research necessary to achieve the purposes for which each experimental planting is established.

5. To provide to private cooperators designated by the Secretaría de Agricultura y Fomento of the United Mexican States guayule seed or seedlings of improved strains at reasonable cost and to aid such cooperators through such technical advice and assistance as is feasible in the selection of tracts of land for guayule nurseries and field plantings and in the establishment, protection, and care of nurseries and field plantings.

B. THE SECRETARIA DE AGRICULTURA Y FOMENTO OF THE UNITED MEXICAN STATES AGREES:

1. To provide at its expense the lands necessary for experimental guayule plantings.

2. To assist where possible in providing water for the irrigation of experimental plantings.

3. To provide at its expense at Torreon and other localities, when available, the use of government buildings for headquarters offices and the storage of supplies and equipment necessary to the investigations and surveys contemplated by this agreement.

4. To facilitate the efforts of the representatives of the United States Department of Agriculture in providing assistance to cooperators in the determination of tracts of land suitable for guayule cultivation and in the establishment, protection and care for nurseries and field plantings.

5. To assign at its option scientists to work with the scientists of the United States Department of Agriculture for the purpose of conducting

cooperative investigations and to aid and facilitate contacts with local and state officials and with private cooperators.

6. To use its good offices in securing duty-free entry of implements, materials and supplies needed for the conduct of official work under this agreement.

G. IT IS MUTUALLY AGREED BY THE SECRETARIA DE AGRICULTURA Y FOMENTO OF THE UNITED MEXICAN STATES AND THE DEPARTMENT OF AGRICULTURE OF THE UNITED STATES THAT:

1. As the successful cultivation of guayule is a highly specialized undertaking, contracts for the establishment of nurseries or plantings of seedlings will not be made with private cooperators by the Department of Agriculture of the United States of America except on the basis of a determination satisfactory to the parties to this Memorandum that a cooperator is qualified and willing to conduct such work in accordance with successfully established methods.

2. Guayule rubber produced as a direct result of work carried out under this memorandum and not required for investigative purposes by the parties hereto will be sold to the Rubber Reserve Company, an agency of the United States Government, in accordance with the Agreement of September 4, 1942 between the Government of the Republic of Mexico and the Rubber Reserve Company.

3. Seed of new strains of guayule developed as a result of research work under this agreement will be divided equally between the parties hereto. By mutual agreement either party hereto may harvest such seed from plantings of strains of guayule furnished in accordance with paragraph A1 of this agreement as may be needed for further extension of plantings in the respective countries.

4. Information obtained from the investigations contemplated by this Memorandum will be freely exchanged between the parties hereto.

5. Publication of the results of the investigations and surveys contemplated by this Memorandum may be made by either party providing the cooperative nature of the work is recognized and a copy of the manuscript is furnished the cooperator for review previous to publication.

6. Upon the termination of this agreement, immature crops of guayule or other plants growing on the experimental plantings will become the property of the Government of Mexico.

7. Marketable crops of guayule or other plants that may be grown and harvested on any of the experimental planting areas during the life of or upon the termination of this agreement will be disposed of by the parties hereto through dividing and sharing the crop equally. Each party will sell or dispose of its share of the crop and make disposition of funds received by sale in accordance with the laws and regulations applicable to each country.

8. Upon termination of this agreement, the Department of Agriculture of the United States of America shall be permitted to remove, sell, or otherwise dispose of the improvements belonging to the United States, including all buildings and facilities.

9. The development of the work contemplated in this Memorandum is contingent upon appropriation of money for the purpose by the Congress of the United Mexican States and the United States of America for the fulfillment of the respective obligations of the signatories.

MARTE R. GOMEZ

*Secretario de Agricultura y Fomento, Estados Unidos Mexicanos*

March 3, 1943

EDUARDO SUÁREZ

*Secretario de Hacienda y Crédito Público, Estados Unidos Mexicanos*

March 4, 1943

F. J. GAXIOLA, Jr.

*Secretario de la Economía Nacional, Estados Unidos Mexicanos.*

March 3, 1943

CLAUDE R. WICKARD

*Secretary of Agriculture  
United States of America*

April 3, 1943

E. C. AUCHTER

*Agricultural Research Administrator, United States Department of Agriculture*

Mar. 29, 1943

## MIGRATORY WORKERS

*Exchange of notes at México April 26, 1943*

*Entered into force April 26, 1943*

*Supplemented by agreement of March 25 and April 2, 1947<sup>1</sup>*

*Superseded by agreement of February 20 and 21, 1948<sup>2</sup>*

57 Stat. 1152; Executive Agreement Series 351

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

DEPARTMENT OF FOREIGN RELATIONS  
UNITED MEXICAN STATES  
MEXICO CITY

317

MEXICO CITY, *April 26, 1943*

MR. AMBASSADOR:

With relation to the conversations held in this Department between representatives of the Embassy in Your Excellency's charge and of the Farm Security Administration, on the one hand, and of the Departments of Gobernación, of Agricultura y Fomento, of Labor and Social Welfare and of this Department of Foreign Relations, on the other, with the object of examining the amendments which it would be proper to introduce in the arrangement of August 4, 1942,<sup>3</sup> relative to agricultural workers who enter the United States to render their services, it is a pleasure for me to make the following statement to Your Excellency:

The Government of Mexico, which is pleased to render this collaboration to that of the United States of America, is grateful for the spirit of understanding evidenced by the representatives of the Embassy and of the Farm Security Administration and, in view thereof, takes the liberty of submitting to Your Excellency's approval the text which would amend the above-mentioned arrangement of August 4, 1942, in the understanding that these amendments will apply both to the workers who were engaged under the arrangement in question and to those who have been engaged and will continue to be engaged in accordance with the request of the United States

<sup>1</sup> TIAS 1710, *post*, p. 1229.

<sup>2</sup> TIAS 1968, *post*, p. 1232.

<sup>3</sup> EAS 278, *ante*, p. 1069.

Government. The amendments to the arrangement of August 4, 1942, are written in capitals: <sup>4</sup>

In order to effect a satisfactory arrangement whereby Mexican agricultural labor may be made available for use in the United States and at the same time provide means whereby this labor will be adequately protected while out of Mexico, the following general provisions are suggested:

*General Provisions*

1) It is understood that Mexicans contracting to work in the United States shall not be engaged in any military service.

2) Mexicans entering the United States as a result of this understanding shall not suffer discriminatory acts of any kind in accordance with the Executive Order No. 8802 issued at the White House June 25, 1941.<sup>5</sup>

3) Mexicans entering the United States under this understanding shall enjoy the guarantees of transportation, living expenses and repatriation established in Article 29 of the Mexican Federal Labor Law as follows:

“Article 29. All contracts entered into by Mexican workers for lending their services outside their country, shall be made in writing, legalized by the municipal authorities of the locality where entered into and visaed by the Consul of the country where their services are being used. Furthermore, such contract shall contain, as a requisite of validity of same, the following stipulations, without which the contract is invalid:

I. Transportation and subsistence expenses for the worker, and his family, if such is the case, and all other expenses which originate from point of origin to border points and compliance of immigration requirements, or for any other similar concept, shall be paid exclusively by the employer or the contractual parties.

II. The worker shall be paid in full the salary agreed upon, from which no deductions shall be made in any amount for any of the concepts mentioned in the above sub-paragraph.

III. The employer or contractor shall issue a bond or constitute a deposit in cash in the Bank of Workers, or in the absence of same, in the Bank of Mexico, to the entire satisfaction of the respective labor authorities, for a sum equal to repatriation costs of the worker and his family, and those originated by transportation to point of origin.

Once the employer establishes proof of having covered such expenses or the refusal of the worker to return to his country, and that he does not

<sup>4</sup> Amendments are underscored here, as in United States note.

<sup>5</sup> 6 Fed. Reg. 3109.

owe the worker any sum covering salary or indemnization to which he might have a right, the labor authorities shall authorize the return of the deposit or the cancellation of the bond issued.”

It is specifically understood that the provisions of Section III of Article 29 above-mentioned shall not apply to the Government of the United States notwithstanding the inclusion of this section in the agreement, in view of the obligations assumed by the United States Government under Transportation (a) and (c) of this agreement.

4) Mexicans entering the United States under this understanding shall not be employed to displace other workers, or for the purpose of reducing rates of pay previously established.

In order to implement the application of the general principles mentioned above the following specific clauses are established:

(When the word ‘employer’ is used hereinafter it shall be understood to mean the Farm Security Administration of the Department of Agriculture of the United States of America; the word ‘sub-employer’ shall mean the owner or operator of the farm or farms in the United States on which the Mexican will be employed; the word ‘worker’ hereinafter used shall refer to the Mexican farm laborer entering the United States under this understanding.)

#### *Contracts*

a. Contracts will be made between the employer and the worker under the supervision of the Mexican Government. (Contracts must be written in Spanish.)

b. The employer shall enter into a contract with the sub-employer, with a view to proper observance of the principles embodied in this understanding.

#### *Admission*

a. The Mexican health authorities will, at the place whence the worker comes, see that he meets the necessary physical conditions.

#### *Transportation*

a. All transportation and living expenses from the place of origin to destination, and return, as well as expenses incurred in the fulfillment of any requirements of a migratory nature shall be met by the employer.

b. Personal belongings of the workers up to a maximum of 35 kilos per person shall be transported at the expense of the employer.

c. In accord with the intent of Article 29 of the Mexican Federal Labor Law, quoted under General Provisions (3) above, it is expected that the employer will collect all or part of the cost accruing under (a) and (b) of Transportation from the sub-employer.

*Wages and employment*

a. (1) Wages to be paid the worker shall be the same as those paid for similar work to other agricultural laborers under the same conditions within the same area, in the respective regions of destination. Piece rates shall be so set as to enable the worker of average ability to earn the prevailing wage. In any case wages for piece work or hourly work will not be less than 30 cents per hour.

a. (2) On the basis of prior authorization from the Mexican Government salaries lower than those established in the previous clause may be paid those emigrants admitted into the United States as members of the family of the worker under contract and who, when they are in the field, are able also to become agricultural laborers but who, by their condition of age or sex, cannot carry out the average amount of ordinary work.

b. The worker shall be exclusively employed as an agricultural laborer for which he has been engaged; any change from such type of employment or any change of locality shall be made with the express approval of the worker and with the authority of the Mexican Government.

c. There shall be considered illegal any collection by reason of commission or for any other concept demanded of the worker.

d. Work of minors under 14 years shall be strictly prohibited, and they shall have the same schooling opportunities as those enjoyed by children of other agricultural laborers.

e. Workers domiciled in the migratory labor camps or at any other place of employment under this understanding shall be free to obtain articles for their personal consumption, or that of their families, wherever it is most convenient for them.

f. The Mexican workers will be furnished without cost to them with hygienic lodgings, adequate to the physical conditions of the region of a type used by a common laborer of the region and the medical and sanitary services enjoyed also without cost to them will be identical with those furnished to the other agricultural workers in the regions where they may lend their services.

g. Workers admitted under this understanding shall enjoy as regards occupational diseases and accidents the same guarantees enjoyed by other agricultural workers under United States legislation.

h. Groups of workers admitted under this understanding shall elect their own representatives to deal with the employer, but it is understood that all such representatives shall be working members of the group.

The Mexican Consuls, assisted by the Mexican Labor Inspectors, recognized as such by the employer will take all possible measures of protection in the interests of the Mexican workers in all questions affecting them within

their corresponding jurisdictions, and will have free access to the places of work of the Mexican workers. The employer will observe that the sub-employer grants all facilities to the Mexican Consuls and the Assistant Labor Inspectors of the Mexican Government for the compliance of all the clauses in this contract.

i. For such time as they are unemployed under a period equal to 75% of the period (exclusive of Sundays) for which the workers have been contracted they shall receive a subsistence allowance at the rate of \$3.00 per day.

For the remaining 25% of the period for which the workers have been contracted during which the workers may be unemployed when such unemployment is not due to their unwillingness to work they shall receive lodging and subsistence without cost to them.

Should the cost of living rise this will be a matter for reconsideration.

The master contracts for workers submitted to the Mexican Government shall contain definite provisions for computation of subsistence and payments under this understanding.

j. The term of the contract shall be made in accordance with the authorities of the respective countries.

k. At the expiration of the contract under this understanding, and if the same is not renewed, the authorities of the United States shall consider illegal, from an immigration point of view, the continued stay of the worker in the territory of the United States, exception made of cases of physical impossibility.

#### *Savings Fund*

a. The respective agencies of the Government of the United States shall be responsible for the safekeeping of the sums contributed by the Mexican workers toward the formation of their Rural Savings Fund, until such sums are transferred to the Wells Fargo Bank and Union Trust Company of San Francisco for the account of the Bank of Mexico, S. A., which will transfer such amounts to the Mexican Agricultural Credit Bank. This last shall assume responsibility for the deposit, for the safekeeping and for the application, or in the absence of these, for the return of such amounts.

b. The Mexican Government through the Banco de Crédito Agrícola will take care of the security of the savings of the workers to be used for payment of the agricultural implements, which may be made available to the Banco de Crédito Agrícola in accordance with exportation permits for shipment to Mexico with the understanding that the Farm Security Administration will recommend priority treatment for such implements.

#### *Numbers*

As it is impossible to determine at this time the number of workers who may be needed in the United States for agricultural labor employment, the em-

ployer shall advise the Mexican Government from time to time as to the number needed. The Government of Mexico shall determine in each case the number of workers who may leave the country without detriment to its national economy.

### *General Considerations*

It is understood that, with reference to the departure from Mexico of Mexican workers, who are not farm laborers, there shall govern in understandings reached by agencies of the respective Governments the same fundamental principles which have been applied here to the departure of farm labor.

It is understood that the employers will cooperate with such other agencies of the Government of the United States in carrying this understanding into effect whose authority under the laws of the United States are such as to contribute to the effectuation of the understanding.

Either Government shall have the right to renounce this understanding, giving appropriate notification to the other Government 90 days in advance.

This understanding may be formalized by an exchange of notes between the Ministry of Foreign Affairs of the Republic of Mexico and the Embassy of the United States of America in Mexico.

In case Your Excellency, as I hope, considers the text of the arrangement acceptable as it is set forth in the foregoing sections, it will be sufficient for you to communicate it to me in writing for the same to come into force.

I renew to Your Excellency the assurance of my highest and most distinguished consideration.

E. PADILLA

His Excellency GEORGE S. MESSERSMITH,  
*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
City.*

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*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*México, D.F., April 26, 1943*

No. 1214

EXCELLENCY:

I have the honor to refer to the note No. 317 dated April 26, 1943 in which Your Excellency formulates certain proposals made by the Mexican Government for making the Agreement of August 4, 1942 between the Governments of the United States of America and Mexico a more workable instrument under which Mexican agricultural workers may be recruited in Mexico to work in the United States for a temporary period.

The United States representatives who have been discussing the proposed changes with the representatives designated by the Mexican Government for this purpose have been gratified by the generous spirit of cooperation which has animated these discussions and which has helped to bring them to a successful conclusion.

I am incorporating into this note the text of the Agreement of August 4, 1942 and indicating by underlining those additions or changes agreed upon by my Government:

[For text of agreement, see Mexican note, above.]

In accepting the above text as the arrangement under which Mexican Agricultural workers shall be recruited and employed in agricultural work in the United States my Government agrees that all the conditions set forth in the revised agreement will apply equally to those agricultural workers already in the United States or on their way to the United States under individual work agreements as well as to those who may be recruited for such work in the future.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

G. S. MESSERSMITH

His Excellency

Señor Licenciado EZEQUIEL PADILLA,  
*Minister for Foreign Affairs,*  
*México, D.F.*

## MIGRATORY WORKERS

*Exchange of notes at México April 29, 1943*

*Entered into force April 29, 1943*

*Terminated March 1, 1947, by agreement of November 15, 1946*<sup>1</sup>

57 Stat. 1353; Executive Agreement Series 376

*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

*México, D.F., April 29, 1943*

No. 1218

EXCELLENCY:

I have the honor to refer to my note No. 990 of January 29, 1943, inquiring whether Your Excellency's Government would be disposed to conclude an arrangement whereby unskilled non-agricultural workers would be recruited in Mexico for non-agricultural work in the United States as well as to Your Excellency's acknowledgment of February 3, 1943.

The possibility of the recruiting of other than farm labor was likewise foreseen at the time when the agricultural labor agreement was signed on August 4, 1942<sup>2</sup> and the following language is a part of that Agreement:

"It is understood that, with reference to the departure from Mexico of Mexican workers, who are not farm laborers, there shall govern in understandings reached by agencies of the respective Governments the same fundamental principles which have been applied here to the departure of farm labor."

The duly authorized representatives of the United States Government together with authorized representatives of the Mexican Government have reached an agreement covering non-agricultural workers as follows:

"In order that Mexican workers may be made available for non-agricultural employment in the United States and, at the same time, to ensure that such workers will be adequately protected while out of Mexico, the following provisions are suggested for approval by representatives of the Governments of both countries.

<sup>1</sup> TIAS 1684, *post*, p. 1215.

<sup>2</sup> EAS 278, *ante*, p. 1069.

“These provisions include the same fundamental principles which were applied to the departure of farm labor, in accordance with the agreement between the Republic of Mexico and the United States of America dated August 4, 1942.

#### “I. GENERAL PRINCIPLES

“1. Mexican nationals who enter the United States under contract with an appropriate Government department or agency shall not be subject to military service for the United States.

“2. In accordance with the principles enunciated in Executive Order No. 8802, issued at the White House on June 25, 1941,<sup>3</sup> Mexican nationals who enter the United States as a result of any understanding between the two Governments shall not suffer discriminatory acts of any kind.

“3. Mexican nationals entering the United States for employment in the United States under this agreement shall enjoy the guarantees of transportation, living expenses and repatriation established in Article 29 of the Mexican Federal Labor Law which reads as follows:

“Article 29. All contracts entered into by Mexican workers, for lending their services outside of their country, shall be made in writing, legalized by the municipal authorities of the locality where entered into and visaed by the Consul of the country where their services are being used. Furthermore, such contract shall contain, as a requisite of validity of same, the following stipulations, without which the contract is invalid:

“I. Transportation and subsistence expenses for the worker, and his family if such is the case, and all other expenses which originate from point of origin to border points and compliance of immigration requirements, or for any other similar concept, shall be paid exclusively by the employer or the contractual parties.

“II. The worker shall be paid in full the salary agreed upon, from which no deductions shall be made in any amount for any of the concepts mentioned in the above sub-paragraph.

“III. The employer or contractor shall issue a bond or constitute a deposit in cash in the Bank of Workers, or in the absence of same, in the Bank of Mexico, to the entire satisfaction of the respective labor authorities, for a sum equal to repatriation costs of the worker and his family, and those originated by transportation to point of origin.

“‘Once the employer establishes proof of having covered such expenses or the refusal of the worker to return to his country, and that he does not owe the worker any sum covering salary or indemnization to which he might have a right, the labor authorities shall authorize the return of the deposit or the cancellation of the bond issued.’”

<sup>3</sup> 6 Fed. Reg. 3109.

"It is specifically understood that the provisions of Section 3 of Article 29 above-mentioned shall not apply as between the Governments of the United States and of Mexico notwithstanding the inclusion of this section in this agreement in view of the obligations assumed by the United States Government under Section III, paragraph A, Item 1, of this same agreement.

"4. Mexican nationals entering the United States under this agreement shall not be employed to displace other workers, or for the purpose of reducing rates of pay or other standards previously established.

## "II. PROCEDURES

### "A. *Contracts*

"1. Contracts shall be made between the Government of the United States of America, acting through the Chairman of the War Manpower Commission or his authorized representative, and each worker, under the supervision of the Mexican Government. Such contracts shall be written in the Spanish and English languages and shall be in such form as may be approved by the Mexican Government.

"2. The Government of the United States of America, acting through the Chairman of the War Manpower Commission or his authorized representative, shall enter into contracts with employers in the United States by whom workers will be employed, which shall be in accordance with the principles agreed upon by the two Governments.

"3. When the word 'employer' is used hereinafter it shall be understood to mean the owner or operator of a non-agricultural enterprise in the United States by which the Mexican will be employed; and the word 'worker' shall mean a Mexican worker entering the United States under this agreement.

### "B. *Admission of Workers into the United States*

"1. The United States Public Health Service, in collaboration with the Mexican Public Health authorities, shall provide physical examination at the place of selection to determine whether each worker meets the physical requirements of the immigration authorities and the prospective employer.

### "C. *Numbers*

"1. The Government of the United States shall determine in each case the number of workers needed for non-agricultural labor and shall advise the Mexican Government from time to time.

"2. The Government of Mexico shall determine in each case the number and types of workers who may leave the country without detriment to its national economy.

### “III. CONDITIONS UNDER WHICH MEXICAN WORKERS SHALL BE CONTRACTED

#### “A. *Transportation*

“1. All costs of transportation (including subsistence) from the place where contracted to the place of employment and return to the place of contract, including expenses occasioned by the immigration regulations of the United States of America shall be met by the United States Government acting through the Chairman of the War Manpower Commission.

“2. Personal effects of each person transported up to a maximum of 35 kilos per person (77 pounds), or such additional amount as may be found to be appropriate in the event household effects are transported, shall be transported at the expense of the United States of America acting through the Chairman of the War Manpower Commission.

“3. In accord with the intent of article 29 of the Mexican Federal Labor Law, it is expected that the United States Government may, at its election, arrange with the employer for such employer to pay all or part of the cost accruing under 1 and 2 above. This does not diminish the scope of the obligations which the United States Government assumes under 1 and 2 above.

#### “B. *Wages and Employment*

“1. Wages paid to Mexican workers under this agreement shall be the same as those paid for similar work to domestic workers at the place of employment. (If wages are to be paid on a piece-rate basis, the rate shall be so set as to enable a worker of average ability to earn the prevailing wage.) In no case shall the wages be less than 46 cents per hour.

“2. Each worker shall be exclusively employed as a non-agricultural laborer for which contracted; and any change to another type of work within this classification shall be made only with the express approval of the worker and with the consent of the Mexican Government.

“3. Wages shall be paid in full with no deductions except those required by law of domestic workers engaged in similar employment.

“4. Work for minors under 16 years shall be strictly prohibited and minors shall have the same schooling opportunities as those enjoyed by children of other workers in the same locality.

“5. Workers domiciled at any place of employment under this agreement shall be free to obtain articles for their personal consumption or that of their families wherever it is most convenient for them.

“6. The Mexican workers will receive hygienic lodgings adequate to the physical condition of the region, of the type furnished domestic workers engaged in similar employment; sanitary and medical services, and restaurant facilities enjoyed by workers admitted under this understanding shall be not less favorable to them than those enjoyed by other workers engaged in similar employment at the same place of employment.

"7. Workers admitted under this agreement shall enjoy as regards occupational diseases and accidents the same guarantees enjoyed by domestic workers engaged in similar work under Federal or State legislation in the United States.

"8. Groups of workers admitted under this understanding shall elect their own spokesmen to deal with the employer, with the duly authorized representative of the craft or class of employees, or with other interested parties, concerning matters arising out of the interpretation or application of this agreement; but it is understood that all such spokesmen shall be working members of the groups.

"The Mexican Consuls, assisted by the Mexican field inspectors, recognized as such by the War Manpower Commission, within their corresponding jurisdictions, will seek to ensure that all measures of protection are taken in the interests of the Mexican workers in all questions affecting them. Complaints of the Mexican officials involved should be taken up in the first instance with that office of the War Manpower Commission nearest to the place where the complaint arises. They will have free access to the places of work of the Mexican workers. The War Manpower Commission will see that the Employers grant all facilities to the Mexican Consuls and the assistant field inspectors of the Mexican Government for the compliance of all the clauses of this contract.

"9. Mexican workers shall be afforded opportunity to work the same number of working hours per week as other workers engaged in similar employment at the place of employment. In view of the fact that in accordance with custom in the United States no subsistence allowances are furnished to non-agricultural workers, Mexican workers are guaranteed under this agreement a minimum of 75% of full time employment in each pay period and at least 90% of full time employment during period for which contracted. However, if the worker is afforded an opportunity to work but is unwilling or unable to work the guarantee in the previous sentence shall not apply.

"10. The term of the contract shall be agreed upon by the representatives of the two Governments with privilege of extension with the consent of the worker and approval of the Mexican Government.

"11. At the expiration of the contract, and if the same is not renewed, the authorities of the United States shall consider the continued stay of the worker in the territory of the United States to be illegal from an immigration point of view, with the exception of cases of physical impossibility of the worker to return to Mexico.

### *"C. Savings Fund*

"The War Manpower Commission assumes responsibility for the safe-keeping of amounts contributed by Mexican workers for the formation of the

Savings Fund until such amounts are credited to the Bank of Mexico in such agency or agencies of said bank in the United States and which agencies will be determined by means of an exchange of notes. The Bank of Mexico for its part will transfer the sums in question to the Banco del Ahorro Nacional, S.A.

“Whenever the War Manpower Commission shall have made the deposits referred to in the previous paragraph it shall send directly to the Banco del Ahorro Nacional, S.A., a list containing the names of the beneficiaries and the amount corresponding to each of them for the above-mentioned fund.

#### “GENERAL PROVISIONS

“It is understood that the War Manpower Commission will cooperate with such other agencies of the Government of the United States in carrying this understanding into effect whose authority under the laws of the United States are such as to contribute to the effectuation of the understanding. Either Government shall have the right to renounce this understanding giving appropriate notification to the other Government ninety days in advance. This understanding may be formalized by an exchange of notes between the Ministry for Foreign Affairs of the Republic of Mexico and the Embassy of the United States of America in Mexico.”

I, therefore, take this opportunity to inform Your Excellency that the text of the above agreement has received the approval of the United States Government. It is the desire of the United States Government that the arrangement should come into effect today.

I desire to express my gratitude to Your Excellency for the manner in which the negotiations leading up to this agreement were conducted. The Mexican representatives have at all times had a real comprehension of the urgency and necessity for these workers in the United States. On the other hand, the United States representatives recognize the full value of this contribution of Mexico to the joint war effort.

I would appreciate it, therefore, if Your Excellency would indicate that the proposed agreement is acceptable to the Mexican Government.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

G. S. MESSERSMITH

His Excellency

Señor Licenciado EZEQUIEL PADILLA,  
*Minister for Foreign Affairs,*  
*México, D.F.*

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
UNITED MEXICAN STATES  
MEXICO CITY

318

MEXICO CITY, *April 29, 1943*

MR. AMBASSADOR:

In your very kind note 1218, of the 29th instant, which for the sake of greater precision I insert below, Your Excellency said as follows:

[For text, see U.S. note, above.]

While thanking Your Excellency most sincerely for the terms in which you are pleased to comment on the cooperation of Mexico in this matter, I beg you to take note that my Government, bearing in mind that the above-inserted agreement represents the result of the conclusions reached by the representatives of our two countries, gives it its complete approval and is agreeable to its coming into force from this date.

I renew to Your Excellency the assurances of my highest and most distinguished consideration.

E. PADILLA

His Excellency

GEORGE S. MESSERSMITH,

*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
City.*

## WEATHER STATIONS

*Exchange of notes at México May 18 and June 14, 1943, with Mexican memorandum*

*Entered into force June 14, 1943*

*Superseded July 1, 1948, by agreement of March 29 and August 15, 1949*<sup>1</sup>

61 Stat. 4053; Treaties and Other  
International Acts Series 1806

*The American Ambassador to the Minister of Foreign Affairs*

No. 1271

MEXICO, May 18, 1943

### EXCELLENCY:

Pursuant to instructions from my Government, I have the honor to inform Your Excellency that, in furtherance of the war effort, and particularly in order to safeguard military and air transport operations, it appears to be desirable to provide a network of urgently needed meteorological reports from points in northern Mexico bordering important airways of the United States. In the event that the establishment of such a network should be agreeable to Your Excellency's Government, the United States Weather Bureau, of the Department of Commerce, is prepared to provide the necessary equipment for nine such stations and is likewise prepared to defray the salaries of, and to train, sufficient Mexican personnel to take eight complete weather observations at three-hourly intervals daily, including Sundays and holidays.

While this matter has not been previously discussed with Mexican authorities, it is believed that the proposal will receive favorable consideration by the Mexican Meteorological Survey, since the weather reports from the net work would be beneficial in forecasting weather which at times moves southward across Mexico.

For Your Excellency's information I may add that if, as I venture to hope, the above suggestion should prove agreeable to Your Excellency's Government, the Weather Bureau would send an official to this Capital to assist in the making of the necessary arrangements and agreements so that the establishment of the stations may be expedited.

I should appreciate it if Your Excellency would be so kind as to endeavor to expedite a decision in regard to the above.

<sup>1</sup> TIAS 1995, *post*, p. 1259.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

GEORGE S. MESSERSMITH

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
UNITED MEXICAN STATES  
MEXICO

54229

MEXICO CITY, *June 14, 1943*

MR. AMBASSADOR:

In reply to Your Excellency's courteous note No. 1271 of May 18 last and with reference to my note No. 53859 of the 2nd of the present month of June, I am happy to inform you that the Government of Mexico is agreeable to nine weather stations being established for the purpose of furnishing, daily, reports useful for better safeguarding military and air transportation operations.

Therefore, the Government of the United States may, whenever it sees fit, send to Mexico City the Weather Bureau official to whom Your Excellency's note refers, for the purpose of making the necessary arrangements with the proper authorities of the Government of Mexico—in this case the Ministry of Agriculture—in connection with everything relative to the location of the said stations, the cooperation which the United States Weather Bureau will extend in the way of furnishing the equipment for the functioning thereof, and the sending, if considered advisable, of one or more experts to instruct the Mexican personnel who will be in charge of the stations in question. The salary of this personnel will be covered by the Government of Mexico.

As an enclosure with this note I transmit to Your Excellency a memorandum containing various information which the Ministry of Agriculture and Development has supplied to the Ministry of Foreign Relations relative to this matter.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

E. PADILLA

Enclosure.

His Excellency

GEORGE S. MESSERSMITH,

*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
City.*

## MEMORANDUM

At the present time there are in the northern region of the Republic the eleven weather stations listed below:

STATIONS:	APPROX. POSITION	
	Lat.	Long.
Ensenada, B. C.	31°47'	116°37'
Altar, Son.	30 43	111 44
Ures, Son.	29 26	110 24
Villa Ahumada, Chih.	30 38	106 31
Temósachic, Chih.	28 58	107 50
Hidalgo del Parral, Chih.	26 56	105 49
Ojinaga, Chih.	29 24	104 25
Sierra Mojada, Coah.	27 17	103 42
Monclova, Coah.	26 55	101 26
Linares, N. L.	24 52	99 34
Soto la Marina, Tamps.	23 46	98 12

These stations are of the thermopluviometric category and despatch, daily, to the Central Bureau in Tacubaya, for short-term weather forecast studies, a telegram with the observation data gathered at 6:30 a.m. on the 90° meridian west of Greenwich, which include: maximum temperature and minimum temperature in the previous 24 hours; rainfall in the previous 24 hours; direction and estimated velocity of the wind and cloudiness, at the time of the observation, and prevailing aspect of the sky during the previous 24 hours. (These data are not included among those which are despatched daily to the United States, at present.)

It is to be supposed that the new stations which the Government of the United States is proposing to establish would, in addition to their observations of temperature and rainfall make observations of the atmospheric pressure, wind and cloudiness; but it would perhaps be advisable to take into account the location of already existing pluviometric stations, in view of the necessity of the places selected being connected by telegraph with the Center and of the advantage of taking previous statistics as to temperature and rainfall into account.

To the foregoing places may be added two which are connected by telegraph with the Capital and at which there also are thermopluviometric stations, but which do not at present transmit their daily data by telegraph. They are:

Presa de la Angosture, Son. . . . Lat.: 30°17'; Long.: 109°16' and Lampazos, N. L. . . . Lat.: 27°2'; Long.: 100°31'.

The Government of Mexico has always been disposed to cooperate with that of the United States in meteorological studies. For three years the Federal Government has been actively improving the network of observatories, and a special one for Agricultural Climatology will be opened in the very near future at the National School of Agriculture, Dr. C. W.

Thornthwaite, of the United States Department of Agriculture, who has distinguished himself by his desire to cooperate with us in that field, having been invited to the opening thereof.

The Mexican network of weather stations has been improved, since 1941, in the manifest way which is apparent from the following:

In 1940 there were only 346 stations in all.

In 1941, 614 stations were in operation, as follows:

Pluviometric . . . . .	146
Thermopluviometric . . . . .	302
Evaporation . . . . .	110
Meteorological . . . . .	56

In 1942, 804 stations were in operation, as follows:

Pluviometric . . . . .	193
Thermopluviometric . . . . .	425
Evaporation . . . . .	132
Meteorological . . . . .	54

In 1943, 868 stations are in operation as follows:

Pluviometric . . . . .	202
Thermopluviometric . . . . .	468
Evaporation . . . . .	140
Meteorological . . . . .	55

and three more, radiometeorographic stations, established at the request and with the help of the United States Weather Bureau.

Our program of increasing and improving the network of Observatories has nevertheless, in the last two years, suffered great delay and limitation, due to the difficulties encountered in the acquisition of apparatus from the United States. Recently an order for barometers which we placed with it as far back as November 1941 was canceled by the Taylor Instruments Company factory, and the thermometers and barographs requested at the same time have been delivered to us in small lots which still do not cover the total number ordered.

In the present case, the Department of Agriculture hopes that the increase in meteorological data will result in great benefit to weather studies, in both countries, and will devote its every endeavor to carrying out the cooperation which is requested of it.

MEXICO, D. F., *June 14, 1943.*

## HEALTH AND SANITATION PROGRAM

*Exchange of notes at México June 30 and July 1, 1943*

*Entered into force July 1, 1943*

*Modified by agreements of December 8, 1943;<sup>1</sup> February 10 and 14, 1949;<sup>2</sup> October 7 and 14, 1949;<sup>3</sup> September 20 and November 23, 1950;<sup>4</sup> January 31 and May 15, 1952;<sup>5</sup> December 15, 1952, and February 25, 1953;<sup>6</sup> March 5, 1953;<sup>6</sup> and January 26 and February 24, 1954<sup>6</sup>*

*Extended by agreements of December 8, 1943;<sup>1</sup> February 10 and 14, 1949;<sup>2</sup> October 7 and 14, 1949;<sup>3</sup> and September 20 and November 23, 1950<sup>4</sup>*

*Expired June 30, 1955*

57 Stat. 1121; Executive Agreement Series 347

*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*México, D.F., June 30, 1943*

No. 1426

### EXCELLENCY:

Your Excellency will recall that the representatives of the twenty-one American Republics at the Third Consultative Conference held in Rio de Janeiro in January, 1942, adopted Resolution No. 30<sup>7</sup> recommending that health and sanitation problems of the Western Hemisphere be resolved—so far as possible—by means of bi-lateral or multi-lateral agreements of an international character.

This Resolution, to which our Governments gave decided support, is significant evidence of the importance which the American Republics attribute to collaboration as the most effective method of resolving problems of common interest.

Of singular importance among these problems, especially in the case of neighboring countries, are those referred to in the Rio de Janeiro Resolution just mentioned, since it is evident that health and sanitary conditions must necessarily affect both Republics.

<sup>1</sup> TIAS 2063, *post*, p. 1158.

<sup>2</sup> TIAS 2091, *post*, p. 1244.

<sup>3</sup> TIAS 2120, *post*, p. 1268.

<sup>4</sup> 2 UST 484; TIAS 2197.

<sup>5</sup> 3 UST 4276; TIAS 2573.

<sup>6</sup> Not printed.

<sup>7</sup> For text, see *Department of State Bulletin*, Feb. 7, 1942, p. 137.

Fortunately the relations between the United States and Mexico are characterized by a sincere cordiality and by well-defined purposes of cooperation, evidenced, among other manifestations, by the authorization which Mexico has given for workers of Mexican nationality to render service in various states of the United States during the present emergency.

It therefore appears natural that there should be added to this cooperation that other so wisely foreseen by the Republics of this Continent, especially since the tasks to be undertaken are of a long-term nature and cannot be resolved in the course of a few years alone.

In view of the foregoing, I take pleasure in informing Your Excellency that my Government is prepared to collaborate with that of Your Excellency, in a program looking to the development of health and sanitary conditions in Mexico. To this end, it is prepared to supply an amount of Two million five hundred thousand dollars, to be expended, together with the sums which the Mexican Government may set aside and disburse as its equitable contribution to this enterprise, in the extension and maintenance of the services and of the measures of a sanitary nature, which the dependencies of the Government of Mexico have so efficiently been conducting.

From the conversations held on this subject, my Government has gained the impression that the Government of Your Excellency would be principally interested in the inclusion in this program of health and sanitation, work along the Pan American Highway, as well as the intensification of control and treatment of disease, and the establishment or extension of those public works related therewith which may tend to improve sanitary conditions of the country.

I am authorized to state that my Government, acting through the intermediary of the Office of the Coordinator of Inter-American Affairs, if acceptable to the Government of Your Excellency, shall send a small group of technicians to Mexico for the purpose of developing a specific program in full collaboration with the Government of Your Excellency, acting through the officials which it may designate for this purpose. This group would be under the immediate direction of a principal physician, to be known as Chief of the Field Party, and who would work in the closest collaboration with the Department of Public Health of Mexico.

In order to carry through this collaboration to a satisfactory conclusion, it is proposed that the Government of Mexico shall designate or create an appropriate dependency within the Department of Public Health for the carrying through of the health and sanitary projects under reference, as well as for the study of the projects concerning medical preparation and sanitary engineering, upon which the said officials of the Mexican Government and the Chief of the Field Party may agree. It is understood that the Government of Mexico shall furnish the technical personnel and the materials, services, and funds which it may consider necessary.

The respective Governments, or their duly authorized agencies, would give their approval for the actual undertaking of the projects in question, which would be carried through upon certification by the head of the Department of Public Health of Mexico and by the head of the Field Party already mentioned.

Upon completion of the projects entered into, these shall pass to the exclusive ownership of the Government of Mexico.

Accept, Excellency, the reiterated assurances of my highest and most distinguished consideration.

G. S. MESSERSMITH

His Excellency  
Señor Licenciado Don EZEQUIEL PADILLA,  
*Minister for Foreign Affairs,*  
*México, D.F.*

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
UNITED MEXICAN STATES  
MEXICO CITY

No. 344

MÉXICO, D.F., *July 1, 1943*

MR. AMBASSADOR:

I have the honor to acknowledge the receipt of Your Excellency's very courteous note no. 1426 of June 30, last, in which you are good enough to state:

[For text of U.S. note, see above.]

Thanking Your Excellency most sincerely for having submitted to me for consideration a matter of so much importance, I beg you to be good enough to take note—and so communicate to your Government—that the Government of Mexico, convinced that the results of the investment of these funds will result in benefit for both our countries, accepts very gratefully this new evidence of the spirit of broad cooperation which governs the relations between our peoples.

I renew to Your Excellency the assurance of my highest and most distinguished consideration.

E. PADILLA

His Excellency  
GEORGE S. MESSERSMITH,  
*Ambassador Extraordinary and Plenipotentiary*  
*of the United States of America,*  
*City.*

## PAYMENT FOR EXPROPRIATED PETROLEUM PROPERTIES

*Exchange of notes at Washington September 25 and 29, 1943; joint  
report signed April 17, 1942*

*Entered into force September 29, 1943*

*Terminated September 30, 1947*<sup>1</sup>

58 Stat. 1408; Executive Agreement Series 419

### EXCHANGE OF NOTES

*The Secretary of State to the Mexican Chargé d'Affaires ad interim*

DEPARTMENT OF STATE

WASHINGTON

*September 25, 1943*

SIR :

Reference is made to the Embassy's Memorandum of July 24, 1943, concerning the matter of concluding the final agreement as provided by Paragraph 16 of the Agreement effected by exchange of notes signed November 19, 1941,<sup>2</sup> in relation to the claims of American nationals whose properties, rights and interests in the petroleum industry in Mexico were affected by acts of the Government of Mexico subsequent to March 17, 1938.

As a consequence of the statements contained in the above-mentioned memorandum, and in view of prior correspondence and subsequent conversations, it is understood that the two Governments are now in agreement on the following:

1. In accordance with the Joint Report submitted on April 17, 1942, by Messrs. Morris L. Cooke and Manuel J. Zevada, experts designated by the respective governments pursuant to the Agreement concluded on November 19, 1941, the Government of Mexico shall pay to the Government of the United States of America the sum of \$23,995,991.00, United States currency, plus interest, computed in conformity with the Joint Report, at three per centum per annum from March 18, 1938.

<sup>1</sup> Date on which Mexico made final payment.

<sup>2</sup> EAS 234, *ante*, p. 1057.

2. There shall be credited against the total sum of \$27,981,955.20 due on September 30, 1943, the sum of \$9,000,000 heretofore deposited with the Government of the United States of America by the Government of Mexico. The sum of \$3,796,391.04, representing one-fifth of the balance, shall be paid at Washington on September 30, 1943, and the remaining sum of \$15,185,564.16, plus interest, shall be paid at Washington in four equal annual installments of \$4,085,327.45 on the thirtieth day of September of each of the years 1944 to 1947 inclusive.

3. The total sums to be so paid by the Government of Mexico, which shall not be subject to deduction on account of taxes or claims of any character, shall be in full and final settlement and liquidation of all claims against the Government of Mexico on behalf of the respective companies named in the Joint Report of April 17, 1942, and also on behalf of the following companies not named in the said Joint Report:

J. A. Brown, S en C.,  
 Green y Cia.,  
 Doheny, Bridge y Cia.,  
 Cia. Naviera Transportadora, S.A.,  
 Cia. Petrolera Titania, S.A., and  
 Cia. Petrolera Mercedes, S.A.

4. The Government of Mexico releases all of the companies included in the preceding paragraph from all obligations which it may be entitled to exact from them, including unpaid taxes and fiscal charges and payments which the Government of Mexico has legally made, or has undertaken to make, for the account of such companies. The Government of Mexico also assumes responsibility for the satisfaction and settlement of all claims of a private character against such companies—including labor claims—which have been, or may be, determined to be valid by Mexican administrative or judicial tribunals. For this purpose, the Government of Mexico agrees to take such steps as may be necessary to substitute itself for any of the companies in actions which have been, or may be, instituted against them in such tribunals.

5. Before any payment is made by the Government of the United States to a company included in this agreement, such company shall deposit with the Department of State, for delivery to the Government of Mexico upon the payment by the latter of the final annual installment payable under this agreement, such documents and instruments of title as it may have in its possession evidencing its ownership of the affected properties, rights or interests.

If the Government of Mexico concurs in the foregoing, it is suggested that this note and the Embassy's reply thereto be regarded as constituting the agree-

ment between the two Governments as provided by Paragraph 16 of the Agreement effected by exchange of notes signed November 19, 1941.

Accept, Sir, the renewed assurances of my high consideration.

CORDELL HULL

The Honorable

SEÑOR DON RAFAEL DE LA COLINA,

*Minister Counselor,*

*Chargé d'Affaires ad interim of Mexico.*

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*The Mexican Chargé d'Affaires ad interim to the Secretary of State*

[TRANSLATION]

EMBASSY OF MEXICO

5623

WASHINGTON, D.C.,

*September 29, 1943*

MR. SECRETARY:

I have the honor to acknowledge the receipt of Your Excellency's note of September 25, 1943, in which reference is made to the Embassy's Memorandum of July 24, 1943, and in which a summary is given of the result of the various exchanges of impressions which have been conducted with respect to the final settlement of the claims of American nationals whose rights and interests in the oil industry of Mexico were affected by acts of my Government after March 17, 1938.

It is a pleasure for me to inform Your Excellency that my Government is in agreement with the terms of the summary given in the note to which I am replying, namely:

[For terms of summary, see numbered paragraphs of U.S. note, above.]

In virtue of what has been set forth, the Government of Mexico considers that Your Excellency's note of the 25th instant, referred to (above) and this reply constitute the agreement referred to in Paragraph 16 of the exchange of notes of November 19, 1941.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

RAFAEL DE LA COLINA

*Chargé d'Affaires ad interim*

His Excellency

CORDELL HULL,

*Secretary of State of the*

*United States of America.*

JOINT REPORT

To—

FRANKLIN DELANO ROOSEVELT,  
*President of the United States of America.*

MANUEL AVILA CAMACHO,  
*President of the United Mexican States.*

SIRS:

As provided in the exchange of notes dated November 19, 1941, between his Excellency, Cordell Hull, Secretary of State of The United States, and his Excellency Francisco Castillo Nájera, Mexican Ambassador to the United States, the undersigned were appointed by our respective governments as experts authorized to determine according to "equity and justice" for purposes of indemnification the compensation to be paid the nationals of the United States of America whose properties, rights or interests in the petroleum industry were affected to their detriment by acts of the Government of Mexico subsequent to March 17, 1938, and in respect of which no settlement has heretofore been affected.

Expropriation, and the exercise of the right of eminent domain, under the respective Constitutions and Laws of Mexico and the United States, are a recognized feature of the sovereignty of all modern States.

We have surveyed the works and lands involved and studied the records of the properties, rights and interests appertaining thereto and have mutually agreed that their value, as of March 18, 1938, should be fixed, in the sum of 23,995,991. ----- dollars, covering all elements of tangible and intangible value, allocated as follows:

Standard of New Jersey Group.	Dlls.	18,391,641.
Huasteca Petroleum Company		
Mexican Petroleum Company		
Tuxpam Petroleum Company		
Tamiahua Petroleum Company		
Cía. Petrolera Ulises, S.A.		
Cía. Transcontinental de Petróleo, S.A.		
Cía. Petrolera Minerva, S.A.		
Standard Oil of California Group.	Dlls.	3,589,158.
California Standard Oil Company of Mex. S.A.		
Richmond Petroleum Company		
Consolidated Oil Group.	Dlls.	630,151.
Consolidated Oil Co. of Mexico, S.A.		
Cía. Franco Española, S.A.		
Cía. Petrolera Aldamas y Bravo, S.A.		
Sabalo Group.	Dlls.	897,671.
Sabalo Transportation Co.		
Cía. Petrolera "Clarita", S.A.		
Cía. Petrolera Cacalilao, S.A.		

Seaboard Group.

DlIs.

487.370.

International Petroleum Company  
 Compañía Internacional de Petróleo  
 y Oleoductos, S.A.

Therefore, according to the said oil agreement of November 19, 1941, it is our joint judgment that:

FIRST: The Government of the United Mexican States shall pay to the Government of the United States of America, on behalf of the above mentioned claimants, the amount of DlIs. 23,995,991\_\_\_\_\_in accordance with the schedule of payments finally approved by the two governments.

SECOND: Before any payment is made on account of these awards the corporation affected shall deposit in escrow and, when final payment has been made, shall deliver to the Government of Mexico all documents and instruments of title pertaining to the expropriated properties.

THIRD: The Government of Mexico and each of the said claimants shall release each other respectively of all reciprocal claims that may still be pending against one another, with the exception of those of the Mexican Government against the companies for unpaid taxes and duties, as well as those based on payments legally made by the Mexican Government for the account of the said companies.

The Mexican Government will assume liability for all private claims which may be instituted after this date by private individuals against these companies as a result of expropriation, but not for the private claims against these companies now pending before the Mexican Courts.

FOURTH: Recommendation is hereby made that the amount determined be paid as follows: one-third on July 1, 1942, and the balance in five (5) equal annual installments, payable on July 1st. of each succeeding year.

FIFTH: All balances as shown to be due these said claimants on the several dates prescribed shall bear interest at the rate of 3 per cent per year dating from March 18, 1938.

Done in duplicate, in both Spanish and English, on this day, April 17, 1942.

MORRIS L. COOKE  
*Representing the United States  
 of America*

MANUEL J. ZEVADA  
*Representing the Republic  
 of Mexico*

## CENSORSHIP OF TELEGRAPHIC CORRESPONDENCE

*Exchange of notes at México October 20 and 27, 1943  
Terminated July 15, 1945*<sup>1</sup>

Department of State files

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

58073

MEXICO, D.F., *October 20, 1943*

MR. AMBASSADOR:

With reference to the conversations I have had with Your Excellency in the matter, I take the liberty of informing you that the Government of Mexico is disposed to enter into an agreement with the Government of the United States of America for the purpose of making uniform the existing procedures or those that may be adopted in the future for the censorship of telegraphic correspondence which has been established as a result of the war in which our two countries are engaged with the Axis nations. The bases of this Agreement would be the following:

ARTICLE 1. For the purpose of coordinating and making uniform the censorship work on telephonic communications and on telegraphic correspondence passing over the telegraph and cable lines, as well as through the radiotelegraph stations controlled by the Governments of Mexico and the United States of America, the High Contracting Parties agree to establish direct telegraphic communication between the cities of Mexico, Federal District, and Washington, District of Columbia.

ARTICLE 2. The direct telegraphic communication referred to in the above article will be used to link the Office of Censorship which the Mexican Government has established in the city of Mexico, Federal District, with the offices which the Government of the United States of America has in operation in Washington, District of Columbia.

ARTICLE 3. The expenses originating in Mexican territory for the maintenance of the direct telegraphic communication to which this Agreement refers will be paid entirely by the Mexican Government.

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<sup>1</sup> Pursuant to notice of termination given by the United States June 15, 1945.

ARTICLE 4. The Government of the United States of America, on its part, will pay all the expenses which originate in United States territory, under the conditions mentioned in the preceding article.

ARTICLE 5. The High Contracting Parties agree that the connecting point for the direct telegraphic communication mentioned in this Agreement will be established in the American city of Laredo, Texas.

ARTICLE 6. The personnel, equipment, and facilities necessary for the maintenance of the direct telegraphic communication referred to, will be furnished for the exclusive account of each of the High Contracting Parties in Mexico, D.F. and Washington, D.C.

ARTICLE 7. The hours of service and the working conditions will be determined by agreement between the High Contracting Parties, according to the needs of the censorship service.

ARTICLE 8. This Agreement will be considered in force from the date on which the service is inaugurated between Mexico, D.F., and Washington, D.C., and will remain in force for an indefinite period; but it may cease to have effect when this is considered desirable by the High Contracting Parties, it being sufficient for the purpose that one of the High Contracting Parties notify the other in writing to that effect thirty days in advance.

It is understood that this Agreement will be considered as binding upon the receipt of the note in which Your Excellency will be kind enough to communicate to me that the conditions stated in the present note are agreeable to your Government.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

E. PADILLA

His Excellency

GEORGE S. MESSERSMITH,

*Ambassador Extraordinary and*

*Plenipotentiary of the United States of America,*

*City.*

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*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

*Mexico, October 27, 1943*

No. 1954

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's courteous note number 58073 of October 20, 1943, reading, in translation, as follows:

[For text of Mexican note, see above.]

In expressing my appreciation of Your Excellency's note, I have the honor, pursuant to instructions from my Government, to inform Your Excellency that the agreement in question has the approval of my Government.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

GEORGE S. MESSERSMITH

His Excellency

Señor Licenciado EZEQUIEL PADILLA,

*Minister for Foreign Affairs,*

*Mexico.*

## HEALTH AND SANITATION PROGRAM

*Exchange of notes at México December 8, 1943, modifying and extending agreement of June 30 and July 1, 1943*

*Entered into force December 8, 1943; operative January 1, 1944*

*Program expired June 30, 1955*

62 Stat. 3978; Treaties and Other  
International Acts Series 2063

*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA,  
MÉXICO, D.F.

*December 8, 1943*

No. 2098

### EXCELLENCY:

I have the honor to refer to the note of this Embassy No. 1426 of June 30, 1943, and to Your Excellency's reply No. 344 of July 1, 1943,<sup>1</sup> through which exchange the Government of the United States of America and the United Mexican States laid the basis for a program of cooperation in health and sanitation, which is an implementation of Resolution No. XXX,<sup>2</sup> approved at the Third Meeting of the Ministers of Foreign Affairs of the American States held at Rio de Janeiro in January 1942. I also have to refer to a subsequent exchange of letters between Dr. Victor Fernández Manero, Jefe del Departamento de Salubridad de México, and Dr. George C. Dunham, the Representative of the Institute of Inter-American Affairs, each dated July 2, 1943, in which administrative and other details based upon the exchange of notes above referred to are set forth and mutually agreed upon.

I am now pleased to inform Your Excellency that the Institute of Inter-American Affairs, a dependency of the Office of the Coordinator of Inter-American Affairs, in view of the interest expressed by the Government of Mexico in carrying through this program in the broadest and most effective manner, is now prepared, subject to agreement by Your Excellency's Government to the details of this note, to contribute an additional sum of money for the cooperative program of public health and sanitation in Mexico for the

<sup>1</sup> EAS 347, *ante*, p. 1147.

<sup>2</sup> For text, see *Department of State Bulletin*, Feb. 7, 1942, p. 137

purpose of cooperating with the Ministry of Health and Public Welfare in expanding the cooperative program of public health and sanitation, and providing for the termination of the program so far as the participation of my Government is concerned, within a predetermined period of time.

In addition to the \$2,500,000 which my Government indicated that it was prepared to contribute towards this program in this Embassy's note No. 1426 of June 30, 1943, it is now proposed for the consideration of your Government that the Institute of Inter-American Affairs, a dependency of the Office of the Coordinator of Inter-American Affairs, contribute an additional sum not to exceed \$2,500,000 to be expended over a period of five years, beginning January 1, 1944, and that the Government of Mexico agree to use its best efforts to contribute a sum not to exceed \$2,500,000 to be combined with these funds contributed by the Institute of Inter-American Affairs and expended over the same period of time for the cooperative program of public health and sanitation in Mexico.

Under the terms of the agreement reached by the exchange of notes above referred to, the Institute of Inter-American Affairs agreed to contribute \$2,500,000 for a cooperative program of public health and sanitation in Mexico, and it is now proposed that this original amount of \$2,500,000 which the Institute of Inter-American Affairs has previously agreed to contribute, be allocated on an annual basis through agreement between the Representative of the Institute of Inter-American Affairs in Mexico and the Minister of Public Health and Public Welfare of Mexico. This amount would be so apportioned that of the original \$2,500,000 available, \$700,000 would be allocated for use in 1943-1944; \$600,000 for the year 1945; \$500,000 for the year 1946; \$400,000 for the year 1947; and \$300,000 for the year 1948. This, it will be noted, would cover the sum the Institute of Inter-American Affairs agreed to contribute in the exchange of letters between the Jefe del Departamento de Salubridad de Mexico and the Representative of the Institute of Inter-American Affairs under date of July 2, 1943.

In order to provide for the allocation and expenditure of the additional sum of not to exceed \$2,500,000 which the Institute of Inter-American Affairs, a dependency of the Office of the Coordinator of Inter-American Affairs, is now prepared to contribute for the purposes outlined above, and the like sum which the Government of Mexico agrees to use its best efforts to contribute during the same period, the sum of not to exceed \$2,500,000 contributed by the Institute of Inter-American Affairs would be apportioned at the rate of \$500,000 each year for the five years beginning January 1, 1944. The Government of Mexico will take all the necessary measures to endeavor to contribute an amount not to exceed \$2,500,000 which will be apportioned at the rate of \$300,000 during the year 1944; \$400,000 in 1945; \$500,000 in 1946; \$600,000 in 1947; and \$700,000 in 1948. Through this arrangement the total amount to be expended each year for the coopera-

tive program of health and sanitation would be \$1,500,000, considering the remainder of 1943–1944 as one year.

It is proposed for the consideration of Your Excellency that the terms of the original agreement respecting details, as expressed in the exchange of letters between the Jefe del Departamento de Salubridad Publica de Mexico and the Representative of the Institute of Inter-American Affairs dated July 2, 1943 will remain in effect and in full force with regard to the expenditure of any and all funds contributed by the Government of Mexico and the Institute of Inter-American Affairs for the cooperative program of health and sanitation to the end of the year 1948—the period during which the total of \$5,000,000 contributed by the Government of the United States to the collaborative program shall be available.

For the information of Your Excellency, and as supplementing the exchange of letters referred to in the preceding paragraph, I append hereto a copy of a letter dated November 1, addressed by General George C. Dunham, the Executive Vice President of the Institute of Inter-American Affairs, to His Excellency Dr. Gustavo Baz, the Secretary of Public Health and Public Assistance, a copy of a letter addressed by Dr. Baz to General Dunham dated November 6 in reply, as well as a further letter from General Dunham to Dr. Baz in reply to the latter's letter dated December 6 which also bears the date of December 6.

It is with much satisfaction that I note this further development in this collaborative program of health and sanitation between our two countries, and I have every confidence that Your Excellency will view this development with the same satisfaction, as it is a further evidence of the constantly increasing understanding and collaboration of our two peoples.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

GEORGE S. MESSERSMITH

Enclosures <sup>3</sup>

1. Copy of letter from General Dunham to Dr. Baz, dated November 1, 1943;
2. Copy of letter from Dr. Baz to General Dunham, dated December 6, 1943;
3. Copy of letter from General Dunham to Dr. Baz, dated December 6, 1943.

His Excellency

Señor Licenciado EZEQUIEL PADILLA,  
*Minister for Foreign Affairs,*  
*México, D.F.*

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<sup>3</sup> Not printed.

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

03104

MEXICO, D.F., *December 8, 1943*

MR. AMBASSADOR:

I am pleased to acknowledge receipt of your very courteous note No. 2098, dated today, in which Your Excellency states the following:

[For text of U.S. note, see above.]

On informing Your Excellency that the Government of Mexico fully agrees to the terms of the communication quoted above, I respectfully request you to express to the Government of the United States of America our sincere appreciation of this new and valuable proof of collaboration which so well corresponds to the excellent relations between our two countries.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

E. PADILLA

His Excellency

GEORGE S. MESSERSMITH,

*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
City.*

# AGRICULTURAL COMMISSION

*Exchange of notes at México January 6 and 27, 1944*

*Entered into force January 27, 1944*

58 Stat. 1425; Executive Agreement Series 421

*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

*Mexico, D.F., January 6, 1944*

No. 2180

## EXCELLENCY:

I have the honor to refer to conversations which took place in Mexico City between the Minister of Agriculture and Fomento of the United Mexican States, Ingeniero Marte R. Gomez, and the Secretary of Agriculture of the United States of America, the Honorable Claude R. Wickard, on the occasion of the visit of the latter to Mexico in 1942, with reference to the mutual advantages to the economies of the two countries of close collaboration in the field of agriculture and with reference to the establishment of a permanent Mexican-United States Agricultural Commission. These conversations have been supplemented by conversations between Your Excellency and myself and between this Embassy and the Minister of Agriculture and Fomento, Ingeniero Marte R. Gomez.

I now have the honor under instructions from my Government, formally to propose the establishment of a permanent Mexican-United States Agricultural Commission on the basis set forth below. As a result of the conversations which have taken place on this matter it is intended that this Commission would be a technical Commission and therefore composed of technicians in agriculture. In view of the fact that it is a technical commission which will occupy itself with agricultural programs of mutual interest to the two Governments, the Commission would function, of course, as a separate Commission and distinct from all others.

I should appreciate being informed by Your Excellency whether the proposals set forth below are agreeable to the Mexican Government.

1. There is hereby established the Mexican-United States Agricultural Commission with a view to (a) coordinating the cooperative activities of the Departments of Agriculture of the two Governments already in operation, and (b) carrying into effect the recommendation of the Mexican-United

States Commission for Economic Cooperation, established by the President of the United States and the President of Mexico in April 1943,<sup>1</sup> that the Departments of Agriculture of the two countries take all appropriate steps to assure active and continuous cooperation.

In a subsequent note, which will be addressed to Your Excellency in the very near future, I shall convey to Your Excellency further suggestions of my Government as to the composition and size of the Commission. It is the understanding of my Government that the Commission members shall have general technical competence in agriculture and be conversant with the resources, policies and programs of their respective Governments. The membership from each country should include the Agricultural Attaché stationed at the capital of the other country. One member of each country group will be designated as Chairman of his group and will serve as Co-Chairman of the Commission. Each member shall be authorized to designate an alternate.

2. The general objective of the Commission shall be to promote agriculture in Mexico and the United States along the lines mutually advantageous to the two countries, giving appropriate attention at the present time to developments that will make a maximum contribution to the common war effort but keeping primarily in view the longer term aspects of agricultural development in the future years of peace to come.

(a) Review current and prospective agricultural problems and trends of mutual interest to the two countries, including matters relating to supplies of agricultural and food products and the facilities for their production, processing and handling, and to recommend from time to time specific undertakings for agricultural improvement in the interest of better utilization of agricultural resources.

(b) Consider and report on general plans in respect to the production and procurement of agricultural products needed to supply the essential civilian, military and rehabilitation needs of the United Nations, and to that end consider and report on the general policies which shall govern the carrying-out of such plans.

(c) Formulate and recommend plans and procedures for exchange of information on specific problems of scientific, technological, economic and social character in agriculture and rural life.

(d) Review and formulate proposals in reference to regulatory activities affecting agricultural production and trade between the two countries.

(e) Formulate plans and recommendations for the mutually advantageous utilization of available subject-matter, research personnel, and other technical agricultural resources in the two countries and, in this connection, encourage the training of agricultural specialists, for basic improvement in agricultural production and administration.

<sup>1</sup> *Department of State Bulletin*, May 1, 1943, p. 376.

3. As a means of carrying out the objectives outlined under 2(c), 2(d) and 2(e), a committee on technical agricultural collaboration shall be established to work through and under the general supervision of the commission. The members of the technical committee shall be appointed by the Secretaries of Agriculture of the two countries.

4. The first meeting of the Commission shall be held at the earliest possible date following the designation by each Government of its representatives on the Commission.

In transmitting the foregoing proposals for the consideration of Your Excellency's Government, I wish to state that it is the conviction of my Government that such a technical Agricultural Commission will be the effective means of assuring fruitful collaboration in the field of agriculture between the two Governments and the respective Departments of Agriculture.

Accept, Your Excellency, the renewed assurances of my highest consideration.

G. S. MESSERSMITH

His Excellency

Señor Licenciado DON EZEQUIEL PADILLA,  
*Minister for Foreign Affairs,*  
*Mexico, D.F.*

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*The Under Secretary of Foreign Affairs to the American Chargé d'Affaires  
ad interim*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
UNITED MEXICAN STATES  
MEXICO CITY

MÉXICO, D.F., *January 27, 1944*

MR. CHARGÉ D'AFFAIRES:

I have the honor to refer again to note no. 2180 which His Excellency Ambassador Messersmith was good enough to send me on the 6th instant, to propose to my Government, in the name of that of the United States of America, the establishment of a Permanent Mexican-North American Agricultural Commission, on the bases set forth in the same note.

The Secretaría de Agricultura y Fomento, having been consulted on the matter, has just informed me that it is entirely in agreement with the establishment of the Commission and with the said bases, for which reason I venture to inform you that my Government accepts the proposal to which the present note refers and is in agreement that the Commission to which it

refers should be established in accordance with the bases formulated by the Government of the United States of America.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

V. SANTOS GJDO

Mr. HERBERT S. BURSLEY,  
*Chargé d'Affaires ad interim of the*  
*Embassy of the United States of America,*  
*City.*

# UTILIZATION OF WATERS OF COLORADO AND TIJUANA RIVERS AND OF THE RIO GRANDE

*Treaty signed at Washington February 3, 1944; protocol signed at Washington November 14, 1944*

*Senate advice and consent to ratification, with understandings, April 18, 1945<sup>1</sup>*

*Ratified by Mexico October 16, 1945*

*Ratified by the President of the United States, with understandings, November 1, 1945<sup>1</sup>*

*Ratifications exchanged at Washington November 8, 1945*

*Entered into force November 8, 1945*

*Proclaimed by the President of the United States November 27, 1945*

59 Stat. 1219; Treaty Series 994

## TREATY

The Government of the United States of America and the Government of the United Mexican States: animated by the sincere spirit of cordiality and friendly cooperation which happily governs the relations between them; taking into account the fact that Articles VI and VII of the Treaty of Peace, Friendship and Limits between the United States of America and the

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<sup>1</sup> The United States understandings read as follows:

“(a) That no commitment for works to be built by the United States in whole or in part at its expense, or for expenditures by the United States, other than those specifically provided for in the treaty, shall be made by the Secretary of State of the United States, the Commissioner of the United States Section of the International Boundary and Water Commission, the United States Section of said Commission, or any other officer or employee of the United States, without prior approval of the Congress of the United States. It is understood that the works to be built by the United States, in whole or in part at its expense, and the expenditures by the United States, which are specifically provided for in the treaty, are as follows:

“1. The joint construction of the three storage and flood-control dams on the Rio Grande below Fort Quitman, Texas, mentioned in article 5 of the treaty.

“2. The dams and other joint works required for the diversion of the flow of the Rio Grande mentioned in subparagraph II of article 5 of the treaty, it being understood that the commitment of the United States to make expenditures under this subparagraph is limited to its share of the cost of one dam and works appurtenant thereto.

“3. Stream-gaging stations which may be required under the provisions of section (j) of article 9 of the treaty and of subparagraph (d) of article 12 of the treaty.

United Mexican States signed at Guadalupe Hidalgo on February 2, 1848,<sup>2</sup> and Article IV of the boundary treaty between the two countries signed at the City of Mexico December 30, 1853<sup>3</sup> regulate the use of the waters of the Rio Grande (Rio Bravo) and the Colorado River for purposes of navigation only; considering that the utilization of these waters for other purposes is desirable in the interest of both countries, and desiring, moreover, to fix and delimit the rights of the two countries with respect to the waters of the Colorado and Tijuana Rivers, and of the Rio Grande (Rio Bravo) from Fort Quitman, Texas, United States of America, to the Gulf of Mexico, in order to obtain the most complete and satisfactory utilization thereof, have resolved to conclude a treaty and for this purpose have named as their plenipotentiaries:

The President of the United States of America:

Cordell Hull, Secretary of State of the United States of America, George S. Messersmith, Ambassador Extraordinary and Plenipotentiary of the United States of America in Mexico, and Lawrence M. Lawson, United States Commissioner, International Boundary Commission, United States and Mexico; and.

The President of the United Mexican States:

Francisco Castillo Nájera, Ambassador Extraordinary and Plenipotentiary of the United Mexican States in Washington, and Rafael Fernández MacGregor, Mexican Commissioner, International Boundary Commission, United States and Mexico; who, having communicated to each other their

"4. The Davis Dam and Reservoir mentioned in subparagraph (b) of article 12 of the treaty.

"5. The joint flood-control investigations, preparation of plans, and reports on the Rio Grande below Fort Quitman required by the provisions of article 6 of the treaty.

"6. The joint flood-control investigations, preparations of plans, and reports on the lower Colorado River between the Imperial Dam and the Gulf of California required by article 13 of the treaty.

"7. The joint investigations, preparation of plans, and reports on the establishment of hydroelectric plants at the international dams on the Rio Grande below Fort Quitman provided for by article 7 of the treaty.

"8. The studies, investigations, preparation of plans, recommendations, reports, and other matters dealing with the Tijuana River system provided for by the first paragraph (including the numbered subparagraphs) of article 16 of the treaty.

"(b) Insofar as they affect persons and property in the territorial limits of the United States, the powers and functions of the Secretary of State of the United States, the Commissioner of the United States Section of the International Boundary and Water Commission, the United States Section of said Commission, and any other officer or employee of the United States, shall be subject to the statutory and constitutional controls and processes. Nothing contained in the treaty or protocol shall be construed as impairing the power of the Congress of the United States to define the terms of office of members of the United States Section of the International Boundary and Water Commission or to provide for their appointment by the President by and with the advice and consent of the Senate or otherwise.

Footnotes continued on following page.

respective Full Powers and having found them in good and due form, have agreed upon the following:

## I. PRELIMINARY PROVISIONS

### ARTICLE 1

For the purposes of this Treaty it shall be understood that:

- (a) "The United States" means the United States of America.
- (b) "Mexico" means the United Mexican States.

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Footnotes continued from previous page.

"(c) That nothing contained in the treaty or protocol shall be construed as authorizing the Secretary of State of the United States, the Commissioner of the United States Section of the International Boundary and Water Commission, or the United States Section of said Commission, directly or indirectly to alter or control the distribution of water to users within the territorial limits of any of the individual States.

"(d) That 'international dam or reservoir' means a dam or reservoir built across the common boundary between the two countries.

"(e) That the words 'international plants', appearing in article 19, mean only hydroelectric generating plants in connection with dams built across the common boundary between the two countries.

"(f) That the words 'electric current', appearing in article 19, mean hydroelectric power generated at an international plant.

"(g) That by the use of the words 'The jurisdiction of the Commission shall extend to the limitrophe parts of the Rio Grande (Rio Bravo) and the Colorado River, to the land boundary between the two countries, and to works located upon their common boundary . . .' in the first sentence of the fifth paragraph of article 2, is meant: 'The jurisdiction of the Commission shall extend and be limited to the limitrophe parts of the Rio Grande (Rio Bravo) and the Colorado River, to the land boundary between the two countries, and to works located upon their common boundary. . . .'

"(h) The word 'agreements' whenever used in subparagraphs (a), (c), and (d) of article 24 of the treaty shall refer only to agreements entered into pursuant to and subject to the provisions and limitations of treaties in force between the United States of America and the United Mexican States.

"(i) The word 'disputes' in the second paragraph of article 2 shall have reference only to disputes between the Governments of the United States of America and the United Mexican States.

"(j) First, that the one million seven hundred thousand acre-feet specified in subparagraph (b) of article 10 includes and is not in addition to the one million five hundred thousand acre-feet, the delivery of which to Mexico is guaranteed in subparagraph (a) of article 10; second, that the one million five hundred thousand acre-feet specified in three places in said subparagraph (b) is identical with the one million five hundred thousand acre-feet specified in said subparagraph (a); third, that any use by Mexico under said subparagraph (b) of quantities of water arriving at the Mexican points of diversion in excess of said one million five hundred thousand acre-feet shall not give rise to any future claim of right by Mexico in excess of said guaranteed quantity of one million five hundred thousand acre-feet of water.

"(k) The United States recognizes a duty to require that the protective structures to be constructed under article 12, paragraph (a), of this treaty, are so constructed, operated, and maintained as to adequately prevent damage to property and lands within the United States from the construction and operation of the diversion structure referred to in said paragraph."

<sup>2</sup> TS 207, *ante*, p. 791.

<sup>3</sup> TS 208, *ante*, p. 812.

(c) "The Commission" means the International Boundary and Water Commission, United States and Mexico, as described in Article 2 of this Treaty.

(d) "To divert" means the deliberate act of taking water from any channel in order to convey it elsewhere for storage, or to utilize it for domestic, agricultural, stockraising or industrial purposes whether this be done by means of dams across the channel, partition weirs, lateral intakes, pumps or any other methods.

(e) "Point of diversion" means the place where the act of diverting the water is effected.

(f) "Conservation capacity of storage reservoirs" means that part of their total capacity devoted to holding and conserving the water for disposal thereof as and when required, that is, capacity additional to that provided for silt retention and flood control.

(g) "Flood discharges and spills" means the voluntary or involuntary discharge of water for flood control as distinguished from releases for other purposes.

(h) "Return flow" means that portion of diverted water that eventually finds its way back to the source from which it was diverted.

(i) "Release" means the deliberate discharge of stored water for conveyance elsewhere or for direct utilization.

(j) "Consumptive use" means the use of water by evaporation, plant transpiration or other manner whereby the water is consumed and does not return to its source of supply. In general it is measured by the amount of water diverted less the part thereof which returns to the stream.

(k) "Lowest major international dam or reservoir" means the major international dam or reservoir situated farthest downstream.

(l) "Highest major international dam or reservoir" means the major international dam or reservoir situated farthest upstream.

## ARTICLE 2

The International Boundary Commission established pursuant to the provisions of the Convention between the United States and Mexico signed in Washington March 1, 1889<sup>4</sup> to facilitate the carrying out of the principles contained in the Treaty of November 12, 1884<sup>5</sup> and to avoid difficulties occasioned by reason of the changes which take place in the beds of the Rio Grande (Rio Bravo) and the Colorado River shall hereafter be known as the International Boundary and Water Commission, United States and Mexico, which shall continue to function for the entire period during which the present Treaty shall continue in force. Accordingly, the term of the Convention of March 1, 1889 shall be considered to be indefinitely extended, and

<sup>4</sup> TS 232, *ante*, p. 877.

<sup>5</sup> TS 226, *ante*, p. 865.

the Convention of November 21, 1900<sup>6</sup> between the United States and Mexico regarding that Convention shall be considered completely terminated.

The application of the present Treaty, the regulation and exercise of the rights and obligations which the two Governments assume thereunder, and the settlement of all disputes<sup>7</sup> to which its observance and execution may give rise are hereby entrusted to the International Boundary and Water Commission, which shall function in conformity with the powers and limitations set forth in this Treaty.

The Commission shall in all respects have the status of an international body, and shall consist of a United States Section and a Mexican Section. The head of each Section shall be an Engineer Commissioner. Wherever there are provisions in this Treaty for joint action or joint agreement by the two Governments, or for the furnishing of reports, studies or plans to the two Governments, or similar provisions, it shall be understood that the particular matter in question shall be handled by or through the Department of State of the United States and the Ministry of Foreign Relations of Mexico.

The Commission or either of its two Sections may employ such assistants and engineering and legal advisers as it may deem necessary. Each Government shall accord diplomatic status to the Commissioner, designated by the other Government. The Commissioner, two principal engineers, a legal adviser, and a secretary, designated by each Government as members of its Section of the Commission, shall be entitled in the territory of the other country to the privileges and immunities appertaining to diplomatic officers. The Commission and its personnel may freely carry out their observations, studies and field work in the territory of either country.

The jurisdiction of the Commission shall extend to the limitrophe parts of the Rio Grande (Rio Bravo) and the Colorado River, to the land boundary between the two countries, and to works located upon their common boundary,<sup>8</sup> each Section of the Commission retaining jurisdiction over that part of the works located within the limits of its own country. Neither Section shall assume jurisdiction or control over works located within the limits of the country of the other without the express consent of the Government of the latter. The works constructed, acquired or used in fulfillment of the provisions of this Treaty and located wholly within the territorial limits of either country, although these works may be international in character, shall remain, except as herein otherwise specifically provided, under the exclusive jurisdiction and control of the Section of the Commission in whose country the works may be situated.

The duties and powers vested in the Commission by this Treaty shall be in addition to those vested in the International Boundary Commission by

<sup>6</sup> TS 244, *ante*, p. 910.

<sup>7</sup> For an understanding relating to the word "disputes," see footnote 1, p. 1168.

<sup>8</sup> For an understanding relating to the meaning of these words, see footnote 1, p. 1168.

the Convention of March 1, 1889 and other pertinent treaties and agreements in force between the two countries except as the provisions of any of them may be modified by the present Treaty.

Each Government shall bear the expenses incurred in the maintenance of its Section of the Commission. The joint expenses, which may be incurred as agreed upon by the Commission, shall be borne equally by the two Governments.

### ARTICLE 3

In matters in which the Commission may be called upon to make provision for the joint use of international waters, the following order of preferences shall serve as a guide :

1. Domestic and municipal uses.
2. Agriculture and stockraising.
3. Electric power.
4. Other industrial uses.
5. Navigation.
6. Fishing and hunting.
7. Any other beneficial uses which may be determined by the Commission.

All of the foregoing uses shall be subject to any sanitary measures or works which may be mutually agreed upon by the two Governments, which hereby agree to give preferential attention to the solution of all border sanitation problems.

## II. RIO GRANDE (RIO BRAVO)

### ARTICLE 4

The waters of the Rio Grande (Rio Bravo) between Fort Quitman, Texas and the Gulf of Mexico are hereby allotted to the two countries in the following manner:

#### A. To Mexico:

(a) All of the waters reaching the main channel of the Rio Grande (Rio Bravo) from the San Juan and Alamo Rivers, including the return flow from the lands irrigated from the latter two rivers.

(b) One-half of the flow in the main channel of the Rio Grande (Rio Bravo) below the lowest major international storage dam, so far as said flow is not specifically allotted under this Treaty to either of the two countries.

(c) Two-thirds of the flow reaching the main channel of the Rio Grande (Rio Bravo) from the Conchos, San Diego, San Rodrigo, Escondido and Salado Rivers and the Las Vacas Arroyo, subject to the provisions of subparagraph (c) of paragraph B of this Article.

(d) One-half of all other flows not otherwise allotted by this Article occurring in the main channel of the Rio Grande (Rio Bravo), including the contributions from all the unmeasured tributaries, which are those not named in this Article, between Fort Quitman and the lowest major international storage dam.

**B. To the United States:**

(a) All of the waters reaching the main channel of the Rio Grande (Rio Bravo) from the Pecos and Devils Rivers, Goodenough Spring, and Alamito, Terlingua, San Felipe and Pinto Creeks.

(b) One-half of the flow in the main channel of the Rio Grande (Rio Bravo) below the lowest major international storage dam, so far as said flow is not specifically allotted under this Treaty to either of the two countries.

(c) One-third of the flow reaching the main channel of the Rio Grande (Rio Bravo) from the Conchos, San Diego, San Rodrigo, Escondido and Salado Rivers and the Las Vacas Arroyo, provided that this third shall not be less, as an average amount in cycles of five consecutive years, than 350,000 acre-feet (431,721,000 cubic meters) annually. The United States shall not acquire any right by the use of the waters of the tributaries named in this subparagraph, in excess of the said 350,000 acre-feet (431,721,000 cubic meters) annually, except the right to use one-third of the flow reaching the Rio Grande (Rio Bravo) from said tributaries, although such one-third may be in excess of that amount.

(d) One-half of all other flows not otherwise allotted by this Article occurring in the main channel of the Rio Grande (Rio Bravo), including the contributions from all the unmeasured tributaries, which are those not named in this Article, between Fort Quitman and the lowest major international storage dam.

In the event of extraordinary drought or serious accident to the hydraulic systems on the measured Mexican tributaries, making it difficult for Mexico to make available the run-off of 350,000 acre-feet (431,721,000 cubic meters) annually, allotted in subparagraph (c) of paragraph B of this Article to the United States as the minimum contribution from the aforesaid Mexican tributaries, any deficiencies existing at the end of the aforesaid five-year cycle shall be made up in the following five-year cycle with water from the said measured tributaries.

Whenever the conservation capacities assigned to the United States in at least two of the major international reservoirs, including the highest major reservoir, are filled with waters belonging to the United States, a cycle of five years shall be considered as terminated and all debits fully paid, whereupon a new five-year cycle shall commence.

## ARTICLE 5

The two Governments agree to construct jointly, through their respective Sections of the Commission, the following works in the main channel of the Rio Grande (Rio Bravo):

I. The dams required for the conservation, storage and regulation of the greatest quantity of the annual flow of the river in a way to ensure the continuance of existing uses and the development of the greatest number of feasible projects, within the limits imposed by the water allotments specified.

II. The dams and other joint works required for the diversion of the flow of the Rio Grande (Rio Bravo).

One of the storage dams shall be constructed in the section between Santa Helena Canyon and the mouth of the Pecos River; one in the section between Eagle Pass and Laredo, Texas (Piedras Negras and Nuevo Laredo in Mexico); and a third in the section between Laredo and Roma, Texas (Nuevo Laredo and San Pedro de Roma in Mexico). One or more of the stipulated dams may be omitted, and others than those enumerated may be built, in either case as may be determined by the Commission, subject to the approval of the two Governments.

In planning the construction of such dams the Commission shall determine:

- (a) The most feasible sites;
- (b) The maximum feasible reservoir capacity at each site;
- (c) The conservation capacity required by each country at each site, taking into consideration the amount and regimen of its allotment of water and its contemplated uses;
- (d) The capacity required for retention of silt;
- (e) The capacity required for flood control.

The conservation and silt capacities of each reservoir shall be assigned to each country in the same proportion as the capacities required by each country in such reservoir for conservation purposes. Each country shall have an undivided interest in the flood control capacity of each reservoir.

The construction of the international storage dams shall start within two years following the approval of the respective plans by the two Governments. The works shall begin with the construction of the lowest major international storage dam, but works in the upper reaches of the river may be constructed simultaneously. The lowest major international storage dam shall be completed within a period of eight years from the date of the entry into force of this Treaty.

The construction of the dams and other joint works required for the diversion of the flows of the river shall be initiated on the dates recommended by the Commission and approved by the two Governments.

The cost of construction, operation and maintenance of each of the international storage dams shall be prorated between the two Governments in proportion to the capacity allotted to each country for conservation purposes in the reservoir at such dam.

The cost of construction, operation and maintenance of each of the dams and other joint works required for the diversion of the flows of the river shall be prorated between the two Governments in proportion to the benefits which the respective countries received therefrom, as determined by the Commission and approved by the two Governments.

#### ARTICLE 6

The Commission shall study, investigate, and prepare plans for flood control works, where and when necessary, other than those referred to in Article 5 of this Treaty, on the Rio Grande (Rio Bravo) from Fort Quitman, Texas to the Gulf of Mexico. These works may include levees along the river, floodways and grade-control structures, and works for the canalization, rectification and artificial channeling of reaches of the river. The Commission shall report to the two Governments the works which should be built, the estimated cost thereof, the part of the works to be constructed by each Government, and the part of the works to be operated and maintained by each Section of the Commission. Each Government agrees to construct, through its Section of the Commission, such works as may be recommended by the Commission and approved by the two Governments. Each Government shall pay the costs of the works constructed by it and the costs of operation and maintenance of the part of the works assigned to it for such purpose.

#### ARTICLE 7

The Commission shall study, investigate and prepare plans for plants for generating hydro-electric energy which it may be feasible to construct at the international storage dams on the Rio Grande (Rio Bravo). The Commission shall report to the two Governments in a Minute the works which should be built, the estimated cost thereof, and the part of the works to be constructed by each Government. Each Government agrees to construct, through its Section of the Commission, such works as may be recommended by the Commission and approved by the two Governments. Both Governments, through their respective Sections of the Commission, shall operate and maintain jointly such hydro-electric plants. Each Government shall pay half the cost of the construction, operation and maintenance of such plants, and the energy generated shall be assigned to each country in like proportion.

#### ARTICLE 8

The two Governments recognize that both countries have a common interest in the conservation and storage of waters in the international reservoirs

and in the maximum use of these structures for the purpose of obtaining the most beneficial, regular and constant use of the waters belonging to them. Accordingly, within the year following the placing in operation of the first of the major international storage dams which is constructed, the Commission shall submit to each Government for its approval, regulations for the storage, conveyance and delivery of the waters of the Rio Grande (Rio Bravo) from Fort Quitman, Texas to the Gulf of Mexico. Such regulations may be modified, amended or supplemented when necessary by the Commission, subject to the approval of the two Governments. The following general rules shall severally govern until modified or amended by agreement of the Commission, with the approval of the two Governments:

(a) Storage in all major international reservoirs above the lowest shall be maintained at the maximum possible water level, consistent with flood control, irrigation use and power requirements.

(b) Inflows to each reservoir shall be credited to each country in accordance with the ownership of such inflows.

(c) In any reservoir the ownership of water belonging to the country whose conservation capacity therein is filled, and in excess of that needed to keep it filled, shall pass to the other country to the extent that such country may have unfilled conservation capacity, except that one country may at its option temporarily use the conservation capacity of the other country not currently being used in any of the upper reservoirs; provided that in the event of flood discharge or spill occurring while one country is using the conservation capacity of the other, all of such flood discharge or spill shall be charged to the country using the other's capacity, and all inflow shall be credited to the other country until the flood discharge or spill ceases or until the capacity of the other country becomes filled with its own water.

(d) Reservoir losses shall be charged in proportion to the ownership of water in storage. Releases from any reservoir shall be charged to the country requesting them, except that releases for the generation of electrical energy, or other common purpose, shall be charged in proportion to the ownership of water in storage.

(e) Flood discharges and spills from the upper reservoirs shall be divided in the same proportion as the ownership of the inflows occurring at the time of such flood discharges and spills, except as provided in subparagraph (c) of this Article. Flood discharges and spills from the lowest reservoir shall be divided equally, except that one country, with the consent of the Commission, may use such part of the share of the other country as is not used by the latter country.

(f) Either of the two countries may avail itself, whenever it so desires, of any water belonging to it and stored in the international reservoirs, provided that the water so taken is for direct beneficial use or for storage in other reservoirs. For this purpose the Commissioner of the respective country

shall give appropriate notice to the Commission, which shall prescribe the proper measures for the opportune furnishing of the water.

#### ARTICLE 9

(a) The channel of the Rio Grande (Rio Bravo) may be used by either of the two countries to convey water belonging to it.

(b) Either of the two countries may, at any point on the main channel of the river from Fort Quitman, Texas to the Gulf of Mexico, divert and use the water belonging to it and may for this purpose construct any necessary works. However, no such diversion or use, not existing on the date this Treaty enters into force, shall be permitted in either country, nor shall works be constructed for such purpose, until the Section of the Commission in whose country the diversion or use is proposed has made a finding that the water necessary for such diversion or use is available from the share of that country, unless the Commission has agreed to a greater diversion or use as provided by paragraph (d) of this Article. The proposed use and the plans for the diversion works to be constructed in connection therewith shall be previously made known to the Commission for its information.

(c) Consumptive uses from the main stream and from the unmeasured tributaries below Fort Quitman shall be charged against the share of the country making them.

(d) The Commission shall have the power to authorize either country to divert and use water not belonging entirely to such country, when the water belonging to the other country can be diverted and used without injury to the latter and can be replaced at some other point on the river.

(e) The Commission shall have the power to authorize temporary diversion and use by one country of water belonging to the other, when the latter does not need it or is unable to use it, provided that such authorization or the use of such water shall not establish any right to continue to divert it.

(f) In case of the occurrence of an extraordinary drought in one country with an abundant supply of water in the other country, water stored in the international storage reservoirs and belonging to the country enjoying such abundant water supply may be withdrawn, with the consent of the Commission, for the use of the country undergoing the drought.

(g) Each country shall have the right to divert from the main channel of the river any amount of water, including the water belonging to the other country, for the purpose of generating hydro-electric power, provided that such diversion causes no injury to the other country and does not interfere with the international generation of power and that the quantities not returning directly to the river are charged against the share of the country making the diversion. The feasibility of such diversions not existing on the date this Treaty enters into force shall be determined by the Commission, which shall also determine the amount of water consumed, such water to be charged against the country making the diversion.

(h) In case either of the two countries shall construct works for diverting into the main channel of the Rio Grande (Rio Bravo) or its tributaries waters that do not at the time this Treaty enters into force contribute to the flow of the Rio Grande (Rio Bravo) such water shall belong to the country making such diversion.

(i) Main stream channel losses shall be charged in proportion to the ownership of water being conveyed in the channel at the times and places of the losses.

(j) The Commission shall keep a record of the waters belonging to each country and of those that may be available at a given moment, taking into account the measurement of the allotments, the regulation of the waters in storage, the consumptive uses, the withdrawals, the diversions, and the losses. For this purpose the Commission shall construct, operate, and maintain on the main channel of the Rio Grande (Rio Bravo), and each Section shall construct, operate and maintain on the measured tributaries in its own country, all the gaging stations and mechanical apparatus necessary for the purpose of making computations and of obtaining the necessary data for such record. The information with respect to the diversions and consumptive uses on the unmeasured tributaries shall be furnished to the Commission by the appropriate Section. The cost of construction of any new gaging stations located on the main channel of the Rio Grande (Rio Bravo) shall be borne equally by the two Governments. The operation and maintenance of all gaging stations or the cost of such operation and maintenance shall be apportioned between the two Sections in accordance with determinations to be made by the Commission.

### III. COLORADO RIVER

#### ARTICLE 10<sup>9</sup>

Of the waters of the Colorado River, from any and all sources, there are allotted to Mexico:

(a) A guaranteed annual quantity of 1,500,000 acre-feet (1,850,234,000 cubic meters) to be delivered in accordance with the provisions of Article 15 of this Treaty.

(b) Any other quantities arriving at the Mexican points of diversion, with the understanding that in any year in which, as determined by the United States Section, there exists a surplus of waters of the Colorado River in excess of the amount necessary to supply uses in the United States and the guaranteed quantity of 1,500,000 acre-feet (1,850,234,000 cubic meters) annually to Mexico, the United States undertakes to deliver to Mexico, in the manner set out in Article 15 of this Treaty, additional waters of the Colorado River system to provide a total quantity not to exceed 1,700,000 acre-feet (2,096,931,000 cubic meters) a year. Mexico shall acquire no right

<sup>9</sup> For an understanding relating to art. 10, see footnote 1, p. 1168.

beyond that provided by this subparagraph by the use of waters of the Colorado River system, for any purpose whatsoever, in excess of 1,500,000 acre-feet (1,850,234,000 cubic meters) annually.

In the event of extraordinary drought or serious accident to the irrigation system in the United States, thereby making it difficult for the United States to deliver the guaranteed quantity of 1,500,000 acre-feet (1,850,234,000 cubic meters) a year, the water allotted to Mexico under subparagraph (a) of this Article will be reduced in the same proportion as consumptive uses in the United States are reduced.

#### ARTICLE 11

(a) The United States shall deliver all waters allotted to Mexico wherever these waters may arrive in the bed of the limitrophe section of the Colorado River, with the exceptions hereinafter provided. Such waters shall be made up of the waters of the said river, whatever their origin, subject to the provisions of the following paragraphs of this Article.

(b) Of the waters of the Colorado River allotted to Mexico by subparagraph (a) of Article 10 of this Treaty, the United States shall deliver, wherever such waters may arrive in the limitrophe section of the river, 1,000,000 acre-feet (1,233,489,000 cubic meters) annually from the time the Davis dam and reservoir are placed in operation until January 1, 1980 and thereafter 1,125,000 acre-feet (1,387,675,000 cubic meters) annually, except that, should the main diversion structure referred to in subparagraph (a) of Article 12 of this Treaty be located entirely in Mexico and should Mexico so request, the United States shall deliver a quantity of water not exceeding 25,000 acre-feet (30,837,000 cubic meters) annually, unless a larger quantity may be mutually agreed upon, at a point, to be likewise mutually agreed upon, on the international land boundary near San Luis, Sonora, in which event the quantities of 1,000,000 acre-feet (1,233,489,000 cubic meters) and 1,125,000 acre-feet (1,387,675,000 cubic meters) provided hereinabove as deliverable in the limitrophe section of the river shall be reduced by the quantities to be delivered in the year concerned near San Luis, Sonora.

(c) During the period from the time the Davis dam and reservoir are placed in operation until January 1, 1980, the United States shall also deliver to Mexico annually, of the water allotted to it, 500,000 acre-feet (616,745,000 cubic meters), and thereafter the United States shall deliver annually 375,000 acre-feet (462,558,000 cubic meters), at the international boundary line, by means of the All-American Canal and a canal connecting the lower end of the Pilot Knob Wasteway with the Alamo Canal or with any other Mexican canal which may be substituted for the Alamo Canal. In either event the deliveries shall be made at an operating water surface elevation not higher than that of the Alamo Canal at the point where it crossed the international boundary line in the year 1943.

(d) All the deliveries of water specified above shall be made subject to the provisions of Article 15 of this Treaty.

#### ARTICLE 12

The two Governments agree to construct the following works:

(a) Mexico shall construct at its expense, within a period of five years from the date of the entry into force of this Treaty, a main diversion structure below the point where the northernmost part of the international land boundary line intersects the Colorado River. If such diversion structure is located in the limitrophe section of the river, its location, design and construction shall be subject to the approval of the Commission. The Commission shall thereafter maintain and operate the structure at the expense of Mexico. Regardless of where such diversion structure is located, there shall simultaneously be constructed such levees, interior drainage facilities and other works, or improvements to existing works, as in the opinion of the Commission shall be necessary to protect lands within the United States against damage from such floods and seepage as might result from the construction, operation and maintenance of this diversion structure. These protective works shall be constructed, operated and maintained at the expense of Mexico by the respective Sections of the Commission, or under their supervision, each within the territory of its own country.<sup>10</sup>

(b) The United States, within a period of five years from the date of the entry into force of this Treaty, shall construct in its own territory and at its expense, and thereafter operate and maintain at its expense, the Davis storage dam and reservoir, a part of the capacity of which shall be used to make possible the regulation at the boundary of the waters to be delivered to Mexico in accordance with the provisions of Article 15 of this Treaty.

(c) The United States shall construct or acquire in its own territory the works that may be necessary to convey a part of the waters of the Colorado River allotted to Mexico to the Mexican diversion points on the international land boundary line referred to in this Treaty. Among these works shall be included: the canal and other works necessary to convey water from the lower end of the Pilot Knob Wasteway to the international boundary, and, should Mexico request it, a canal to connect the main diversion structure referred to in subparagraph (a) of this Article, if this diversion structure should be built in the limitrophe section of the river, with the Mexican system of canals at a point to be agreed upon by the Commission on the international land boundary near San Luis, Sonora. Such works shall be constructed or acquired and operated and maintained by the United States Section at the expense of Mexico. Mexico shall also pay the costs of any sites or rights of way required for such works.

<sup>10</sup> For an understanding relating to para. (a) of Art. 12, see footnote 1, p. 1168.

(d) The Commission shall construct, operate and maintain in the limitrophe section of the Colorado River, and each Section shall construct, operate and maintain in the territory of its own country on the Colorado River below Imperial Dam and on all other carrying facilities used for the delivery of water to Mexico, all necessary gaging stations and other measuring devices for the purpose of keeping a complete record of the waters delivered to Mexico and of the flows of the river. All data obtained as to such deliveries and flows shall be periodically compiled and exchanged between the two Sections.

#### ARTICLE 13

The Commission shall study, investigate and prepare plans for flood control on the Lower Colorado River between Imperial Dam and the Gulf of California, in both the United States and Mexico, and shall, in a Minute, report to the two Governments the works which should be built, the estimated cost thereof, and the part of the works to be constructed by each Government. The two Governments agree to construct, through their respective Sections of the Commission, such works as may be recommended by the Commission and approved by the two Governments, each Government to pay the costs of the works constructed by it. The Commission shall likewise recommend the parts of the works to be operated and maintained jointly by the Commission and the parts to be operated and maintained by each Section. The two Governments agree to pay in equal shares the cost of joint operation and maintenance, and each Government agrees to pay the cost of operation and maintenance of the works assigned to it for such purpose.

#### ARTICLE 14

In consideration of the use of the All-American Canal for the delivery to Mexico, in the manner provided in Articles 11 and 15 of this Treaty, of a part of its allotment of the waters of the Colorado River, Mexico shall pay to the United States:

(a) A proportion of the costs actually incurred in the construction of Imperial Dam and the Imperial Dam-Pilot Knob section of the All-American Canal, this proportion and the method and terms of repayment to be determined by the two Governments, which, for this purpose, shall take into consideration the proportionate uses of these facilities by the two countries, these determinations to be made as soon as Davis dam and reservoir are placed in operation.

(b) Annually, a proportionate part of the total costs of maintenance and operation of such facilities, these costs to be prorated between the two countries in proportion to the amount of water delivered annually through such facilities for use in each of the two countries.

In the event that revenues from the sale of hydro-electric power which may be generated at Pilot Knob become available for the amortization of part or all of the costs of the facilities named in subparagraph (a) of this Article, the part that Mexico should pay of the cost of said facilities shall be reduced or repaid in the same proportion as the balance of the total costs are reduced or repaid. It is understood that any such revenue shall not become available until the cost of any works which may be constructed for the generation of hydro-electric power at said location has been fully amortized from the revenues derived therefrom.

#### ARTICLE 15

A. The water allotted in subparagraph (a) of Article 10 of this Treaty shall be delivered to Mexico at the points of delivery specified in Article 11, in accordance with the following two annual schedules of deliveries by months, which the Mexican Section shall formulate and present to the Commission before the beginning of each calendar year:

##### SCHEDULE I

Schedule I shall cover the delivery, in the limitrophe section of the Colorado River, of 1,000,000 acre-feet (1,233,489,000 cubic meters) of water each year from the date Davis dam and reservoir are placed in operation until January 1, 1980 and the delivery of 1,125,000 acre-feet (1,387,675,000 cubic meters) of water each year thereafter. This schedule shall be formulated subject to the following limitations:

With reference to the 1,000,000 acre-foot (1,233,489,000 cubic meter) quantity:

(a) During the months of January, February, October, November and December the prescribed rate of delivery shall be not less than 600 cubic feet (17.0 cubic meters) nor more than 3,500 cubic feet (99.1 cubic meters) per second.

(b) During the remaining months of the year the prescribed rate of delivery shall be not less than 1,000 cubic feet (28.3 cubic meters) nor more than 3,500 cubic feet (99.1 cubic meters) per second.

With reference to the 1,125,000 acre-foot (1,387,675,000 cubic meter) quantity:

(a) During the months of January, February, October, November and December the prescribed rate of delivery shall be not less than 675 cubic feet (19.1 cubic meters) nor more than 4,000 cubic feet (113.3 cubic meters) per second.

(b) During the remaining months of the year the prescribed rate of delivery shall be not less than 1,125 cubic feet (31.9 cubic meters) nor more than 4,000 cubic feet (113.3 cubic meters) per second.

Should deliveries of water be made at a point on the land boundary near San Luis, Sonora, as provided for in Article 11, such deliveries shall be made under a sub-schedule to be formulated and furnished by the Mexican Section. The quantities and monthly rates of deliveries under such sub-schedule shall be in proportion to those specified for Schedule I, unless otherwise agreed upon by the Commission.

#### SCHEDULE II

Schedule II shall cover the delivery at the boundary line by means of the All-American Canal of 500,000 acre-feet (616,745,000 cubic meters) of water each year from the date Davis dam and reservoir are placed in operation until January 1, 1980 and the delivery of 375,000 acre-feet (462,558,000 cubic meters) of water each year thereafter. This schedule shall be formulated subject to the following limitations:

With reference to the 500,000 acre-foot (616,745,000 cubic meter) quantity:

(a) During the months of January, February, October, November and December the prescribed rate of delivery shall be not less than 300 cubic feet (8.5 cubic meters) nor more than 2,000 cubic feet (56.6 cubic meters) per second.

(b) During the remaining months of the year the prescribed rate of delivery shall be not less than 500 cubic feet (14.2 cubic meters) nor more than 2,000 cubic feet (56.6 cubic meters) per second.

With reference to the 375,000 acre-foot (462,558,000 cubic meter) quantity:

(a) During the months of January, February, October, November and December the prescribed rate of delivery shall be not less than 225 cubic feet (6.4 cubic meters) nor more than 1,500 cubic feet (42.5 cubic meters) per second.

(b) During the remaining months of the year the prescribed rate of delivery shall be not less than 375 cubic feet (10.6 cubic meters) nor more than 1,500 cubic feet (42.5 cubic meters) per second.

B. The United States shall be under no obligation to deliver, through the All-American Canal, more than 500,000 acre-feet (616,745,000 cubic meters) annually from the date Davis dam and reservoir are placed in operation until January 1, 1980 or more than 375,000 acre-feet (462,558,000 cubic meters) annually thereafter. If, by mutual agreement, any part of the quantities of water specified in this paragraph are delivered to Mexico at

points on the land boundary otherwise than through the All-American Canal, the above quantities of water and the rates of deliveries set out under Schedule II of this Article shall be correspondingly diminished.

C. The United States shall have the option of delivering, at the point on the land boundary mentioned in subparagraph (c) of Article 11, any part or all of the water to be delivered at that point under Schedule II of this Article during the months of January, February, October, November and December of each year, from any source whatsoever, with the understanding that the total specified annual quantities to be delivered through the All-American Canal shall not be reduced because of the exercise of this option, unless such reduction be requested by the Mexican Section, provided that the exercise of this option shall not have the effect of increasing the total amount of scheduled water to be delivered to Mexico.

D. In any year in which there shall exist in the river water in excess of that necessary to satisfy the requirements in the United States and the guaranteed quantity of 1,500,000 acre-feet (1,850,234,000 cubic meters) allotted to Mexico, the United States hereby declares its intention to cooperate with Mexico in attempting to supply additional quantities of water through the All-American Canal as such additional quantities are desired by Mexico, if such use of the Canal and facilities will not be detrimental to the United States, provided that the delivery of any additional quantities through the All-American Canal shall not have the effect of increasing the total scheduled deliveries to Mexico. Mexico hereby declares its intention to cooperate with the United States by attempting to curtail deliveries of water through the All-American Canal in years of limited supply, if such curtailment can be accomplished without detriment to Mexico and is necessary to allow full use of all available water supplies, provided that such curtailment shall not have the effect of reducing the total scheduled deliveries of water to Mexico.

E. In any year in which there shall exist in the river water in excess of that necessary to satisfy the requirements in the United States and the guaranteed quantity of 1,500,000 acre-feet (1,850,234,000 cubic meters) allotted to Mexico, the United States Section shall so inform the Mexican Section in order that the latter may schedule such surplus water to complete a quantity up to a maximum of 1,700,000 acre-feet (2,096,931,000 cubic meters). In this circumstance the total quantities to be delivered under Schedules I and II shall be increased in proportion to their respective total quantities and the two schedules thus increased shall be subject to the same limitations as those established for each under paragraph A of this Article.

F. Subject to the limitations as to the rates of deliveries and total quantities set out in Schedules I and II, Mexico shall have the right, upon thirty days notice in advance to the United States Section, to increase or decrease each monthly quantity prescribed by those schedules by not more than 20% of the monthly quantity.

G. The total quantity of water to be delivered under Schedule I of paragraph A of this Article may be increased in any year if the amount to be delivered under Schedule II is correspondingly reduced and if the limitations as to rates of delivery under each schedule are correspondingly increased and reduced.

#### IV. TIJUANA RIVER

##### ARTICLE 16

In order to improve existing uses and to assure any feasible further development, the Commission shall study and investigate, and shall submit to the two Governments for their approval:

- (1) Recommendations for the equitable distribution between the two countries of the waters of the Tijuana River system;
- (2) Plans for storage and flood control to promote and develop domestic, irrigation and other feasible uses of the waters of this system;
- (3) An estimate of the cost of the proposed works and the manner in which the construction of such works or the cost thereof should be divided between the two Governments;
- (4) Recommendations regarding the parts of the works to be operated and maintained by the Commission and the parts to be operated and maintained by each Section.

The two Governments through their respective Sections of the Commission shall construct such of the proposed works as are approved by both Governments, shall divide the work to be done or the cost thereof, and shall distribute between the two countries the waters of the Tijuana River system in the proportions approved by the two Governments. The two Governments agree to pay in equal shares the costs of joint operation and maintenance of the works involved, and each Government agrees to pay the cost of operation and maintenance of the works assigned to it for such purpose.

#### V. GENERAL PROVISIONS

##### ARTICLE 17

The use of the channels of the international rivers for the discharge of flood or other excess waters shall be free and not subject to limitation by either country, and neither country shall have any claim against the other in respect of any damage caused by such use. Each Government agrees to furnish the other Government, as far in advance as practicable, any information it may have in regard to such extraordinary discharges of water from reservoirs and flood flows on its own territory as may produce floods on the territory of the other.

Each Government declares its intention to operate its storage dams in such manner, consistent with the normal operations of its hydraulic systems, as to avoid, as far as feasible, material damage in the territory of the other.

## ARTICLE 18

Public use of the water surface of lakes formed by international dams shall, when not harmful to the services rendered by such dams be free and common to both countries, subject to the police regulations of each country in its territory, to such general regulations as may appropriately be prescribed and enforced by the Commission with the approval of the two Governments for the purpose of the application of the provisions of this Treaty, and to such regulations as may appropriately be prescribed and enforced for the same purpose by each Section of the Commission with respect to the areas and borders of such parts of those lakes as lie within its territory. Neither Government shall use for military purposes such water surface situated within the territory of the other country except by express agreement between the two Governments.

## ARTICLE 19

The two Governments shall conclude such special agreements as may be necessary to regulate the generation, development and disposition of electric power at international plants,<sup>11</sup> including the necessary provisions for the export of electric current.<sup>11</sup>

## ARTICLE 20

The two Governments shall, through their respective Sections of the Commission, carry out the construction of works allotted to them. For this purpose the respective Sections of the Commission may make use of any competent public or private agencies in accordance with the laws of the respective countries. With respect to such works as either Section of the Commission may have to execute on the territory of the other, it shall, in the execution of such works, observe the laws of the place where such works are located or carried out, with the exceptions hereinafter stated.

All materials, implements, equipment and repair parts intended for the construction, operation and maintenance of such works shall be exempt from import and export customs duties. The whole of the personnel employed either directly or indirectly on the construction, operation or maintenance of the works may pass freely from one country to the other for the purpose of going to and from the place of location of the works, without any immigration restrictions, passports or labor requirements. Each Government shall furnish, through its own Section of the Commission, convenient means of identification to the personnel employed by it on the aforesaid works and verification certificates covering all materials, implements, equipment and repair parts intended for the works.

Each Government shall assume responsibility for and shall adjust exclusively in accordance with its own laws all claims arising within its territory

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<sup>11</sup> For understandings relating to the meaning of the words "international plants" and "electric current," see footnote 1, p. 1168.

in connection with the construction, operation or maintenance of the whole or of any part of the works herein agreed upon, or of any works which may, in the execution of this Treaty, be agreed upon in the future.

#### ARTICLE 21

The construction of the international dams and the formation of artificial lakes shall produce no change in the fluvial international boundary, which shall continue to be governed by existing treaties and conventions in force between the two countries.

The Commission shall, with the approval of the two Governments, establish in the artificial lakes, by buoys or by other suitable markers, a practicable and convenient line to provide for the exercise of the jurisdiction and control vested by this Treaty in the Commission and its respective Sections. Such line shall also mark the boundary for the application of the customs and police regulations of each country.

#### ARTICLE 22

The provisions of the Convention between the United States and Mexico for the rectification of the Rio Grande (Rio Bravo) in the El Paso-Juárez Valley signed on February 1, 1933,<sup>12</sup> shall govern, so far as delimitation of the boundary, distribution of jurisdiction and sovereignty, and relations with private owners are concerned, in any places where works for the artificial channeling, canalization or rectification of the Rio Grande (Rio Bravo) and the Colorado River are carried out.

#### ARTICLE 23

The two Governments recognize the public interest attached to the works required for the execution and performance of this Treaty and agree to acquire, in accordance with their respective domestic laws, any private property that may be required for the construction of the said works, including the main structures and their appurtenances and the construction materials therefor, and for the operation and maintenance thereof, at the cost of the country within which the property is situated, except as may be otherwise specifically provided in this Treaty.

Each Section of the Commission shall determine the extent and location of any private property to be acquired within its own country and shall make the necessary requests upon its Government for the acquisition of such property.

The Commission shall determine the cases in which it shall become necessary to locate works for the conveyance of water or electrical energy and for the servicing of any such works, for the benefit of either of the two countries, in the territory of the other country, in order that such works can be built

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<sup>12</sup> TS 864, *ante*, p. 976.

pursuant to agreement between the two Governments. Such works shall be subject to the jurisdiction and supervision of the Section of the Commission within whose country they are located.

Construction of the works built in pursuance of the provisions of this Treaty shall not confer upon either of the two countries any rights either of property or of jurisdiction over any part whatsoever of the territory of the other. These works shall be part of the territory and be the property of the country wherein they are situated. However, in the case of any incidents occurring on works constructed across the limitrophe part of a river and with supports on both banks, the jurisdiction of each country shall be limited by the center line of such works, which shall be marked by the Commission, without thereby changing the international boundary.

Each Government shall retain, through its own Section of the Commission and within the limits and to the extent necessary to effectuate the provisions of this Treaty, direct ownership, control and jurisdiction within its own territory and in accordance with its own laws, over all real property—including that within the channel of any river—rights of way and rights *in rem*, that it may be necessary to enter upon and occupy for the construction, operation or maintenance of all the works constructed, acquired or used pursuant to this Treaty. Furthermore, each Government shall similarly acquire and retain in its own possession the titles, control and jurisdiction over such works.

#### ARTICLE 24<sup>13</sup>

The International Boundary and Water Commission shall have, in addition to the powers and duties otherwise specifically provided in this Treaty, the following powers and duties:

(a) To initiate and carry on investigations and develop plans for the works which are to be constructed or established in accordance with the provisions of this and other treaties or agreements in force between the two Governments dealing with boundaries and international waters; to determine, as to such works, their location, size, kind and characteristic specifications; to estimate the cost of such works; and to recommend the division of such costs between the two Governments, the arrangements for the furnishing of the necessary funds, and the dates for the beginning of the works, to the extent that the matters mentioned in this subparagraph are not otherwise covered by specific provisions of this or any other Treaty.

(b) To construct the works agreed upon or to supervise their construction and to operate and maintain such works or to supervise their operation and maintenance, in accordance with the respective domestic laws of each country. Each Section shall have, to the extent necessary to give effect to the

<sup>13</sup> For an understanding relating to use of the word "agreements" in art. 24, paras. (a), (c), and (d), see footnote, p. 1168.

provisions of this Treaty, jurisdiction over the works constructed exclusively in the territory of its country whenever such works shall be connected with or shall directly affect the execution of the provisions of this Treaty.

(c) In general to exercise and discharge the specific powers and duties entrusted to the Commission by this and other treaties and agreements in force between the two countries, and to carry into execution and prevent the violation of the provisions of those treaties and agreements. The authorities of each country shall aid and support the exercise and discharge of these powers and duties, and each Commissioner shall invoke when necessary the jurisdiction of the courts or other appropriate agencies of his country to aid in the execution and enforcement of these powers and duties.

(d) To settle all differences that may arise between the two Governments with respect to the interpretation or application of this Treaty, subject to the approval of the two Governments. In any case in which the Commissioners do not reach an agreement, they shall so inform their respective governments reporting their respective opinions and the grounds therefor and the points upon which they differ, for discussion and adjustment of the difference through diplomatic channels and for application where proper of the general or special agreements which the two Governments have concluded for the settlement of controversies.

(e) To furnish the information requested of the Commissioners jointly by the two Governments on matters within their jurisdiction. In the event that the request is made by one Government alone, the Commissioner of the other Government must have the express authorization of his Government in order to comply with such request.

(f) The Commission shall construct, operate and maintain upon the limitrophe parts of the international streams, and each Section shall severally construct, operate and maintain upon the parts of the international streams and their tributaries within the boundaries of its own country, such stream gaging stations as may be needed to provide the hydrographic data necessary or convenient for the proper functioning of this Treaty. The data so obtained shall be compiled and periodically exchanged between the two Sections.

(g) The Commission shall submit annually a joint report to the two Governments on the matters in its charge. The Commission shall also submit to the two Governments joint reports on general or any particular matters at such other times as it may deem necessary or as may be requested by the two Governments.

#### ARTICLE 25

Except as otherwise specifically provided in this Treaty, Articles III and VII of the Convention of March 1, 1889 shall govern the proceedings of the Commission in carrying out the provisions of this Treaty. Supplementary

thereto the Commission shall establish a body of rules and regulations to govern its procedure, consistent with the provisions of this Treaty and of Articles III and VII of the Convention of March 1, 1889 and subject to the approval of both Governments.

Decisions of the Commission shall be recorded in the form of Minutes done in duplicate in the English and Spanish languages, signed by each Commissioner and attested by the Secretaries, and copies thereof forwarded to each Government within three days after being signed. Except where the specific approval of the two Governments is required by any provision of this Treaty, if one of the Governments fails to communicate to the Commission its approval or disapproval of a decision of the Commission within thirty days reckoned from the date of the Minute in which it shall have been pronounced, the Minute in question and the decisions which it contains shall be considered to be approved by that Government. The Commissioners, within the limits of their respective jurisdictions, shall execute the decisions of the Commission that are approved by both Governments.

If either Government disapproves a decision of the Commission the two Governments shall take cognizance of the matter, and if an agreement regarding such matter is reached between the two Governments, the agreement shall be communicated to the Commissioners, who shall take such further proceedings as may be necessary to carry out such agreement.

## VI. TRANSITORY PROVISIONS

### ARTICLE 26

During a period of eight years from the date of the entry into force of this Treaty, or until the beginning of operation of the lowest major international reservoir on the Rio Grande (Rio Bravo), should it be placed in operation prior to the expiration of said period, Mexico will cooperate with the United States to relieve, in times of drought, any lack of water needed to irrigate the lands now under irrigation in the Lower Rio Grande Valley in the United States, and for this purpose Mexico will release water from El Azúcar reservoir on the San Juan River and allow that water to run through its system of canals back into the San Juan River in order that the United States may divert such water from the Rio Grande (Rio Bravo). Such releases shall be made on condition that they do not affect the Mexican irrigation system, provided that Mexico shall, in any event, except in cases of extraordinary drought or serious accident to its hydraulic works, release and make available to the United States for its use the quantities requested, under the following conditions: that during the said eight years there shall be made available a total of 160,000 acre-feet (197,358,000 cubic meters) and up to 40,000 acre-feet (49,340,000 cubic meters) in any one year; that the water shall be

made available as requested at rates not exceeding 750 cubic feet (21.2 cubic meters) per second; that when the rates of flow requested and made available have been more than 500 cubic feet (14.2 cubic meters) per second the period of release shall not extend beyond fifteen consecutive days; and that at least thirty days must elapse between any two periods of release during which rates of flow in excess of 500 cubic feet (14.2 cubic meters) per second have been requested and made available. In addition to the guaranteed flow, Mexico shall release from El Azúcar reservoir and conduct through its canal system and the San Juan River, for use in the United States during periods of drought and after satisfying the needs of Mexican users, any excess water that does not in the opinion of the Mexican Section have to be stored and that may be needed for the irrigation of lands which were under irrigation during the year 1943 in the Lower Rio Grande Valley in the United States.

#### ARTICLE 27

The provisions of Articles 10, 11, and 15 of this Treaty shall not be applied during a period of five years from the date of the entry into force of this Treaty, or until the Davis dam and the major Mexican diversion structure on the Colorado River are placed in operation, should these works be placed in operation prior to the expiration of said period. In the meantime Mexico may construct and operate at its expense a temporary diversion structure in the bed of the Colorado River in territory of the United States for the purpose of diverting water into the Alamo Canal, provided that the plans for such structure and the construction and operation thereof shall be subject to the approval of the United States Section. During this period of time the United States will make available in the river at such diversion structure river flow not currently required in the United States, and the United States will cooperate with Mexico to the end that the latter may satisfy its irrigation requirements within the limits of those requirements for lands irrigated in Mexico from the Colorado River during the year 1943.

#### VII. FINAL PROVISIONS

#### ARTICLE 28

This Treaty shall be ratified and the ratifications thereof shall be exchanged in Washington. It shall enter into force on the day of the exchange of ratifications and shall continue in force until terminated by another Treaty concluded for that purpose between the two Governments.

In witness whereof the respective Plenipotentiaries have signed this Treaty and have hereunto affixed their seals.

Done in duplicate in the English and Spanish languages, in Washington on this third day of February, 1944.

For the Government of the United States of America:

CORDELL HULL [SEAL]

GEORGE S. MESSERSMITH [SEAL]

LAWRENCE M. LAWSON [SEAL]

For the Government of the United Mexican States:

F. CASTILLO NÁJERA [SEAL]

RAFAEL FERNÁNDEZ MACGREGOR [SEAL]

### PROTOCOL

The Government of the United States of America and the Government of the United Mexican States agree and understand that:

Wherever, by virtue of the provisions of the Treaty between the United States of America and the United Mexican States, signed in Washington on February 3, 1944, relating to the utilization of the waters of the Colorado and Tijuana Rivers and of the Rio Grande from Fort Quitman, Texas, to the Gulf of Mexico, specific functions are imposed on, or exclusive jurisdiction is vested in, either of the Sections of the International Boundary and Water Commission, which involve the construction or use of works for storage or conveyance of water, flood control, stream gaging, or for any other purpose, which are situated wholly within the territory of the country of that Section, and which are to be used only partly for the performance of treaty provisions, such jurisdiction shall be exercised, and such functions, including the construction, operation and maintenance of the said works, shall be performed and carried out by the Federal agencies of that country which now or hereafter may be authorized by domestic law to construct, or to operate and maintain, such works. Such functions or jurisdictions shall be exercised in conformity with the provisions of the Treaty and in cooperation with the respective Section of the Commission, to the end that all international obligations and functions may be coordinated and fulfilled.

The works to be constructed or used on or along the boundary, and those to be constructed or used exclusively for the discharge of treaty stipulations, shall be under the jurisdiction of the Commission or of the respective Section, in accordance with the provisions of the Treaty. In carrying out the construction of such works the Sections of the Commission may utilize the services of public or private organizations in accordance with the laws of their respective countries.

This Protocol, which shall be regarded as an integral part of the aforementioned Treaty signed in Washington on February 3, 1944, shall be ratified and the ratifications thereof shall be exchanged in Washington. This

Protocol shall be effective beginning with the day of the entry into force of the Treaty and shall continue effective so long as the Treaty remains in force.

In witness whereof the respective Plenipotentiaries have signed this Protocol and have hereunto affixed their seals.

Done in duplicate, in the English and Spanish languages, in Washington, this fourteenth day of November, 1944.

For the Government of the United States of America:

E. R. STETTINIUS, Jr. [SEAL]

*Acting Secretary of State  
of the United States of America*

For the Government of the United Mexican States:

F. CASTILLO NÁJERA [SEAL]

*Ambassador Extraordinary and  
Plenipotentiary of the United  
Mexican States in Washington*

## ANTHROPOLOGICAL RESEARCH

*Exchange of notes at México December 4, 1943, and April 19, 1944,  
with text of memorandum agreement*

*Entered into force April 19, 1944*

*Supplemented and extended by agreement of June 21, 1949<sup>1</sup>*

*Terminated July 1, 1952<sup>2</sup>*

63 Stat. 2649; Treaties and Other  
International Acts Series 1961

*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*México, D.F., December 4, 1943*

No. 2100

EXCELLENCY:

Pursuant to instructions from my Government and in accord with the desires of the Smithsonian Institution of Washington, D.C., to cooperate with the appropriate Mexican authorities and local organizations in the field of anthropological research, I have the honor to attach herewith a proposed Memorandum Agreement which sets forth the obligations that would be assumed by the Government of the United States through the Institute of Social Anthropology of the Smithsonian Institution, and by the Government of Mexico through the Instituto Nacional de Antropología e Historia, with a view to obtaining acceptance by the Mexican Government. In the event that the Mexican authorities find the proposal to be acceptable, Your Excellency's reply to that effect will complete the Agreement and it is not necessary that the Memorandum be signed.

The Smithsonian Institution is now prepared to carry out its obligation to detail a special anthropologist to Mexico to perform a part of the services contemplated by the proposed Agreement, and has selected for the assignment Dr. George M. Foster, Jr. Dr. Foster is 30 years of age and holds a Bachelor of Science degree in anthropology from Northwestern University which he obtained in 1935. He pursued post graduate studies in anthropology at the University of California and received a Doctor of Philosophy degree in anthropology from that institution in 1941.

<sup>1</sup> TIAS 1961, *post*, p. 1248.

<sup>2</sup> Pursuant to notice of termination given by the United States May 2, 1952.

Dr. Foster has engaged in scientific expeditions involving studies of the ethnology of the Yuki Indians of California and the Popoluca Indians of Veracruz, Mexico. He has also traveled in Puerto Rico, China, Alaska, Japan and various European countries in connection with his studies. He was engaged as a Teaching Fellow at the University of California in 1937; Instructor in Sociology at Syracuse University, Syracuse, New York, in 1941-1942; Lecturer in Anthropology at the University of California, Los Angeles, California, in 1942-1943; Social Science Analyst, Office of the Coordinator of Inter-American Affairs, Washington, D.C., from May to September, 1943, and is now serving on the staff of the Smithsonian Institution. Dr. Foster's scientific interests lie in studies of the culture and the culture changes of modern Indians, especially those of Mexico, in which connection he has published a number of scientific papers and monographs. He is a member of the American Association for the Advancement of Science, the American Anthropological Association, and the American Folklore Society.

It is hoped that Dr. Foster's name and qualifications may be found acceptable for the performance of the services contemplated.

Since the Smithsonian Institution desires that Dr. Foster, if found acceptable, begin his field research early in December and considering that it will be necessary for him to engage in certain organizational activities in Mexico City prior thereto, it would be appreciated if Your Excellency might express the views of the Mexican Government at the earliest possible date in order that I may inform my Government by cable.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

GEORGE S. MESSERSMITH

Enclosure:

MEMORANDUM AGREEMENT  
dated December 4, 1943

His Excellency

Señor Licenciado EZEQUIEL PADILLA,  
*Minister of Foreign Relations of Mexico*

MEMORANDUM AGREEMENT

Recent conversations between Dr. Julian H. Steward, Director of the Institute of Social Anthropology of the Smithsonian Institution, Washington, D.C., and Dr. Alfonso Caso, Director of the Instituto Nacional de Antropología e Historia of Mexico, and Dr. Daniel F. Rubin de la Borbolla, Director of the Escuela Nacional de Antropología of Mexico, have disclosed a desire on the part of these agencies to cooperate in the development of a program of anthropological teaching and research in Mexico. Accordingly, the Government of the United States of America, through the Smithsonian In-

stitution, and the Government of the United Mexican States, through the Escuela Nacional de Antropología of the Instituto Nacional de Antropología e Historia, have agreed as follows:

It shall be the general objective of the said agencies—

1. To cooperate in the training of research personnel of both the United States and Mexico in the techniques of investigations in social science, linguistics, and physical anthropology;
2. To cooperate in a long-range field research program among the Tarascan and other Mexican Indians which will provide for student training in field work and contribute basic data for an understanding of the native peoples of the Americas, such program to be integrated with the plan already developed and partly carried out by the Instituto Nacional de Antropología e Historia and the University of California; and
3. To publish research findings under such auspices and in such forms and languages as in the opinion of the Smithsonian Institution and the Instituto Nacional de Antropología e Historia will render them the most useful.

To that end, the Government of the United States, through the Smithsonian Institution, agrees—

- (a) to make available the services of a social anthropologist; a cultural geographer; and a linguist or ethnologist;
- (b) to pay the expenses of its employees while engaged in field research; and
- (c) to pay for the publication of a portion of the cooperative research.

The Government of the United Mexican States, through the Instituto Nacional de Antropología e Historia of the Ministry of Public Education agrees—

- (a) to provide the services of the faculty of the Escuela Nacional de Antropología and its cooperating agencies, office space, laboratories, books, and teaching facilities; and students for both university training and field research training;
- (b) to pay the expenses of its participants while engaged in field research; and
- (c) to pay for the publication of a portion of the research results.

All expenditures incurred by the Smithsonian Institution shall be paid direct by that organization and all expenditures incident to the obligations assumed by the Government of the United Mexican States shall be paid direct by that Government to the Instituto Nacional de Antropología e Historia.

This agreement shall come into effect on the day on which it is accepted by the Government of the United Mexican States, and shall continue in effect

until June 30, 1948, or for an additional period if mutually agreed upon in writing, unless the Congress of either country shall fail to make available the funds necessary for its execution in which case it may be terminated on sixty days' advance written notice by the Government of either country.

MÉXICO, D.F., *December 4, 1943.*

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*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
UNITED MEXICAN STATES  
MEXICO

53655

MÉXICO, D. F., *April 19, 1944*

MR. AMBASSADOR:

I have the honor to refer again to Your Excellency's courteous note, number 2100, dated December 4, 1943, in which you were good enough to transmit to me a memorandum which contains the bases of an agreement on cooperation in anthropological investigations which will be carried out by the Mexican Government, through the Institute of Anthropology and History, and by the Government of the United States of America, through the Institute of Social Anthropology of the Smithsonian Institution.

The appropriate authorities having been consulted in this matter, I, in accordance with their wishes, have the honor to inform Your Excellency that the Government of Mexico accepts the Agreement which the Government of the United States of America was so good as to propose to it and considers it as being completed by this note and your Embassy's note to which I referred.

The above-mentioned authorities have already given the necessary instructions to the end that Mexico may begin to fulfill the terms of the Agreement.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

E. PADILLA

His Excellency

GEORGE S. MESSERSMITH,

*Ambassador Extraordinary and Plenipotentiary of the  
United States of America,  
City.*

## FISHERIES MISSION

*Exchange of notes at México September 7 and October 18, 1944,  
amending and extending agreement of April 17, May 22, July 22  
and 27, and October 24, 1942*

*Entered into force October 18, 1944*

*Expired October 23, 1946*

58 Stat. 1562; Executive Agreement Series 443

### *The American Embassy to the Ministry for Foreign Affairs*

No. 3041

The Embassy of the United States of America presents its compliments to the Ministry for Foreign Affairs and has the honor to refer to the Ministry's courteous note no. 58098 dated August 12, 1944, to the Embassy's acknowledgment no. 3007 dated August 24, 1944, and to previous correspondence, with regard to the memorandum agreement of October 23, 1942 effected by the exchange of notes between the Embassy and the Ministry, particularly the Embassy's communications no. 138 and no. 269 of April 17 and May 22, 1942, and the Ministry's note no. 58807 of October 24, 1942.<sup>1</sup> The Embassy has now been informed by the Department of State that the Department is agreeable to extending the provisions of the memorandum agreement regulating the activities of the United States Fisheries Mission to Mexico for a period of two years, or to October 23, 1946. The Department has however, referred to the statement in the memorandum agreement pertaining to Mr. Lindner's services and has instructed the Embassy to convey to the Ministry two suggested amendments for its consideration. Numbered Paragraph 1 of this memorandum agreement states that;

“The Fish and Wildlife Service will assign to Mexico Mr. Milton J. Lindner, an aquatic biologist of its Division of Fish Biology, who is already known to the Mexican authorities, to assist in planning and directing the proposed studies, his services to be rendered on a part time basis covering a period of approximately six months of each of two consecutive years.”

In view of the known desire of the Ministry of Marine that Mr. Lindner carry out his studies on a full time basis, the Department and the United States Fish and Wildlife Service are agreeable to amending this paragraph. How-

<sup>1</sup> EAS 443, *ante*, p. 1090.

ever, as it is possible that during the next two years Mr. Lindner's services may be required for temporary periods outside of Mexico, the Department suggests that the appropriate part of the above paragraph be amended to read as follows:

“. . . his services to be rendered on a full time basis, with the exception of possible assignments of nominal length only outside Mexico.”

The United States Fish and Wildlife Service had intended, up to a recent date, to assign Mr. Smyth elsewhere but, in view of the assistance he will be able to render here in connection with the proposed Mexican farm pond program and other activities in connection with fresh water fisheries in Mexico, the appropriate American authorities desire and agree that his present assignment be continued.

The Embassy suggests that the eventual agreement of the Mexican Government to the above suggested amendment and to the extension of the amended agreement for a period of two years be effected by the completion of this exchange of communications between the Embassy and the Ministry, it being understood, of course, that the commitment thus undertaken is subject to the availability of appropriated funds after June 30, 1945 and subsequent fiscal years.

The Embassy avails itself of the opportunity to renew to the Ministry for Foreign Affairs the assurances of its highest consideration.

MEXICO, D.F., September 7, 1944.

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*The Ministry for Foreign Affairs to the American Embassy*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
UNITED MEXICAN STATES  
MEXICO

560440

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to refer to the latter's courteous note verbale No. 3041 dated September 7, 1944, in which it is stated that the Department of State is agreeable to extending the provisions of the memorandum agreement regulating the activities of the United States Fisheries Mission to Mexico, for a period of two years, that is to say, until October 23, 1946; which agreement was effected by the exchange of the United States Embassy's notes 138 of April 17 and 269 of May 22, 1942, with their respective memoranda, and note No. 58807 of October 24, 1942, from the Ministry of Foreign Affairs.

In reply, the Ministry of Foreign Affairs has the honor to inform the Embassy of the United States of America that the Government of Mexico also

is agreeable to extending the memorandum agreement such as it was effected by the aforesaid exchange of notes, and accepts the amendment proposed by the United States Government in connection with paragraph 1 of the memorandum which was attached to note 138 of April 17, the said paragraph to read as follows:

“The Fish and Wildlife Service will assign to Mexico Mr. Milton J. Lindner, an aquatic biologist of its Division of Fish Biology, who is already known to the Mexican authorities, to assist in planning and directing the proposed studies; *his services to be rendered on a full-time basis, with the exception of possible assignments of nominal length only outside of Mexico.*”

The Ministry of Foreign Affairs duly noted that the obligation thus assumed is subject to the availability of appropriated funds after June 30, 1945 and subsequent fiscal years in the United States of America.

The Ministry of Foreign Affairs avails itself of the opportunity to renew to the Embassy of the United States of America the assurances of its highest and most distinguished consideration.

MEXICO, D.F., *October 18, 1944.*

## REHABILITATION OF CERTAIN MEXICAN NATIONAL RAILWAYS

*Exchange of notes at México September 21 and December 13 and 29,  
1944, and April 17, 1945, amending and extending agreement of  
November 18, 1942*

*Entered into force April 17, 1945; operative from January 1, 1945  
Expired December 31, 1945*

120 United Nations Treaty Series 191

*The American Ambassador to the Minister of Foreign Affairs*

MEXICO, D.F.  
*September 21, 1944*

No. 3088

### EXCELLENCY:

I have the honor to refer to Your Excellency's note No. 59430 of November 18, 1942,<sup>1</sup> and to my note no. 787, also of November 18, 1942, in reply thereto. Your Excellency was good enough to state in that note that in implementation of Resolution II<sup>2</sup> of the Third Meeting of Ministers of Foreign Affairs of the American Republics at Rio de Janeiro, it would be helpful to carry out certain basic changes and improvements in the structure and operations of the Mexican National Railways in order that the Railways might be in a position to carry the unusual wartime peak load which at that time, and which presumably increasingly, would be placed upon them by reason of Mexican cooperation in the United Nations war effort, particularly in connection with the transportation of strategic materials. To this end Your Excellency requested that the Government of the United States send to Mexico a Mission composed of railway technicians in order that these might place the benefits of their experience at the disposition of the officials of the Mexican Railways, with a view to bettering operating and maintenance conditions as well as of expediting traffic.

In my reply to Your Excellency's note under reference I indicated the agreement of my Government to Your Excellency's proposal with respect to the Mission of technicians, with the added observation that the Government

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<sup>1</sup> EAS 289, *ante*, p. 1104.

<sup>2</sup> For text, see *Department of State Bulletin*, Feb. 7, 1942, p. 119.

of the United States, through the Office of the Coordinator of Inter-American Affairs and through the proposed Railway Mission, would undertake certain financial responsibilities in connection with certain emergency physical rehabilitation measures on specified sections of the Mexican National Lines.

As Your Excellency is aware, the program of physical rehabilitation of certain sections of the Mexican National Lines has been ably and well carried through during the past two years under the initiative and stimulus and direction of the Mexican National Lines, which have availed themselves of the collaboration of the Railway Mission and of its technicians. Likewise, the Railway Mission, in addition to aiding in this work of emergency physical rehabilitation, has carried through its major task of offering technical assistance and has made a complete survey of the Mexican National Railways and submitted a comprehensive series of recommendations for the betterment and maintenance and operation of the Lines.

As I took the opportunity of observing to Your Excellency a few days ago, it would appear that as the physical condition of the Mexican National Lines has been improved so considerably during the past few years, the emergency situation on the basis of which my Government undertook to aid in certain measures of physical rehabilitation no longer exists. It may be said that the Railways in their present physical condition are in a position to bear the burden of the traffic made necessary for the internal economy of Mexico and for its external trade, as well as to carry forward the invaluable collaboration of Your Excellency's Government in the war effort of the United Nations, and more particularly in the war production effort of the United States. I observed that in view of the foregoing, it was the opinion of my Government that it now would be feasible and desirable to bring about a change in the original exchange of notes, eliminating the obligations of my Government with respect to participation in physical rehabilitation and a certain expenditure in connection therewith, and to restrict under the exchange of notes the obligations of my Government to the lending of such technical assistance through the Railway Mission to the Mexican National Lines as these latter may desire.

I, therefore, proposed that the original exchange of notes of November 18, 1942 be amended so as to eliminate numbered paragraphs 1, 2, 3, 5, and 6, which have to do with physical rehabilitation and obligations undertaken by my Government in connection therewith, and that these paragraphs and the obligations undertaken in connection therewith be considered as ceasing on December 31, 1944.

My Government, through the Railway Mission, has undertaken with the Mexican National Lines specific obligations with respect to physical rehabilitation on certain sections of the Railway for the third quarter and for the fourth quarter of 1944. The commitments which have been made through the Railway Mission for collaboration in physical rehabilitation during the third and fourth quarters of 1944 are considerable, and it is probable that

the actual construction and physical work involved in carrying through these commitments cannot be completed by the end of 1944. It is the intention, therefore, of my Government, through the Railway Mission, to carry through the obligations undertaken for the third and fourth quarters of 1944 and in such period in 1945 as may be necessary to carry through these specific obligations.

As of January 1, 1945 no further obligations would be undertaken by my Government or the Railway Mission for further physical rehabilitation or expenditures connected therewith.

The collaboration through the Railway Mission in the form of technical assistance, as provided for in numbered paragraph 4 of my note no. 787 of November 18, 1942, would continue after January 1, 1945, and it is not the intention of my Government at this time to suggest any curtailment of any services in the way of technical assistance which the Railway Mission may be able to lend to the Mexican National Lines and which the latter may desire to have continue. This technical assistance which the Mission has been able to render to the Mexican National Lines has been and, I believe, remains the principal form of collaboration which my Government has been privileged to extend to the Mexican National Lines in this difficult period of the War, during which the collaboration of our two Governments has been so useful and mutually helpful.

I would appreciate Your Excellency's views as to the proposal which I have made for a change in the original exchange of notes, and I have the full confidence that the Government of Mexico will be understanding of the reasons for the desired changes and in agreement therewith.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

GEORGE S. MESSERSMITH

His Excellency

Señor LICENCIADO EZEQUIEL PADILLA,  
*Minister for Foreign Relations,*  
*Mexico, D.F.*

---

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

563247

MEXICO, D.F., *December 13, 1944*

MR. AMBASSADOR:

I have the honor to refer to Your Excellency's courteous note number 3088 of September 21 of this year.

In this connection I take pleasure in informing Your Excellency that my Government is agreeable to annulling, effective the 31st of this month, para-

graphs 1, 2, 3, 5, and 6 of the notes of November 18, 1942 exchanged between the Governments of Mexico and the United States of America on the rehabilitation of certain sections of the Ferrocarriles Nacionales de México, in view of the fact that an emergency situation no longer exists, and that their present material condition permits them to bear the burden of traffic to provide my Government's collaboration in the war effort of the United Nations.

I also have the pleasure of informing Your Excellency that my Government has noted that the obligations contracted by the Government of the United States of America through the Railroad Mission with respect to the third and fourth quarters of 1944 will be discharged during such part of 1945 as may be necessary.

As pointed out by the Ferrocarriles Nacionales de México, the aforesaid obligations include one in the amount of 100,000 dollars for the installation of the CTC signal system on the México-Querétaro Section, and one amounting to 500,000 dollars for the reconstruction of the Southeast Section.

The Government of Mexico and the Administración de los Ferrocarriles deeply appreciate the technical cooperation of the United States Railroad Mission, for which they have only praise and gratitude; and they will continue to avail themselves of it in the future in accordance with paragraph 4 of the aforesaid exchange of notes and with the offer in this connection which Your Excellency is good enough to make in the note which I am answering.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest and most distinguished consideration.

E. PADILLA

His Excellency

GEORGE S. MESSERSMITH,

*Ambassador Extraordinary and Plenipotentiary  
of the United States of America.*

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*The American Ambassador to the Minister of Foreign Affairs*

No. 3408

MEXICO, D.F., *December 29, 1944*

EXCELLENCY:

I have the honor to refer to Your Excellency's courteous note of December 13, 1944, agreeing to the elimination of paragraphs 1, 2, 3, 5, and 6, of the exchange of notes of November 18, 1942, in connection with the rehabilitation of certain sections of the Mexican National Railways and taking note of the fact that the financial commitments of my Government, through the American Railway Mission here, would terminate as of December 31, 1944. Your Excellency pointed out, however, that there remained pending the sum of one hundred thousand dollars for the establishment of a signal

system on the México-Querétaro Division and another commitment of five hundred thousand dollars for the reconstruction of the Southeast Division.

I now have the honor to inform Your Excellency that my Government approves the cooperation of the Railway Mission in the reconstruction of the Southeast Division subject to certain minor conditions, as follows:

- 1) The entire five hundred thousand dollars, United States currency, will be a commitment of the Railway Mission with the expenditure thereof to be made in the usual manner.
- 2) That the entire staff of the Mission presently engaged in the supervision of work on the Southeast Division, together with any additional staff that may be required to assist the National Railways in the rehabilitation work on this Division will be paid from these committed funds.
- 3) That the agreement of November 18, 1942, between our two Governments will continue in effect for a period of twelve months commencing January 1, 1945, only on the basis of technical assistance by the Railway Mission and for the purpose of permitting the Mission to discharge commitments made by it prior to January 1, 1945.

In the event the above is agreeable to Your Excellency's Government, I am authorized to state that my Government will make the five hundred thousand dollar commitment available.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

G. S. MESSERSMITH

His Excellency

Señor Licenciado DON EZEQUIEL PADILLA,  
*Minister of Foreign Affairs,*  
*Mexico, D.F.*

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*The Acting Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

No. 54484

MEXICO, D.F., *April 17, 1945*

Mr. AMBASSADOR:

I have the honor to refer to Your Excellency's very courteous note number 3408, dated December 29, 1944.

With regard to the matter, I take pleasure in informing Your Excellency that my Government agrees to the conditions set forth in the note to which I refer, and to which the commitments contracted by the Government of the United States of America, through the Railway Mission, shall be subject in the reconstruction of the Southeast Division, which are as follows:

(1) The entire amount of five hundred thousand dollars, United States currency, shall constitute a commitment of the Railway Mission, and shall be spent in the usual manner.

(2) The total personnel of the Mission which is at the present time engaged in the supervision of the work of the Southeast Division, together with any additional personnel which may be required to assist the National Railways in the rehabilitation work of the said Division, shall be paid from the funds which are the subject of the commitment.

(3) The Agreement between the Governments of Mexico and the United States of America of November 18, 1942, shall remain in effect for a period of twelve months commencing January 1, 1945, but only on the basis of technical assistance by the Railway Mission, and for the purpose of allowing the Mission to fulfill commitments undertaken by it prior to January 1, 1945.

My Government has also noted that the Government of the United States of America will place at its disposal the sum of five hundred thousand dollars, the subject of the aforementioned commitment.

I avail myself of the opportunity to renew to Your Excellency the assurance of my highest and most distinguished consideration.

P. CAMPOS ORTIZ

His Excellency

GEORGE S. MESSERSMITH,

*Ambassador Extraordinary and Plenipotentiary of the  
United States of America,  
City.*

## WEATHER STATIONS

*Exchanges of notes at México May 12 and June 16, 21, and 28, 1945,  
amending and extending agreement of October 13 and 20 and  
November 10, 1942*

*Entered into force July 1, 1945*

*Expired June 30, 1948*

61 Stat. 4276; Treaties and Other  
International Acts Series 1989

*The American Chargé d'Affaires ad interim to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*Mexico, D.F., May 12, 1945*

No. 3,884

EXCELLENCY:

I have the honor to refer to the Embassy's note 697 of October 13, 1942,<sup>1</sup> and to the Memorandum Agreement between Mexico and the United States pertaining to the cooperative project of the Mexican Weather Bureau and the United States Weather Bureau under the program of the Inter-departmental Committee on Cooperation with the American Republics. The Ministry in its note to the Embassy No. 59195 of November 10, 1942,<sup>2</sup> informed the Embassy that the Ministry of Agriculture agreed to the terms of the Memorandum and understood that the agreement was to be effective until June 30, 1945.

As the Agreement now in force will expire June 30, 1945, the Embassy is instructed to approach Your Excellency's Government with the view to effecting an extension of the Memorandum Agreement for another three year period, i.e. from July 1, 1945, to June 30, 1948. The continued performance of the Agreement on the part of the United States Government is, of course, dependent on the appropriation of the necessary funds by the Congress of the United States.

I should be happy to transmit Your Excellency's reply to this communication to my Government.

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<sup>1</sup> TIAS 1989, *ante*, p. 1099.

<sup>2</sup> TIAS 1989, *ante*, p. 1103.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

HERBERT S. BURSLEY  
*Chargé d'Affaires a.i.*

His Excellency

Señor Licenciado EZEQUIEL PADILLA,  
*Minister for Foreign Relations,*  
*Mexico, D.F.*

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*The Acting Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN RELATIONS  
UNITED MEXICAN STATES  
MEXICO

56730

MEXICO, D.F., *June 16, 1945*

MR. AMBASSADOR:

With reference to note number 3884, dated the 12th instant [May], from the Embassy under your worthy charge, relative to the desires of Your Excellency's Government that the Memorandum of Agreement relative to Meteorological Observation Service by radiosonde, which is in effect between Mexico and the United States of America, be extended for three years, although I am not yet in a position to communicate to Your Excellency the answer of the competent Mexican authorities, I have the honor to inform you that the Department of Agriculture and Development, with the desire to promote the establishment of stations for that service, informs this branch of the Executive that the Office of the Director General of Geography, Meteorology and Hydrology has suggested to the United States Meteorological Service the advantage in establishing two stations of the same nature at Ciudad Victoria, Tamaulipas and Chihuahua, Chihuahua, which would be operated under the same terms stated in the Memorandum of Agreement mentioned.

The said Department refers to the fact that the United States Meteorological Service, in a note sent by its representative, Mr. Arnold P. Eliot, dated May 8 last, agrees to establish the station referred to in the capital of the State of Tamaulipas.

In accord with the foregoing, I have the honor to bring this information to Your Excellency's attention to the end that, if desirable, the existing Agreement may be extended to include the station referred to.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

P. CAMPOS

His Excellency

GEORGE S. MESSERSMITH,

*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
City.*

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*The American Ambassador to the Acting Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

*Mexico, D.F., June 21, 1945*

No. 4025

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's courteous note No. 56730 dated June 16, 1945 with reference to this Embassy's communication No. 3884 of June [May] 12, 1945 concerning the eventual renewal for a period of three years of the Memorandum Agreement existing between the Governments of Mexico and the United States and pertaining to the cooperative project of the Mexican Weather Bureau and the United States Weather Bureau under the program of the Interdepartmental Committee on Cultural and Scientific Cooperation with the American Republics. Your Excellency informs me that the Dirección General de Geografía, Meteorología e Hidrología of the Ministry of Agriculture suggests for the consideration of the United States Weather Bureau that two additional radio-sonde stations be established, one in Ciudad Victoria, Tamps., and one in Chihuahua, Chih., to operate under the conditions set forth in the Memorandum Agreement, and Your Excellency also states that a reply has not been received from the appropriate Mexican authorities with regard to the renewal of the agreement for a period of three years or to June 30, 1948.

As I am instructed by my Government that the United States Weather Bureau concurs in the desirability of establishing the additional station at Ciudad Victoria, may I propose to Your Excellency, in accordance with the suggestion contained in the next to last paragraph of Your Excellency's note No. 56730, that the language of paragraph one of the Memorandum Agreement which now reads:

"1. To cooperate in the establishment and operation of three radiosonde observation stations in Mexico, to be located at Mexico City (Tacubaya), Mazatlan and Tapachula; and"

be changed to read:

"1. To cooperate in the establishment and operation of four radiosonde observation stations in Mexico, to be located at Mexico City (Tacubaya), Mazatlan, Merida and Ciudad Victoria, Tamps.; and".

The above amendment would provide not only for the establishment of a new station at Ciudad Victoria but also for the transfer of the station in Tapachula to Merida which was actually effected in 1944. I have referred to my Government the suggestion with regard to the establishment of a station at Chihuahua, Chih., but in the meantime venture to suggest to Your Excellency that the extension of the amended Memorandum Agreement for a period of three years be effected by an exchange of notes comprising this communication and Your Excellency's reply thereto. As I am informed that the United States Weather Bureau has made provision in its budget for the 1946 fiscal year in connection with its obligations under the Memorandum Agreement for the establishment of the Ciudad Victoria station and as it desires to proceed in cooperation with the Mexican Meteorological Service promptly after June 30, 1945, in the establishment of this station. I would appreciate receiving Your Excellency's reply to this communication as soon as a decision is reached by the appropriate authorities of the Mexican Government concerning the eventual renewal of the amended Memorandum Agreement to June 30, 1948.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

GEORGE S. MESSERSMITH  
*Ambassador*

His Excellency

Señor Licenciado PABLO CAMPOS ORTIZ,  
*Acting Minister for Foreign Relations,*  
*Mexico, D.F.*

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*The Acting Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN RELATIONS  
UNITED MEXICAN STATES  
MEXICO

57176

MEXICO, D.F., *June 28, 1945*

MR. AMBASSADOR:

Referring again to Your Excellency's note number 3884, dated May 12 last, in which you are good enough to inform me that you have received instructions from the Government of the United States of America to the end that the Memorandum of Agreement relative to the Meteorological Observa-

tion Service by radiosonde, which is in effect between my Government and that of Your Excellency, be extended for three years, I have the honor to inform you that the Department of Agriculture and Development informs me that it is completely in accord with the extension for the period indicated, that is to say, from July 1, 1945 to June 30, 1948, of the term of the Memorandum of Agreement in reference.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

P. CAMPOS

His Excellency

GEORGE S. MESSERSMITH,

*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
City.*

## WEATHER STATION ON GUADALUPE ISLAND

*Exchange of notes at México November 6, 1945, and April 12, 1946  
Entered into force April 12, 1946  
Superseded July 1, 1948, by agreement of March 29 and August 15,  
1949*<sup>1</sup>

61 Stat. 4060; Treaties and Other  
International Acts Series 1807

*The American Chargé d'Affaires ad interim to the Minister  
of Foreign Affairs*

No. 4488

MEXICO, D.F., November 6, 1945

### EXCELLENCY:

I have the honor to refer to correspondence between the Embassy and the Ministry in 1943 on the subject of an establishment of several synoptic weather stations in northern Mexico on the basis of a cooperative arrangement between the United States Weather Bureau and the Mexican Meteorological Service. Reference is made particularly to the following communications. The Embassy's note no. 1271 dated May 18, 1943,<sup>2</sup> proposing the establishment of a network of nine synoptic stations and informing the Ministry that the United States Government is prepared to provide the necessary equipment for these stations: to the Ministry's note no. 54229 dated June 14, 1943,<sup>3</sup> informing the Embassy that the Mexican Government is agreeable to the establishment of nine synoptic stations on the suggested cooperative basis and transmitting a memorandum containing certain information related to the project, as provided by the Ministry of Agriculture to the Ministry for Foreign Affairs; and to the Embassy's note no. 1421 dated June 29, 1943, informing the Ministry that an official of the United States Weather Bureau has been designated as a technical advisor to consult with officials of the Mexican Government and to complete the necessary arrangements and agreements in connection with the establishment of the nine stations in question.

The Embassy was informed several weeks ago by the present representative of Mexico of the United States Weather Bureau to the effect that the Bureau, the Mexican Meteorological Service, and the Mexican Army have for some

<sup>1</sup> TIAS 1995, *post*, p. 1259.

<sup>2</sup> TIAS 1806, *ante*, p. 1143.

<sup>3</sup> TIAS 1806, *ante*, p. 1144.

time been interested in the establishment of a meteorological station on Guadalupe Island off the coast of Lower California and that these agencies of the United States and Mexican Governments consider this location to be a very important one from a meteorological standpoint with reference to the civilian and military interests of the two countries. In view of the joint interests of the United States Weather Bureau, the Mexican Meteorological Service, and the Mexican Army in the establishment of such a station on a cooperative basis, the United States Weather Bureau has approached the Department of State with a draft of a cooperative arrangement that has been discussed informally and apparently approved by these agencies of the United States and Mexican Governments and the Embassy has been instructed by the Department to formally convey to the Ministry the desire and willingness of the United States Government to effect the establishment of such a program by an exchange of notes between the Embassy and the Ministry. The Embassy has been instructed to suggest for the consideration of the appropriate authorities of the Mexican Government that the agreement include the following obligations on the part of the United States Weather Bureau, the Mexican Meteorological Service, and the Mexican Army.

The United States Weather Bureau to provide:

1. Complete set of meteorological equipment and instruments for the purpose of taking synoptic observations.
2. Radio transmitter and receiver for communication of weather data.
3. Gasoline driven motor-generator power supply.
4. Building for living and working quarters of temporary nature. This probably will be a prefabricated structure to permit easy transportation.
5. Provide for instruction of personnel in observational procedures by competent instructor.
6. Provide for technical assistance in connection with installing buildings and meteorological equipment.

The Mexican Army, through the Segunda Zona Militar, to provide:

1. Labor crew on the island for the purpose of completing a trail or road to the proposed site, and to accomplish the necessary construction work.
2. Provide means for transporting building materials and equipment from the boat landing to the proposed site.
3. Provide gasoline and oil and such other supplies as may be needed by Mexican Army personnel assigned to the station.
4. Assign at least two non-commissioned officers to the station for the purpose of taking meteorological observations at specified hours and communicating the messages to the mainland.
5. Permit a United States Navy or Coast Guard boat to transport the equipment and materials required from San Diego, California or if so

desired arrange for transportation of said equipment through Mexican facilities.

The Mexican Meteorological Service to provide the following:

1. The assignment of a Mexican Meteorological Service Official to accompany the Weather Bureau technician to the island to cooperate in the training of personnel and establishment of the station.
2. Provide for the reception of transmitted radio reports at Hermosillo, Sonora or other point to be designated and arrange for their transmission to Ciudad Juárez, Chih. in time for inclusion with reports from other cooperative international stations.
3. Make the necessary arrangements with the Mexican Army for the assignment of suitable personnel to the station.

I have the honor to suggest to Your Excellency that the above-suggested cooperative agreement if approved by the Government of Mexico be concluded by an exchange of notes between the Embassy and the Ministry consisting of the present communication and the Ministry's reply thereto.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

RAYMOND H. GEIST

His Excellency

Señor Don FRANCISCO CASTILLO NÁJERA,  
*Minister for Foreign Affairs,*  
*Mexico, D.F.*

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*The Ministry for Foreign Affairs to the American Embassy*

[TRANSLATION]

MINISTRY OF FOREIGN RELATIONS  
UNITED MEXICAN STATES  
MEXICO

54287

The Ministry of Foreign Relations presents its compliments to the Embassy of the United States of America and, again referring to its note No. 4488 of November 6, 1945 relative to the plan for establishing a weather station on the Island of Guadalupe off the coast of Baja California on a cooperative basis, is happy to inform it that the Ministries of National Defense and of Agriculture and Development, whose opinion is sought in regard thereto, have stated that they are agreeable to the carrying out of the plan in question, but, with reference to the second of the Executive Branches mentioned, its cooperation will be governed in accordance with the report herewith enclosed.

The Ministry of Foreign Relations avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest and most distinguished consideration.<sup>4</sup>

MEXICO, D.F., *April 12, 1946*

Enclosure

BASES FOR COOPERATION OF THE MINISTRY OF AGRICULTURE AND DEVELOPMENT IN THE ESTABLISHMENT OF A WEATHER STATION ON THE ISLAND OF GUADALUPE

1. It will supply a technical inspector to accompany a technical liaison officer of the United States Service to the Island of Guadalupe and carry out the installation of the meteorological equipment, as soon as this is on its way to the Island or has been unloaded and has arrived at the building intended for the Observatory.

2. The same inspector will duly train and instruct the technical personnel responsible for the technical operations of the Observatory.

3. It will agree to the necessary arrangements for the issuance of bulletins and concentration and retransmission thereof at Ciudad Juarez, Chihuahua, for their despatch to the Offices of the United States Service.

4. For budgetary reasons it will furnish only those amounts necessary for covering fifty percent of the honoraria for the said technical personnel, expecting the other fifty percent to be covered by the United States Service, which had offered to pay in full all the personnel of the International Cooperation Observatories.

5. It will, through the intervention of the Mexican Weather Service, control all technical operations, issuance and transmission of bulletins, incorporating the Observatory on Guadalupe Island into the network of the Mexican National Service, but adapting it to the requirements of the National Army and of the United States Service, as regards observation schedules and issuance of bulletins, in the same way that it has been complying with their respective requests in connection with the operations of the other International Cooperation Observatories.

6. Arrangements for concurrence of the Second Military Area and the United States Service shall remain the responsibility of the Ministry of Foreign Relations.

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<sup>4</sup> This note is signed by a rubric rather than by a name or initials.

## MIGRATORY WORKERS

*Exchange of notes at Washington November 15, 1946*  
*Entered into force November 15, 1946*

61 Stat. 3575; Treaties and Other  
International Acts Series 1684

*The Acting Secretary of State to the Mexican Ambassador*

WASHINGTON, D.C.  
November 15, 1946

EXCELLENCY:

I have the honor to refer to the agreement of April 29, 1943,<sup>1</sup> between the Government of the United States of America and the Government of the United Mexican States for the recruiting of Mexican non-agricultural workers to assist in the war effort of the United States, and to Your Excellency's note No. 9942 of January 2, 1946, and memorandum No. 3148 of June 18, 1946, regarding deductions from the workers' salaries under the Railroad Retirement Act.<sup>2</sup>

The emergency situation which demanded the exertion of every possible effort to consummate the military defeat of the axis powers having come to an end, the services of this group of war workers which constituted such an important contribution to the success of the war effort are no longer necessary. Therefore, if it is agreeable to the Government of the United Mexican States, it is proposed that the agreement be terminated ninety days from December 1, 1946. In order to bring this about in accordance with the terms of the General Provisions of the agreement under reference, the United States Government hereby gives notification to the Government of the United Mexican States of its desire to terminate the agreement as of March 1, 1947.

The Government of the United States wishes again to express to the Government of Mexico and to these workers its sincere appreciation of the wholehearted and effective cooperation of your Government and of the very great services rendered by the workers.

It is the understanding of the Government of the United States that any outstanding accounts, other than those in the Railroad Retirement Fund,

<sup>1</sup> EAS 376, *ante*, p. 1136.

<sup>2</sup> 49 Stat. 967.

due individual workers will continue to be settled through channels already agreed upon and now in operation.

With regard to the funds deducted from the salaries of these Mexican workers in accordance with the provisions of the Railroad Retirement Act of the United States, the Government of the United States is aware that when the agreement of April 29, 1943, was in the process of negotiation, the position of the Mexican representatives was that the workers' salaries should be exempt from such deductions because they considered that the accompanying benefits could not be administered effectively once the workers had departed from the United States. It was found, however, that because of the terms of the Railroad Retirement Act it was impossible to provide in the agreement for such an exemption without delaying indefinitely the entire program.

The Government of the United States recognizes that the return of these workers to their native country has made difficult the administration of the rights and benefits which the Railroad Retirement Act established in their favor. The Department is, therefore, disposed to agree with Your Excellency that the funds deducted from the salaries of these Mexican workers should be returned to them.

Your Excellency will readily understand, however, that because of limitations of its constitutional procedure the Department of State cannot make, in the absence of enabling legislation, a definite commitment that this refund will be made. Nevertheless, the Department does recognize the desirability of making the refund and of settling this question as soon as possible, and will endeavor to obtain from the next Congress the authorization and appropriation necessary to pay to the Government of the United Mexican States a lump sum equal to the total of all Railroad Retirement Board deductions from the wages of these workers, less the deductions from any workers whose benefits have been previously and duly liquidated. If the necessary legislation is obtained steps will be taken to effect the refund.

It is understood that if the appropriate administrative authorities of the United States be authorized to make the refund in the manner set forth above, the Mexican Government, upon receipt of the lump sum, will undertake to make the individual payments to each of the Mexican workers concerned and will assume the responsibility for the distribution. In order to make it possible for the Mexican Government to effect the distribution, the Government of the United States would furnish Your Excellency's Government a list of the individual workers concerned and of the amounts contributed by each one of them to the Railroad Retirement Fund.

It is further understood that the payment of the lump sum to the Mexican Government would be on the condition: (1) that the individuals involved would be barred forever from all rights and benefits which they acquired as a result of the deductions made under the Railroad Retirement Act; (2) that the Mexican Government would be precluded from presenting any claim on its own behalf or on behalf of such individuals, either for recovery of

their contributions to the Retirement Fund or on the basis of the rights or benefits under the retirement law; (3) that the Mexican Government will indemnify the Government of the United States on account of any claims or judgments which may be made or obtained by the individual workers for a refund of their contributions to the Railroad Retirement Fund, and (4) in the event any individual Mexican workman should return to the United States and be re-employed by an American railroad the Mexican Government will reimburse the Railroad Retirement Fund in the amount of the workman's prior contributions to the fund, plus necessary interest, provided, of course, that the individual worker in question has not cancelled his claim by accepting a refund of the contributions which he made under his previous employment in accordance with the agreement of April 29, 1943.

If the foregoing suggestions are acceptable to the Mexican Government, it would be appreciated if Your Excellency would so inform the Department.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Acting Secretary of State:

SPRUILLE BRADEN

His Excellency

Señor Dr. DON ANTONIO ESPINOSA DE LOS MONTEROS,  
*Ambassador of Mexico.*

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*The Mexican Ambassador to the Secretary of State*

[TRANSLATION]

EMBASSY OF MEXICO

WASHINGTON, D.C.

*November 15, 1946*

MR. SECRETARY:

I have the honor to acknowledge receipt of Your Excellency's courteous note of this date, November 15, 1946, relative to the agreement set forth in the exchange of notes of April 29, 1943.

The Government of Mexico is in accord with the suggestion that the aforementioned agreement be considered terminated on March 1, 1947.

I thank Your Excellency most sincerely for your expressions of gratitude for the magnificent cooperation given to the war effort of our two Republics by those Mexican workers who went to the United States in accordance with the terms of the agreement of April 29, 1943.

With regard to the amounts which are still owed to the individual workers, with the exception of those coming under the *Railroad Retirement Act*, it is also the understanding of the Government of Mexico that they shall continue to be settled through the channels which have been established for that purpose.

With reference to the deductions from the workers' salaries under the *Railroad Retirement Act*, Your Excellency's note, to which I am replying by means of the present communication, states literally the following:

[For terms of understanding relating to Railroad Retirement Act, see fifth, sixth, seventh, eighth, and ninth paragraphs of U.S. note, above.]

In compliance with instructions from my Government, I accept the suggestions contained in those paragraphs of Your Excellency's note which I have just transcribed.

I avail myself of this opportunity to renew to Your Excellency the expression of my highest and most distinguished consideration.

A. E. DE LOS MONTEROS  
*Ambassador*

His Excellency  
JAMES F. BYRNES,  
*Secretary of State,*  
*Washington, D.C.*

## MIGRATORY WORKERS

*Exchange of notes at México March 10, 1947, with text of agreement signed January 31, 1947*

*Entered into force March 10, 1947; effective April 9, 1947*

*Supplemented by agreement of March 10, 1947<sup>1</sup>*

*Superseded by agreement of February 20 and 21, 1948<sup>2</sup>*

61 Stat. 4097; Treaties and Other  
International Acts Series 1857

### *The American Ambassador to the Secretary of Foreign Affairs*

No. 673

MEXICO, D.F., March 10, 1947

#### EXCELLENCY:

I have the honor to refer to the agreement reached by representatives of the United States and Mexican Governments as a result of the conferences held in Mexico City between January 27 and February 4, 1947, on the subject of the return to Mexico of illegal Mexican entrants into the United States, and their possible engagement by American employers as agricultural workers in the United States. The document setting forth this agreement has been duly signed in duplicate originals and is now in possession of the competent authorities of both governments.

I am directed to inform Your Excellency that my government approves the above mentioned document which, for the sake of clarity, is quoted below:

“In conference in the City of Mexico, Federal District, in the Conference Room of the Ministry of Foreign Relations, Messrs. William G. MacLean, representative of the Department of State; Ugo Carusi, Commissioner of the Immigration and Naturalization Service of the Department of Justice; Albert del Guercio, District Director of the Immigration and Naturalization Service in the District of Southern California; Maurice L. Stafford, Consul General of the United States of America, in representation of the American Embassy, and Harry F. Brown, observer for the Labor Office of the Department of Agriculture, who form the Delegation of the United States of America; and the members of the “Interdepartmental Commission in

<sup>1</sup> TIAS 1858, *post*, p. 1224.

<sup>2</sup> TIAS 1968, *post*, p. 1232.

Charge of Affairs Related to the Emigration of Mexican Workers", created by decree dated January 17, 1947, published in Official Register, no. 20, January 24, 1947, Messrs. Licenciado Benito Coquet, *Oficial Mayor of Gobernación*; Doctor Alfonso Guerra, *Oficial Mayor of Foreign Relations*, and Licenciado J. Jesús Castorena, *Oficial Mayor of Labor and Social Welfare*, technically advised for this occasion by Messrs. Arcadio Ojeda García, Head of the Department of Migration; Manuel Aguilar, Director General of the Consular Service, and Engineer Jorge Medellín, Head of the Department of General Security and Social Welfare of the Ministry of Labor, who form the Mexican Delegation,

"Resolve:

"That having carried on cordial discussions in a friendly atmosphere of mutual understanding, with the object of trying to solve, in the best form for the Governments of Mexico and of the United States, the migratory problems resulting from the illegal movement of Mexican workers, whose number according to estimated statistics presented by the Delegation of the United States has reached a total of 119,000, of which 100,000 are direct emigrants from Mexican territory and 19,000 are workers who not having completed their labor contracts have remained illegally in territory of the United States, being now found, like the direct entrants, giving their services for the most part in agricultural work, the Delegations reached agreement to submit the following conclusions to their respective Governments as recommendations:

"FIRST: At the request of the Mexican Delegation the United States Delegation agrees to submit to its Government the proposition that the entire contingent of Mexicans who have migrated illegally be returned preferably through the border ports of Mexicali, Ciudad Juárez and Reynosa with a view to making a selection which may permit them to return to employment in the United States under the protection of contracts which should be drawn up on bases acceptable to the two Governments.

"SECOND: The abovementioned contracting should be carried out through contracts signed by the representative of the employer in the United States (farmer) and by a representative of the Interdepartmental Commission referred to at the beginning, which is intervening in these conversations; said document to be endorsed in Mexican territory by an official of the Immigration and Naturalization Service of the United States of America, indicating that the employer (farmer) has complied with the requirements of the immigration laws of said country and has received due authorization to contract Mexican workers and to bring them into the United States.

"THIRD: Both Delegations will recommend to their respective Governments the reinforcement of their border patrols and of all methods of vigilance

to attain the greatest possible success for the control dispositions established to impede the illegal migration of Mexican workers.

“FOURTH: With a view to cooperation in the realization of this objective, the immigration authorities of the United States will deny authorization for the contracting of Mexican workers to those American employers (farmers) who in contravention of these recommendations use the services of agricultural workers who have entered illegally.

“The Mexican Delegation would appreciate the United States Delegation submitting to its Government the desire of the Mexican Government that the authorities of the United States study the possibility of adopting, in addition, legal measures under which United States employers who contract or use illegally migrated Mexican workers may suffer an adequate sanction.

“In formulating this suggestion, the Mexican Delegation has in mind that the adoption of such measures would constitute the most effective procedure for putting an end to this illegal migration.

“FIFTH: The Mexican Delegation agrees immediately to propose to its Government that, through not only the Ministries of Communications and Public Works but also through that of Gobernación and other state authorities, measures be suggested which may be considered pertinent to restrict as much as possible the sale of railroad or bus tickets to groups of workers proceeding to the border of Mexico with the United States, especially through the Punta Peñasco station, or the adoption as well of governmental measures which may prevent accumulations of workers at said border.

“SIXTH: With a view to impeding the migration to the United States of workers who have their permanent residence in border towns, it is suggested to the Delegation of the United States that those who are in this category be documented by the Mexican migration authorities only with Card Form 5-C, which only gives them the right to cross to the adjacent towns and not to be contracted for work in the interior of the United States. Therefore, all such who are clearly shown to be legal residents of border points should be excluded from contracts.

“SEVENTH: The Delegation of the United States will recommend to its Government the issuance of instructions to its diplomatic and consular representatives in Mexico with a view to having them abstain, as they have done to date, from documenting, as permanent residents of the United States, persons whose passports do not categorically so specify, with exception of those who have family ties in that country.

“EIGHTH: It is understood that it is a function of the United States Immigration Service to return workers found to be illegally in the United States from the place of detention to a border point between Mexico and the United States. Both delegations are of the opinion that the travel expenses of the workers from the United States border port adjacent to the place of contract to the place of employment and return should be for the

account of the employers in accordance with the requirements of Article 29 of the Mexican Labor Law.

“NINTH: Both Delegations will recommend to their respective Governments the greatest publicity for these measures and their underlying reasons, in order that the authorities charged with their application, can count upon the fullest support of public opinion in both countries, this publicity to be made simultaneously and on a date to be agreed upon by both Chanceries.

“TENTH: The agreements set forth shall become effective thirty days after they are approved by both Governments and notice thereof is given through their respective Chanceries, replacing the agreements concerning these questions signed by the United States and Mexican delegates in the City of Mexico, Federal District, on June 2, 1944,<sup>3</sup> and in the City of Washington on January 9, 1945.<sup>3</sup>

“In witness whereof, the present document has been prepared in sextuplicate in both Spanish and English and has been signed by the members of both Delegations on this thirty-first day of January, Nineteen hundred and forty-seven.”

“Delegation of the United States

WILLIAM G. MACLEAN  
MAURICE L. STAFFORD

Mexican Delegation

BENITO COQUET  
J. JESÚS CASTORENA  
MANUEL AGUILAR  
ALFONSO GUERRA  
ARCADIO OJEDA G.  
JORGE MEDELLÍN”

I am requested to state also that, while my government is ready to comment informally as to the practicability of any contract proposed by the Mexican Government covering the terms of employment between United States employers and Mexican agricultural workers, my government cannot be a party to any contracts made or provide policing for the fulfillment of such contracts, as made clear in the discussions between the representatives of the two governments. The workers will have, however, the usual remedies or recourses available to residents in the United States in the same field of employment.

I also wish to point out to Your Excellency that my government considers the present agreement as distinct and independent of that entered into between our two governments in connection with the recruitment of agricultural workers by representatives of the United States Department of Agriculture in the sense that the first has to do with contractual relations

<sup>3</sup> Not printed.

between Mexican laborers and United States employers, whereas the second has to do with contractual relations between Mexican laborers and the United States Government.

If Your Excellency's Government approves the above quoted agreement and is in accord with the other paragraphs of the note, I propose to Your Excellency that this note and the reply to it constitute the exchange of notes contemplated in Article 10 of the agreement above quoted.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

WALTER THURSTON

His Excellency

Señor DON JAIME TORRES BODET  
*Secretary of Foreign Relations,*  
*Mexico, D.F.*

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*The Secretary of Foreign Affairs to the American Ambassador*

[TRANSLATION]

[SEAL]

3204

MEXICO, D.F., *March 10, 1947*

MR. AMBASSADOR:

I have the honor to refer to Your Excellency's kind note No. 673 of March 10, 1947, which reads word for word as follows:

[For text of U.S. note, see above.]

In this connection I am happy to inform Your Excellency that the Government of Mexico accepts the above-quoted proposal and is in accord with the remarks, also quoted above, on the participation of United States authorities in the drafting and execution of individual work contracts, and on the fact that it is United States employers who will hire the agricultural workers, with no question of contractual relations between the latter and the Government of the United States.

I take pleasure in renewing to Your Excellency the assurances of my highest and most distinguished consideration.

JAIME TORRES BODET

His Excellency

WALTER THURSTON,  
*Ambassador Extraordinary and Plenipotentiary*  
*of the United States of America.*  
*City.*

## MIGRATORY WORKERS

*Exchange of notes at México March 10, 1947, supplementing agreement of March 10, 1947*<sup>1</sup>

*Entered into force March 10, 1947; effective April 9, 1947*

*Terminated October 15, 1947*<sup>2</sup>

61 Stat. 4106; Treaties and Other  
International Acts Series 1858

*The American Ambassador to the Secretary of Foreign Affairs*

No. 675

MEXICO, D.F., *March 10, 1947*

### EXCELLENCY:

I have the honor to refer to the supplementary agreement reached by representatives of the United States and Mexican Governments as a result of the conferences held in Mexico City between January 27 and February 4, 1947, on the subject of the return to Mexico of illegal Mexican entrants into the United States, and their possible engagement by American employers as agricultural workers in the United States. The document setting forth this supplementary agreement has been duly signed in duplicate originals and is now in possession of the competent authorities of both governments.

I am directed to inform Your Excellency that my government approves the above mentioned document which, for the sake of clarity is quoted below:

“In conference in the City of Mexico, Federal District, in the Conference Room of the Ministry of Foreign Relations, Messrs. William G. MacLean, representative of the Department of State; Ugo Carusi, Commissioner of the Immigration and Naturalization Service of the Department of Justice; Albert del Guercio, District Director of the Immigration and Naturalization Service in the District of Southern California; Maurice L. Stafford, Consul General of the United States of America, in representation of the American Embassy, and Harry F. Brown, observer for the Labor Office of the Department of Agriculture, who form the Delegation of the United States of America; and the members of the “Interdepartmental Commission in Charge of Affairs Related to the Emigration of Mexican Workers”, created by decree dated January 17,

<sup>1</sup> TIAS 1857, *ante*, p. 1219.

<sup>2</sup> Pursuant to notice of termination given by Mexico Oct. 15, 1947.

1947, published in Official Register no. 20, January 24, 1947, Messrs. Licenciado Benito Coquet, *Oficial Mayor of Gobernación*; Doctor Alfonso Guerra, *Oficial Mayor* of Foreign Relations, and Licenciado J. Jesus Castorena, *Oficial Mayor* of Labor and Social Welfare, technically advised for this occasion by Messrs. Arcadio Ojeda García, Head of the Department of Migration; Manuel Aguilar, Director General of the Consular Service, and Engineer Jorge Medellín, Head of the Department of General Security and Social Welfare of the Ministry of Labor, who form the Mexican Delegation:

"FIRST: As an annex to the memorandum of this date, the United States Delegation has advised that a considerable number of the Mexican workers found illegally in the United States presently are employed in the State of Texas.

"SECOND: The Mexican Delegation, in view of the statement to which the preceding point refers, considers that it is confronted with a factual situation which was not created by the Government of Mexico, but which it is desirable to solve in benefit to the Mexican workers. Consequently it is disposed to recommend to its Government that, as an exceptional measure, it authorize the contracting of these workers in order that they may continue to lend their services in the State of Texas, on the understanding that this attitude will not constitute a precedent nor can it be invoked in the future, since the Government of Mexico remains firm in its determination not to permit, under the protection of existing conventions, that persons of Mexican nationality be contracted to work in States of the United States in which there may exist discrimination against Mexicans, a problem which, on the other hand, in so far as Texas is concerned, seems to be on the road to a favorable solution, in view of the repeated proofs of friendship and of good will which the Honorable Beaufort Jester, Governor of said State, has shown towards Mexico.

"THIRD: The resolutions which fall under this additional memorandum are subject to the same treatment mentioned in the tenth recommendation of the document of which this is an annex."

"Delegation of the United States

WILLIAM G. MACLEAN

MAURICE L. STAFFORD

Mexican Delegation

BENITO COQUET

J. JESÚS CASTORENA

MANUEL AGUILAR

ALFONSO GUERRA

ARCADIO OJEDA G.

JORGE MEDELLÍN"

I am requested to state also that, while my government is ready to comment informally as to the practicability of any contract proposed by the Mexican

Government covering the terms of employment between United States employers and Mexican agricultural workers, my government cannot be a party to any contracts made or provide policing for the fulfillment of such contracts, as made clear in the discussions between the representatives of the two governments. The workers will have, however, the usual remedies or recourses available to residents in the United States in the same field of employment.

I also wish to point out to Your Excellency that my government considers the present supplementary agreement as distinct and independent of that entered into between our two governments in connection with the recruitment of agricultural workers by representatives of the United States Department of Agriculture in the sense that the first has to do with contractual relations between Mexican laborers and United State employers, whereas the second has to do with contractual relations between Mexican laborers and the United States Government.

If, for its part, Your Excellency's Government likewise approves the above quoted supplementary agreement, I propose to Your Excellency that this note and the reply to it constitute the exchange of notes contemplated in the agreement of January 31, 1947.<sup>3</sup>

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

WALTER THURSTON

His Excellency

Señor Don JAIME TORRES BODET,  
*Secretary of Foreign Relations,*  
*Mexico, D.F.*

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*The Secretary of Foreign Affairs to the American Ambassador*

[TRANSLATION]

3205

MEXICO, D.F., *March 10, 1947*

EXCELLENCY:

I have the pleasure of referring to Your Excellency's kind note No. 675 of March 10, 1947, which reads word for word as follows:

[For text of U.S. note, see above.]

In this connection I am happy to inform Your Excellency that the Government of Mexico accepts the above-quoted proposal and is in accord with the remarks, also quoted above, on the participation of United States authorities in the drafting and execution of individual work contracts, and in particular the fact that it is United States employers who will hire the

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<sup>3</sup> TIAS 1857, *ante*, p. 1219.

agricultural workers, with no question of contractual relations between the latter and the Government of the United States.

I take pleasure in renewing to Your Excellency the assurances of my highest and most distinguished consideration.

JAIME TORRES BODET

His Excellency

WALTER THURSTON

*Ambassador of the United States of America,  
México, D.F.*

## ERADICATION OF FOOT-AND-MOUTH DISEASE

*Exchange of notes at Washington March 17, 1947*

*Entered into force March 17, 1947*

*Supplemented by agreements of March 18, 1947;<sup>1</sup> September 26 and October 3, 1947;<sup>2</sup> November 24 and 26, 1947;<sup>3</sup> December 15, 1947, and January 3, 1948;<sup>4</sup> February 3 and 12, 1949;<sup>5</sup> and February 9 and March 28, 1949<sup>6</sup>*

*Superseded by agreement of August 26, 1952<sup>7</sup>*

[For text, see 3 UST 399; TIAS 2404.]

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<sup>1</sup> 3 UST 402; TIAS 2404.

<sup>2</sup> 3 UST 407; TIAS 2404.

<sup>3</sup> 3 UST 411; TIAS 2404.

<sup>4</sup> 3 UST 415; TIAS 2404.

<sup>5</sup> 3 UST 424; TIAS 2404.

<sup>6</sup> 3 UST 436; TIAS 2404.

<sup>7</sup> 6 UST 2543; TIAS 3300.

## MIGRATORY WORKERS

*Exchange of notes at México March 25 and April 2, 1947, supplementing agreement of April 26, 1943*

*Entered into force April 2, 1947*

*Superseded by agreement of February 20 and 21, 1948*<sup>1</sup>

61 Stat. 3738; Treaties and Other  
International Acts Series 1710

*The American Ambassador to the Secretary of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*Mexico, D.F., March 25, 1947*

No. 697

### EXCELLENCY:

I have the honor to refer to the recent negotiations which have taken place between the Intersecretarial Committee of Your Excellency's Government and Messrs. Wilson R. Buie and Durrell L. Lord, representing the United States Department of Agriculture, regarding the continued employment of Mexican agricultural workers in the United States, and to request that Your Excellency be good enough to inform the Intersecretarial Committee that my Government agrees to the following supplementary provisions in relation to the program being carried out under the terms of the agreement between the United States of America and Mexico, which was signed on August 4, 1942,<sup>2</sup> and revised April 26, 1943:<sup>3</sup>

1. It is agreed that no change in the present wording of the Work Agreement form now in use need be made, but specific understandings hereinafter suggested are to be given effect by appropriate administrative action.

2. It is understood that workers who are to be employed any part of the time in work on the sugar beet crops will be informed of that fact and that much of such work is arduous.

3. It is agreed that when implementing Paragraph 2 of the Work Agreements, the location meant by the words "area" and "region" will be considered to be the County in which the Mexican worker is employed.

<sup>1</sup> TIAS 1968, *post*, p. 1232.

<sup>2</sup> EAS 278, *ante*, p. 1069.

<sup>3</sup> EAS 351, *ante*, p. 1129.

4. It is understood that in each worker's contract there will be inserted, by rubber stamp and upon the dotted line, the name of the place where the worker was first interviewed in connection with his contract, and that place can be considered his "point of origin" for all purposes under his contract.

5. It is agreed that in the event it becomes necessary to repatriate Mexican workers before the expiration of their contracts as a result of a determination that their services are no longer necessary, the United States Department of Agriculture will use every means available to avoid terminating the contracts of Mexican workers who have recently arrived in the United States, repatriating instead, if necessary, those Mexican workers who have been employed in the United States over longer periods of time.

6. It is understood that, except for days in which the worker works more than four hours, and except for Sundays occurring before the worker's contract has been terminated, there shall be paid to any worker who is physically able to perform his work, the cost of feeding during the period of time in which he has not been utilized for reasons beyond his control.

7. It is agreed that the food provided on the farms or by the commissaries controlled by the farmers must be provided to the workers at cost, and must not exceed \$1.50 U.S. Currency per day.

8. It is understood that farmers will be notified that the Consuls of Mexico or the delegates which the Intersecretarial Committee assigns will have power to review the workers' contracts, study the sanitary system and the cost and class of food in those cases where they may consider it necessary.

9. It is agreed that it is to be recommended to the farmers that the balance amounts which remain due the workers from salaries and savings-fund deductions be paid by one check payable to the Banco Nacional de Credito Agricola, to which is attached a list of the workers involved and their respective interests therein.

10. It is agreed that, particularly in view of the increased minimum wage rates to be paid for work in connection with the 1947 sugar beet crop by producers who apply for payments under the Sugar Act of 1937,<sup>4</sup> as amended, the provision of 37 cents per hour minimum wage in provision 2 of the Work Agreements remains unchanged, but that the United States Department of Agriculture undertakes, exactly as the Work Agreements provide, that the treatment in respect to salaries which is given Mexican workers, shall in no way be inferior to that accorded United States domestic labor.

11. It is agreed that if, at the termination of the contract, the worker is not returned to Mexico for reasons beyond his control, commencing on the 15th day following the date of the termination of the contract, the worker will be paid by the United States Department of Agriculture, 50 cents U.S. Currency for each day up to the date of embarkation of the worker for Mexico, this sum being in addition to the subsistence and other benefits heretofore provided.

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<sup>4</sup> 50 Stat. 903.

It is understood that this note, together with Your Excellency's reply in the same terms, shall constitute an agreement between the Government of the United States of America and the Government of the United Mexican States on the supplementary provisions cited above.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

WALTER THURSTON

His Excellency

Señor Don JAIME TORRES BODET,  
*Secretary of Foreign Relations,*  
*Mexico, D.F.*

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*The Secretary of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
UNITED MEXICAN STATES  
MEXICO

MEXICO, D.F., *April 2, 1947*

EXCELLENCY:

I take pleasure in replying to Your Excellency's very courteous note No. 697, dated March 25 last, which I transcribe as follows:

[For text of U.S. note, see above]

In due reply, I am pleased to inform Your Excellency that, recognizing the friendly desire on the part of representatives of the United States Department of Agriculture to co-ordinate their points of view with those of the Mexican Interdepartmental Committee, my Government expresses its agreement with the terms of the above-inserted note, considering those terms as supplementary to the Agreement of April 26, 1943, with the understanding that if, in practice, differences of interpretation should be encountered as to whether the above-mentioned Agreement of 1943 or the above-cited additional clauses should be applied, my Government hopes that the text which is more favorable to the worker will be applied.

I take pleasure in renewing to Your Excellency the assurance of my highest consideration.

J. T. BODET

His Excellency

WALTER THURSTON  
*Ambassador of the United States of America,*  
*Mexico, D.F.*

## MIGRATORY WORKERS

*Exchange of notes at México February 20 and 21, 1948, with text of agreement signed February 17, 1948*

*Entered into force February 21, 1948*

*Terminated October 18, 1948*<sup>1</sup>

62 Stat. 3887; Treaties and Other  
International Acts Series 1968

*The American Chargé d'Affaires ad interim to the Secretary of Foreign Affairs*

No. 1776

MEXICO, D.F., February 20, 1948

### EXCELLENCY:

I have the honor to refer to conversations which have recently been held in El Paso, Texas, and in Mexico City between representatives of the United States of America and the United Mexican States with the object of arriving at a mutual and satisfactory agreement for the further recruiting of Mexican agricultural workers for the United States, and to the results of these conversations by which an agreement was signed between the said representatives on February 17, 1948. The text of the agreement is as follows:

### "MIGRATION OF MEXICAN AGRICULTURAL WORKERS

"In view of the termination on December 31, 1947, of the joint administration of the Agreement of April 26, 1943,<sup>2</sup> under which Mexican agricultural workers temporarily migrated to the United States to cooperate in agricultural production in that country, and in view of the continued need for additional agricultural workers in certain regions of the United States, the Embassy of the United States in Mexico City, in a note to the Mexican Foreign Office dated November 10, 1947, proposed conversations between representatives of the two Governments to formulate recommendations as to conditions and terms to govern future employment of Mexican agricultural workers in the United States. The Mexican Government expressed agreement to the proposed discussions and named the following delegation:

<sup>1</sup> Pursuant to notice of termination given by Mexico Oct. 18, 1948.

<sup>2</sup> EAS 351, *ante*, p. 1129.

“AS DELEGATES: Alfonso Guerra, Executive Officer of the Department of Foreign Affairs; Lic. Horacio Teran, Executive Officer of the Department of the Interior; Colonel Raul Michel, Consul General of Mexico at El Paso, Texas; and Lic. Celso Ledesma Labastida, Chief Counselor, Department of Labor and Social Welfare.

“AS ADVISERS: Arcadio Ojeda García, Chief of Immigration Service, Department of the Interior; Lic. Guillermo García Maynez, Counselor of the Labor Department; Roberto S. Urrea, Consul of Mexico at El Paso, Texas; Alberto Monroy, Chief of the Interdepartmental Office, Ciudad Juárez, Chihuahua; José Reyes Nava, Chief of the Interdepartmental Office at Reynosa, Tamaulipas, Mexico; Joaquin Terrazas, Chief of the Interdepartmental Office, Mexicali, Baja California; and Daniel Chavez, Vice-consul of Mexico at El Paso, Texas.

“The United States Government at the same time designated the following delegation:

“AS DELEGATES: William G. MacLean, Economic Adviser, Division of Mexican Affairs, Department of State; Watson B. Miller, Commissioner of Immigration and Naturalization; and Willard F. Kelly, Assistant Commissioner of Immigration and Naturalization, of the Department of Justice; and Walter Erb, Acting Assistant Director for Farm Placement, United States Employment Service, Department of Labor.

“AS ADVISERS: Albert D. Misler, Chief Attorney, Department of Labor; William A. Whalen, District Director, United States Immigration and Naturalization Service, San Antonio, Texas; Grover C. Wilmoth, District Director, United States Immigration and Naturalization Service, El Paso, Texas; William A. Carmichael, District Director, United States Immigration and Naturalization Service, Los Angeles, California; Robert H. Robinson, Examiner, United States Immigration and Naturalization Service; Stephen E. Aguirre, Consul of the United States of America, Ciudad Juárez, Chihuahua, Mexico; and G. Wallace La Rue, Consul of the United States of America, Ciudad Juárez, Chihuahua, Mexico.

“The two delegations having met in joint session in the City of El Paso, Texas, from November 20, 1947, to December 2, 1947, followed by a further meeting in Mexico on February 9–11, 1948, between Mr. Maurice L. Stafford, First Secretary of the Embassy of the United States, and Dr. Alfonso Guerra, Oficial Mayor of the Ministry for Foreign Relations of the United Mexican States, and after full reconsideration of every prospect of the problem adopt the following resolutions as recommendations to their respective Governments with the understanding that they are to be made effective between the two Governments, if approved, by an exchange of notes through diplomatic channels, both delegations being in accord in recommending to their respective Governments that from the date of said notes, all future

contracting of Mexican agricultural workers for employment in the United States, as well as the recontracting of those Mexican workers actually in the United States, should be governed by the terms of this Agreement.

“1. The contracts, whether renewals or new, will be on a direct worker to employer basis, with intervention by the two Governments, which shall oversee their observance in the form specified in this document. It is mutually understood that the term “employer” refers to the owner or operator of an agricultural property in the United States or to an association of such, and that the term “worker” refers to a Mexican national who is an agricultural worker.

“2. The form of contract which should be used accompanies this agreement,<sup>3</sup> with the understanding that if it is considered necessary to make fundamental changes therein, such changes shall be the subject of consultation and agreement between the two Governments through diplomatic channels.

“3. Employers in the United States will be permitted to contract Mexican agricultural workers under this agreement for employment in a previously specified area. The appropriate authorities of the United States will inform those of Mexico three months in advance of the number of workers which may be required for the following period, and the Government of Mexico will make available the maximum number compatible with the labor needs of the Republic of Mexico. Said employers must (a) have certification by the United States Employment Service of the United States Department of Labor that workers are needed in that specified area, and that domestic workers are not available at prevailing wages in that area, and (b) be in possession of written authorization from the Immigration and Naturalization Service of the United States to bring in a specified number of such workers.

“A copy of the certification mentioned in section (a) above shall be forwarded directly to the Mexican Ministry of Labor by the United States Employment Service. In order that the workers may have previous knowledge of the nature of the employment offered, the employer will furnish them complete information at the contracting centers, with the assistance of the Mexican authorities, in regard to name and address of employer, climate in the place of employment, salaries, and all other pertinent data.

“4. The authorizations specified in section (b) of the preceding paragraph should be granted only to those employers who post a bond or other satisfactory collateral with the Immigration and Naturalization Service sufficiently large to guarantee the return of the worker to his place of contract in Mexico without cost to him.

“5. Mexican workers entering the United States under the terms of this agreement shall not be obligated to engage in any military service.

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<sup>3</sup> Not printed here.

"6. In accordance with Executive Order No. 9346, issued by the President of the United States on May 27, 1943,<sup>4</sup> Mexican workers in the United States under this agreement shall not suffer discriminatory acts of any kind. For the purposes of this article the appropriate agencies of both Governments shall cooperate.

"7. Mexicans entering the United States under this agreement shall not be employed to displace other workers, or for the purpose of reducing rates of pay previously established.

"8. Contracts will be made between the employer and the worker under the supervision of a representative of each of the two Governments, and they must be written in Spanish and in English. The places of contract in the Republic of Mexico shall be freely determined by the Government of Mexico and advice thereof given to the American Government within three months from the time of notification of the number of workers needed by means of an exchange of diplomatic notes between the two Governments. It is understood that they shall not be south of a line from coast to coast through Guadalajara and Querétaro.

"The transportation of the worker from the place of contract to the place of employment and return to place of contract in Mexico, as well as food, lodging, and other expenses en route, including up to 35 kilograms of personal objects but not including furniture, shall be at the expense of the employer.

"9. Mexican health authorities at the place of contracting will see that the worker meets the necessary physical conditions, and officials of the United States Public Health Service will cooperate in this examination and at the same time will make the examinations required as a condition of entrance into the United States, without waiving in the latter case the right to further examination at the border, in which case workers who fail to pass this second examination shall be given transportation back to the place of contract.

"10. All transportation and living expenses from the place of contract to the place of employment and return, as well as any expenses incurred in the fulfillment of any requirements of a migratory nature, shall be met by the employer.

"11. Wages to be paid the worker shall be the same as those paid for similar work to domestic agricultural workers under the same conditions within the same area, in the respective areas of employment. Piece rates shall be so set as to enable the worker of average ability to earn the prevailing wage. In any case the worker shall not be paid less than he would earn at the hourly rate set forth in the Individual Work Agreement, which shall be fixed taking into consideration the cost of living in the United States at the time of contracting. Where higher wages are paid for specialized tasks such as the operation of vehicles or machinery, Mexican workers shall be entitled to such wages while assigned to such tasks.

<sup>4</sup> 8 Fed. Reg. 7183.

"12. The worker shall not be transferred from the place of employment to another locality without the express approval of the worker and the Mexican Consul with jurisdiction in the place of employment from which transfer is under consideration.

"13. No deductions of any kind shall be made from the wages of the workers except those specifically provided in the individual contract or required by law.

"14. The Mexican workers will be furnished, without cost to them, with hygienic lodgings, adequate to the physical condition of the area and of a type used by the domestic agricultural workers of the area.

"15. Workers admitted under this understanding shall enjoy as regards occupational diseases and accidents the same guarantees enjoyed by domestic agricultural workers under applicable state or federal legislation in the United States. The employer shall provide medicines and medical attention, in accordance with prevailing laws, customs or practices, or, in the absence of such, in accordance with equitable and just principles. When the employer provides medical attention to the worker because of acts of negligence of a third person, the employer shall be subrogated in the right of the worker to recover the cost of such medical care.

"16. Groups of workers admitted under this agreement shall have the right to elect their own representatives, from among the members of the group, to maintain contact between the workers and the employers.

"17. The United States Employment Service of the United States Department of Labor shall lend its good offices to the contracting parties with a view to obtaining full compliance with the terms of this agreement and the individual contract. The worker may request these good offices direct or through the Mexican Consul having jurisdiction in the place of employment.

"18. The Mexican Consuls or their duly accredited representatives, within their corresponding jurisdiction, in cooperation with the representatives of the United States Employment Service or the Immigration and Naturalization Service, will take all possible measures of protection in the interest of the Mexican workers in all questions affecting them, and the employer will grant such officials access to the place of employment when it is necessary not only for the protection of the worker but also for the maintenance of good relations between the employer and the worker.

"19. The Government of Mexico reiterates its intention to limit the contracting of workers to two periods of six months (one year) in order that the workers may not lose their ties with their homeland. However, it manifests its agreement that ten per cent of workers experienced in agricultural work may be recontracted for an additional period of six months in order that they may cooperate in the training of new contingents which enter the United States under the present agreement.

"20. Permission to contract workers will not be granted to those employers who use workers illegally in the United States.

"21. With a view to impeding the migration to the United States of workers who have their permanent residence in Border towns, it is suggested to the delegation of the United States that those who are in this category be documented by the Mexican migration authorities only with Card Form 5-C, which only gives them the right to cross to the adjacent towns and not to be contracted for work in the interior of the United States. Therefore all such who are clearly shown to be legal residents of Border towns should be excluded from contracts.

"22. The delegation of the United States will recommend to its Government the continuance of present instructions to its diplomatic and consular representatives in Mexico, with a view to having them abstain, as they have done to date, from documenting as permanent residents of the United States, persons whose passports do not categorically so specify, with the exception of those who have family ties in that country.

"23. When there arises a case of violation by the employer of the Individual Work Agreement or of the conditions under which authority for the admission of the workers to the United States has been issued, or there has been a violation by the worker of the conditions under which he was admitted, the United States Immigration and Naturalization Service will withdraw said authority or will cause the removal of the worker or workers involved, as the case may be, after the measures specified in the Individual Work Agreement have been completed.

"24. The United States Delegation declares that in view of the existing situation that does not permit the representative of the United States Department of Labor to fix a minimum weekly wage rate, because of lack of statutory authority, said Department will use its good offices in order that the Mexican workers may obtain maximum employment and wage rates. However, information in regard to salary and working conditions is to be circulated among the workers in the contracting centers, in the manner specified in the final paragraph of Article 3 of this agreement with a view that the workers themselves may be in a position to decline employment offered if the contracting conditions and wage rates do not appear to be to their interests.

"25. With a view to establishing savings funds, the employer shall withhold currently from the wages of the worker ten per cent of the wages due him and in regular pay days shall furnish him a signed acknowledgement in writing, typewritten or in ink, of the amount which has been withheld during the pay period. All wages so withheld are to be paid the worker upon termination of the contract in a certified or cashier's bank check to his order which must bear the stamp of the United States Immigration and Naturalization Service which shall be affixed at the time the worker crosses the international border into Mexico; such check shall be in dollars and in a form negotiable through any bank in Mexico once it has been endorsed as indicated.

"26. Article IX of the Consular Convention between the United States of America and the United Mexican States, formalized between the two Gov-

ernments on August 12, 1942,<sup>5</sup> shall apply in regard to Mexican workers in the case of all rights established therein.

"27. The Mexican Government reserves the right to require a change of status of any Mexican workers involved, after a study of the circumstances in case labor questions arise.

"28. Renewal of existing contracts may be made within the terms of this agreement on the conditions that all workers whose contracts are so renewed will retain their right to be returned to their place of contracting in Mexico.

"29. With a view to cooperation in the objective of this agreement the appropriate authorities of both Governments shall take all proper measures to prevent the illegal migration of Mexican agricultural workers to the United States and to insure the prompt repatriation of Mexican workers illegally in the United States.

"30. Both delegations will recommend to their respective Governments the greatest publicity for these measures and their underlying reasons, in order that the authorities charged with their application can count upon the fullest support of public opinion in both countries, this publicity to be made simultaneously and on a date to be agreed upon by both Chanceries.

"31. The presence in United States territory of workers who fail to return to Mexico after the period for which they are contracted or recontracted shall be considered illegal.

"32. The worker shall enjoy absolute liberty to purchase articles for his personal use in the place most convenient to him.

"33. The employer guarantees the worker the opportunity for employment for three quarters of the work days of the total period during which the Individual Work Agreement is, in fact, in effect. If the employer affords the worker, during such period, less employment than required under this provision, the worker shall be entitled to be paid the amount which he would have earned had he, in fact, worked for the guaranteed number of days.

"In determining whether the guarantee of employment provided for in this paragraph has been met, any day on which the worker fails to work, when afforded the opportunity to do so by the Employer, shall be counted as a day of employment in calculating the days of employment toward the satisfaction of this guarantee.

"For each work-day (except Sundays) on which the worker is willing to work and is physically able to carry on his work, and he is not employed for more than four hours, he will receive subsistence without cost to him. Said subsistence shall consist of three meals a day or their equivalent in cash.

"34. The officials of the United States Immigration and Labor Services

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<sup>5</sup> TS 985, *ante*, p. 1082.

shall not aid in the contracting of workers who are accompanied by their families.

“35. The proper authorities of the Government of the United States, in representation of the employers, are empowered, in cooperation with the Mexican authorities, to formulate the instructions necessary to facilitate both the sojourn of workers in the United States as well as the best interpretation of the several clauses of the labor contract.

“The agreement set forth herein shall become effective through an exchange of notes between the two Governments, and shall supersede the agreements of April 26, 1943,<sup>6</sup> and of March 10, 1947,<sup>7</sup> on this subject, except in the case of workers now in the United States who, if recontracted, will be protected by said agreement in regard to transportation, lodging, and subsistence from place of employment to the place of original contracting. It shall continue in force until modified by mutual agreement or terminated by written notification of either Government, which shall become effective thirty days after the receipt of such notes.

“36. The recontracting of Mexican laborers now in the United States will be effected immediately after this agreement is approved by both Governments. The first regular contracting within the Republic of Mexico will be effected one month after the exchange of notes and subsequent contracting in accordance with the provisions of Article 8 thereof.

“By reason of the absence of the members of the United States and Mexican delegations who participated in the conversations at El Paso, Texas, and who are mentioned at the beginning of this document, the representatives intervening in the final revision, after reaching an agreement on each one of the articles thereof, signed the same at Mexico City on the 17th day of February, 1948.”

“For the United States Delegation

MAURICE L. STAFFORD

*First Secretary of the Em-  
bassy of the United  
States of America.*

For the Mexican Delegation

ALFONSO GUERRA

*Official Mayor of the Min-  
istry for Foreign Rela-  
tions.”*

I am instructed to state that the Government of the United States is in accord with and accepts the agreement entered into by representatives of the two Governments on February 17, 1948 as cited above.

<sup>6</sup> EAS 351, *ante*, p. 1129.

<sup>7</sup> TIAS 1857, *ante*, p. 1219.

If this agreement is acceptable to the Government of Mexico, the Government of the United States of America is prepared to regard the present note and Your Excellency's reply concurring therein as constituting an agreement between the two Governments which shall take effect on the date of Your Excellency's reply.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

RAYMOND H. GEIST  
*Chargé d'Affaires ad interim*

His Excellency

Señor DON JAIME TORRES BODET  
*Secretary for Foreign Relations*  
*Mexico, D.F.*

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*The Secretary of Foreign Affairs to the American Chargé d'Affaires ad interim*

[TRANSLATION]

MINISTRY OF FOREIGN RELATIONS  
UNITED STATES OF MEXICO  
MEXICO

No. 3377

MEXICO, D.F., *February 21, 1948*

MR. CHARGÉ D'AFFAIRES :

I have the pleasure of referring to your courteous note No. 1776 dated yesterday, which reads word for word as follows :

[For text of U.S. note, see above.]

In reply I have the pleasure of informing you that the Government of the United Mexican States accepts the terms of the document quoted above, which it finds in conformity with the basic agreement signed in this capital on February 17, 1948 by the delegations of Mexico and the United States of America, with the understanding that, as I stated in my note number 34425 of November 13, 1947 to His Excellency Ambassador Walter Thurston, authorization will not be given to engage Mexican workers for states in the United States of America where discriminatory acts are known to have been committed against Mexicans or persons of Mexican origin.

In view of the principles of mutual cooperation that govern the relations between the peoples of our two countries and with due regard for the fact that the services rendered by our workers will help to increase agricultural production in the United States, the Department of Foreign Relations hopes that the agreement concluded on this date will serve as an antecedent for

Mexico to continue to acquire, with the help and support of the competent authorities of the United States Government, the foodstuffs needed by Mexico to supplement her current agricultural production.

It gives me pleasure to renew to you, Sir, the assurances of my highest consideration.

JAIME TORRES BODET

Mr. RAYMOND H. GEIST,  
*Chargé d'Affaires ad interim*  
*of the United States of America,*  
*City.*

## COMMISSION FOR SCIENTIFIC INVESTIGATION OF TUNA

*Convention signed at México January 25, 1949*  
*Senate advice and consent to ratification August 17, 1949*  
*Ratified by the President of the United States August 30, 1949*  
*Ratified by Mexico February 22, 1950*  
*Ratifications exchanged at Washington July 11, 1950*  
*Entered into force July 11, 1950*  
*Proclaimed by the President of the United States July 18, 1950*  
*Supplemented by agreement of January 26 and 31, 1949*<sup>1</sup>  
*Terminated February 5, 1965*<sup>2</sup>

[For text, see 1 UST 513; TIAS 2094.]

## COMMISSION FOR SCIENTIFIC INVESTIGATION OF TUNA

*Exchange of notes at México January 26 and 31, 1949, supplementing  
convention of January 25, 1949*<sup>3</sup>  
*Entered into force January 31, 1949*  
*Terminated February 5, 1965*<sup>2</sup>

[For text, see 1 UST 525; TIAS 2094.]

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<sup>1</sup> 1 UST 525; TIAS 2094.

<sup>2</sup> Pursuant to notices of termination given by the United States and Mexico Feb. 5, 1964.

<sup>3</sup> 1 UST 513; TIAS 2094.

## HEALTH AND SANITATION PROGRAM

*Exchange of notes at México February 10 and 14, 1949, with text of extension agreement, modifying and extending agreements of June 30 and July 1, 1943,<sup>1</sup> as modified and extended*

*Entered into force February 14, 1949; operative from December 31, 1948*

*Program expired June 30, 1955*

63 Stat. 2848; Treaties and Other  
International Acts Series 2091

*The Acting Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN RELATIONS  
UNITED MEXICAN STATES  
MEXICO

52088

MÉXICO, D.F., *February 10, 1949*

MR. AMBASSADOR:

With reference to my note No. 51068 of January 10 last, and pursuant to the conversations held between the Department of Foreign Relations and your Embassy concerning the extension of the Agreement concluded between the Department of Health and Welfare and the Institute of Inter-American Affairs to carry out a cooperative health and sanitation program in Mexico, I have the honor to inform Your Excellency that the Department of Health and Welfare agrees to enter into the Agreement extending the said program, in the following terms:

“The Ministry of Health and Welfare (hereinafter referred to as the “Ministry”), represented by Dr. Rafael Pascasio Gamboa, Secretary of Public Health and Welfare (hereinafter referred to as the “Secretary”), and the Institute of Inter-American Affairs (hereinafter referred to as the “Institute”), a corporate instrumentality of the Government of the United States of America, represented by its Chief of Field Party, Health and Sanitation Division, Wyman R. Stone, (hereinafter referred to as the “Chief of Field

<sup>1</sup> EAS 347, *ante*, p. 1147.

Party"), have agreed, pursuant to the request of the Ministry, and in accordance with the exchange of notes<sup>2</sup> dated            and            between the Acting Minister of Foreign Relations of Mexico and the Ambassador of the United States of America in Mexico, upon the following technical details for extending and modifying, in the manner hereinafter set forth, the Agreement between the Ministry and the Institute, arising out of the exchange of correspondence between the representative of the Institute and the Chief of the then Department of Public Health of Mexico dated July 2, 1943,<sup>3</sup> as amended by subsequent letters between the Executive Vice President of the Institute and the Secretary of Public Health and Welfare of Mexico, dated November 1, December 6 and 7, 1943,<sup>4</sup> (hereinafter referred to as the "Basic Agreement"), providing for a cooperative health and sanitation program in Mexico.

#### CLAUSE I

The cooperative health and sanitation program provided for in the Basic Agreement is hereby extended for an additional period of six months from December 31, 1948, through June 30, 1949.

#### CLAUSE II

In addition to the funds required by the Basic Agreement to be contributed or otherwise made available by the parties thereto with respect to the cooperative program, the Institute shall make available the funds necessary to pay the salaries and all other expenses of its field staff in Mexico during the period covered by this Extension Agreement. These funds shall be administered by the Institute and shall not be deposited to the credit of the Dirección de Cooperación Interamericana de Salubridad Pública (hereinafter referred to as the "Dirección").

#### CLAUSE III

The unexpended and unobligated balance of all financial contributions required by the Basic Agreement to be made available by the parties for the cooperative health and sanitation program shall continue to remain available for such program during the period of this Extension Agreement and no additional financial contributions are required to be made by the parties hereto to or on behalf of the Dirección for the purpose of carrying on the program during the period comprehended by this Extension Agreement.

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<sup>2</sup> A reference to the present exchange of notes is intended.

<sup>3</sup> Not printed.

<sup>4</sup> The reference "dated November 1, December 6 and 7, 1943," should read "dated November 1 and December 6, 1943," since there were two letters dated Dec. 6, 1943, and none dated Dec. 7, 1943. The data contained in these letters are the subject of the exchange of diplomatic notes of Dec. 8, 1943 (TIAS 2063), *ante*, p. 1158.

## CLAUSE IV

The parties hereto, by written agreement of the Secretary and the Chief of Field Party, may provide for contributions of funds by either or both parties, or by third parties, for use in effectuating the cooperative health and sanitation program in addition to the funds required to be contributed and made available by this Extension Agreement and the Basic Agreement.

## CLAUSE V

The Basic Agreement shall remain in full force and effect for the purpose of extending the cooperative health and sanitation program, as provided herein, and all provisions of the Basic Agreement, as well as all the agreements, decrees and laws of the Mexican Government that complement it shall be applicable to all operations and activities under this Extension Agreement to the same extent and with the same effect as though expressly set forth herein: EXCEPT that the Basic Agreement, in its application to the period provided for in this Extension Agreement, shall be deemed to be amended and supplemented by the provisions of this Extension Agreement, including the following particulars:

1. The parties hereto declare their recognition that the Institute, being a corporate instrumentality of the United States of America, wholly owned, directed, and controlled by the Government of the United States of America, is entitled to share fully in all the privileges and immunities, including immunity from suit in the courts of the United States of Mexico, which are enjoyed by the United States of America.

2. The parties hereto agree that any funds of the Dirección which remain unexpended on the termination of this Extension Agreement shall be disposed of in accordance with a written agreement between the Secretary and the Chief of Field Party.

3. By mutual agreement between the Secretary and the Chief of Field Party, funds of the Dirección may be used to reimburse or defray the salaries, living expenses, travel and transportation costs, and other expenses of such additional personnel of the Health and Sanitation Division of the Institute in Mexico as the parties mentioned may agree are necessary to be employed, in addition to the employees referred to under Clause II hereof. Such funds may be contributed or granted for such purposes by the Dirección to the Institute or to any other organization, but in every case the Secretary and the Chief of Field Party will enter into a written project agreement setting forth the scope and the other necessary terms of such contributions or grants.

## CLAUSE VI

This Extension Agreement shall become effective on the date it is signed.<sup>5</sup>

<sup>5</sup> Feb. 17, 1949.

IN WITNESS WHEREOF, the parties hereto have caused this Extension Agreement to be executed by their duly authorized representatives, in quintuplicate, both in the Spanish and English languages, in Mexico City, United Mexican States, this \_\_\_\_\_ day of \_\_\_\_\_, 1949.

THE MINISTRY OF PUBLIC  
HEALTH AND WELFARE

THE INSTITUTE OF INTER-  
AMERICAN AFFAIRS

By: \_\_\_\_\_

By: \_\_\_\_\_

If the Institute of Inter-American Affairs agrees to the terms of the above draft, the Department of Health and Welfare and the Institute can proceed forthwith to the signing of the Agreement extending the cooperative health and sanitation program aforementioned.

Awaiting Your Excellency's reply, I am pleased to renew to you the assurances of my highest consideration.

MANUEL TELLO

His Excellency WALTER THURSTON,  
*Ambassador Extraordinary and Plenipotentiary of  
the United States of America,  
City.*

*The American Ambassador to the Acting Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*Mexico, D.F., February 14, 1949*

No. 2849

EXCELLENCY:

I have the honor to refer to Your Excellency's note No. 52088 of February 10, 1949, in which is included the text of an Extension Agreement to be signed by representatives of the Institute of Inter-American Affairs and the Ministry of Health and Welfare, which would govern the work of the Institute in Mexico until June 30, 1949.

I have submitted the text of the Extension Agreement, as proposed in Your Excellency's note under reference, to Mr. Wyman R. Stone, the local representative of the Institute of Inter-American Affairs, and I have been informed by Mr. Stone that the Extension Agreement, the terms of which are set forth here below, is entirely acceptable to the Institute of Inter-American Affairs.

[For terms of extension agreement, see Mexican note, above.]

It is my understanding that this note completes the exchange of notes mentioned in the opening paragraph of the Extension Agreement, and that the

two representatives of the Ministry of Health and Welfare and of the Institute of Inter-American Affairs, may now proceed with the signing of the Extension Agreement.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

WALTER THURSTON

His Excellency

Señor Don MANUEL TELLO,

*Acting Minister for Foreign Relations,  
México, D.F.*

## ANTHROPOLOGICAL RESEARCH

*Exchange of notes at Washington June 21, 1949, supplementing and extending agreement of December 4, 1943, and April 19, 1944  
Entered into force June 21, 1949; operative from July 1, 1948  
Terminated July 1, 1952<sup>1</sup>*

63 Stat. 2642; Treaties and Other  
International Acts Series 1961

*The Acting Secretary of State to the Mexican Ambassador*

DEPARTMENT OF STATE  
WASHINGTON  
Jun 21 1949

### EXCELLENCY:

I have the honor to refer to the agreement between the United States of America and the United Mexican States regarding a cooperative program for anthropological research and investigation which was effected by an exchange of notes signed at Mexico, D.F., on December 4, 1943 and April 19, 1944,<sup>2</sup> and to inform Your Excellency that the Government of the United States of America agrees to the continuance of the cooperative program of anthropological research and investigation in Mexico, which shall be carried on by the Smithsonian Institution on behalf of the Government of the United States of America and by the Instituto Nacional de Antropología e Historia of the Ministry of Public Education on behalf of the Government of the United Mexican States in accordance with the following principles and procedures:

1. General Provisions. The general objectives of the cooperative program of anthropological research and investigation shall be:

- (a) to provide university and field training for students in anthropology, ethnology, linguistics, and related fields of scientific investigation;
- (b) to promote long-range cooperative programs of anthropological field research among the indigenous peoples of Mexico, designed to afford opportunities for student training in field work and to secure significant basic data for an understanding of the rural peoples of the Americas;

<sup>1</sup> Pursuant to notice of termination given by the United States May 2, 1952.

<sup>2</sup> TIAS 1961, *ante*, p. 1193.

(c) to assist in coordinating the efforts of collaborating scientists of the United States of America and the United Mexican States in conducting long-range studies in such fields of social science as may be mutually agreed upon, and to solicit the cooperation of such scientists in field work as the need for specialized research may require;

(d) to promote the development of anthropological and other social sciences in the United Mexican States by such other means and upon such other occasions as may be appropriate;

(e) to publish research findings under the auspices of the cooperating institutions in such forms and languages as may be mutually agreed upon.

2. Specific Undertakings on the Part of the Government of the United States of America. Subject to the availability of appropriated funds, the Government of the United States of America agrees:

(a) to make available to the Ministry of Public Education of the Government of the United Mexican States the services of one or more anthropologists or specialists in closely related fields of scientific investigation with the understanding that they shall be stationed in Mexico, D.F. to cooperate with the personnel of the Instituto Nacional de Antropología e Historia;

(b) to pay the salaries, living allowances, international travel expenses, expenses of travel within Mexico, and field expenses of the social scientists referred to in the preceding sub-paragraph;

(c) to publish such portion of the results of the cooperative field work undertaken in accordance with the present agreement as may be mutually agreed upon;

(d) to communicate to the Government of the United Mexican States biographical and professional data concerning each social scientist proposed for assignment in accordance with the present agreement, with such assignments being contingent upon their acceptability to the Government of the United Mexican States.

3. Specific Undertakings on the Part of the Government of the United Mexican States. Subject to the availability of appropriated funds, the Government of the United Mexican States agrees:

(a) to make available the services of the faculty of the Escuela Nacional de Antropología and of its cooperating institutions for the training of students and to designate qualified students for both university and field training;

(b) to furnish in Mexico, D.F., at the Instituto Nacional de Antropología e Historia the necessary headquarters for training and research, including adequate office space, laboratories, equipment, classrooms, and other teaching facilities;

(c) to pay all the research expenses of Mexican professors and students during that period of each year which, by mutual agreement, shall be devoted to field studies;

(d) to publish such portion of the results of the cooperative field work undertaken in accordance with the present agreement as may be mutually agreed upon;

(e) to provide entry free from customs duties for all personal effects, including clothing, household furnishings, books, and personal automobiles, belonging to United States scientists assigned to Mexico in accordance with the present agreement or to members of their immediate families;

(f) to provide entry free from customs duties for all scientific materials and supplies, including automobiles, belonging to the Government of the United States of America and destined for the professional use of the United States scientists assigned to Mexico in accordance with the present agreement.

4. Revisions. The present agreement may be revised, amended, or changed in whole or in part with the approval of both Governments, as embodied in and effected by an exchange of notes between the two Governments.

5. Term. The present agreement shall remain in force until June 30, 1953 and may be continued in effect for additional periods through written agreement to that effect by the two Governments, but either Government may terminate the present agreement by giving to the other Government notice in writing ninety days in advance. If the Congress of either country should fail to make available the funds necessary for the execution of the present agreement, either Government may terminate the present agreement by giving to the other Government notice in writing sixty days in advance.

Upon the receipt of a note from Your Excellency indicating that the foregoing principles and procedures are acceptable to the Government of the United Mexican States, the Government of the United States of America will consider that this note and your reply constitute an agreement between the two Governments on this subject, which shall be considered effective from July 1, 1948.

Accept, Excellency, the renewed assurances of my highest consideration.

JAMES E. WEBB  
*Acting Secretary of State*

His Excellency  
Señor Don RAFAEL DE LA COLINA,  
*Ambassador of Mexico.*

*The Mexican Ambassador to the Acting Secretary of State*

[TRANSLATION]

EMBASSY OF MEXICO  
3146WASHINGTON, D.C., *June 21, 1949*

MR. SECRETARY:

I have the honor to refer to the agreement between the United Mexican States and the United States of America regarding a cooperative program for anthropological research and investigation which was effected by an exchange of notes signed at Mexico, D.F., on December 4, 1943 and April 19, 1944, and to inform Your Excellency that the Government of the United Mexican States agrees to the continuance of the cooperative program of anthropological research and investigation in Mexico, which shall be carried on by the National Institute of Anthropology and History of the Ministry of Public Education on behalf of the Government of the United Mexican States and by the Smithsonian Institution on behalf of the Government of the United States of America, in accordance with the following principles and procedures:

[For text of principles and procedures, see numbered paragraphs of U.S. note, above.]

In view of Your Excellency's note, dated today, indicating that the foregoing principles and procedures are acceptable to the Government of the United States of America, the Government of the United Mexican States considers that this note, together with the note just mentioned above, constitute an agreement between the two Governments on this subject, which shall be considered effective from July 1, 1948.

I renew to Your Excellency the assurances of my highest consideration.

RAFAEL DE LA COLINA  
*Ambassador*

His Excellency JAMES E. WEBB  
*Acting Secretary of State*  
*Washington, D.C.*

## AIR FORCE MISSION

*Agreement signed at Washington July 5, 1949*

*Entered into force July 5, 1949*

*Extended by agreement of September 4 and October 19, 1951<sup>1</sup>*

*Terminated September 21, 1954<sup>2</sup>*

63 Stat. 2584; Treaties and Other  
International Acts Series 1947

### AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED MEXICAN STATES

In conformity with the request of the Government of the United Mexican States to the Government of the United States of America, the President of the United States of America has authorized the appointment of officers of the United States Air Force to serve as Liaison Officers to the Secretary of National Defense of the United Mexican States under the conditions specified below:

#### TITLE I

#### *Purpose and Duration*

#### ARTICLE 1

The purpose of assigning the Liaison Officers is to cooperate with the Secretary of National Defense of the United Mexican States and with personnel of the Mexican Air Force.

#### ARTICLE 2

This Agreement shall continue in force for a period of two years from the date of the signing thereof by the accredited representatives of the Government of the United States of America and the Government of the United Mexican States, unless previously terminated or extended as hereinafter provided. Any of the Liaison Officers may be recalled by the Government of the United States of America after the expiration of two years of service, in which case another member shall be furnished to replace him.

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<sup>1</sup> 3 UST 2976; TIAS 2482.

<sup>2</sup> Pursuant to notice of termination given by Mexico June 10, 1954.

## ARTICLE 3

If the Government of the United Mexican States should desire that the services of the Liaison Officers be extended beyond the stipulated period, it shall make a written proposal to that effect six months before the expiration of this Agreement.

## ARTICLE 4

This Agreement may be terminated before the expiration of the period of two years prescribed in Article 2, or before the expiration of the extension authorized in Article 3, in the following manner:

- (a) By either of the Governments, subject to three months' written notice to the other Government;
- (b) By the recall of the Liaison Officers by the Government of the United States of America in the public interest of the United States of America, without necessity of compliance with provision (a) of this Article;
- (c) By the Government of the United States of America in the case considered in Article 19.

## ARTICLE 5

This Agreement is subject to cancellation upon the initiative of either the Government of the United States of America or the Government of the United Mexican States at any time during a period when either Government is involved in civil or foreign hostilities.

## TITLE II

*Composition and Personnel*

## ARTICLE 6

The Liaison Officers shall be such personnel of the United States Air Force as may be agreed upon by the Secretary of National Defense of the United Mexican States through his authorized representative in Washington and by the United States Air Force.

## TITLE III

*Duties, Rank, and Precedence*

## ARTICLE 7

The Liaison Officers shall perform such duties as may be determined by the Secretary of National Defense of the United Mexican States.

## ARTICLE 8

The Liaison Officers shall be responsible solely to the Secretary of National Defense of the United Mexican States or his designated representative.

## ARTICLE 9

The Liaison Officers shall serve with the rank they hold in the United States Air Force and shall wear the uniform of their rank in the United States Air Force.

## ARTICLE 10

The Liaison Officers shall be entitled to all benefits and privileges which the Regulations of the Mexican Army provide for Mexican officers of corresponding rank.

## ARTICLE 11

As the Liaison Officers shall be governed by the disciplinary regulations of the Air Force of the United States of America, in the case of a Liaison Officer committing an act that by its nature in the opinion of the Mexican Government deserves disciplinary action, the mentioned officer shall be removed on request of the Mexican authorities so that the regulations of the United States Air Force shall be applied in the territory of the United States of America.

## TITLE IV

*Compensation and Perquisites*

## ARTICLE 12

The Liaison Officers shall receive from the Government of the United Mexican States such net annual compensation as may be agreed upon between the Government of the United States of America and the Government of the United Mexican States. This compensation shall be paid in twelve (12) equal monthly installments, each due and payable on the last day of the month. The compensation shall not be subject to any tax, now or hereafter in effect, of the Government of the United Mexican States or of any of its political or administrative subdivisions. Should there, however, at present or while this Agreement is in effect, be any taxes that might affect this compensation, such taxes shall be borne by the Ministry of National Defense of the United Mexican States in order to comply with the provisions of this Article that the compensation agreed upon shall be net.

## ARTICLE 13

The compensation agreed upon as indicated in the preceding Article shall commence upon the date of departure from the United States of America of each Liaison Officer and, except as otherwise expressly provided in this Agreement, shall continue, following the termination of his duty, for the return trip to the United States of America and thereafter for the period of any accumulated leave which may be due.

## ARTICLE 14

The compensation due for the period of the return trip and accumulated leave shall be paid to each Liaison Officer before his departure from the United Mexican States, and such payment shall be computed for travel by the shortest usually traveled route to the port of entry in the United States of America, regardless of the route and method of travel used by the Liaison Officer.

## ARTICLE 15

The Government of the United Mexican States shall grant, upon request of the Liaison Officers, exemption from customs duties on articles imported for the official use of the Liaison Officers or the personal use of the Liaison Officers and of members of their families, provided that the request for free entry has received the approval of the Ambassador of the United States of America or the Chargé d'Affaires ad interim.

## ARTICLE 16

Compensation for transportation and traveling expenses in the United Mexican States on official business of the Government of the United Mexican States shall be provided by the Government of the United Mexican States in accordance with the provisions of Article 10.

## ARTICLE 17

The Government of the United Mexican States shall provide the Liaison Officers with a suitable automobile with chauffeur, for use on official business. Suitable motor transportation with chauffeur, and when necessary an airplane properly equipped, shall on call be made available by the Government of the United Mexican States for use by the Liaison Officers for the conduct of their official business.

## ARTICLE 18

The Government of the United Mexican States shall provide suitable office space and facilities for the use of the Liaison Officers.

## TITLE V

*Requisites and Conditions*

## ARTICLE 19

If, while this Agreement or any extension thereof is in force, the Government of the United Mexican States should wish to engage the services of personnel of some other foreign government, for duties of any nature in connection with the Mexican Air Force, the Government of the United Mexican States will give three months' advance notice to the Government of the United

States of America to that effect, and, in case mutual agreement is not reached between the two Governments with regard to such contract, the Government of the United States of America may consider this Agreement terminated with merely a notification to that effect to the Government of the United Mexican States.

#### ARTICLE 20

Each Liaison Officer shall agree not to divulge or in any way disclose to any foreign government or to any person whatsoever any secret or confidential matter of which he may become cognizant in his capacity as a Liaison Officer. This requirement shall continue in force after his termination of services as Liaison Officer and after the expiration or cancellation of this Agreement or any extension thereof.

#### ARTICLE 21

Throughout this Agreement the term "family" is limited to mean wife and dependent children.

#### ARTICLE 22

Each Liaison Officer shall be entitled to one month's annual leave with pay, or to a proportional part thereof with pay for any fractional part of a year. Unused portions of said leave shall be cumulative from year to year during service as Liaison Officer.

#### ARTICLE 23

The leave specified in the preceding Article may be spent in the United Mexican States, in the United States of America, or in other countries, but the expense of travel and transportation not otherwise provided for in this Agreement shall be borne by the Liaison Officer taking such leave. All travel time shall count as leave and shall not be in addition to the time authorized in Article 22. In all cases the said leave, or portions thereof, shall be taken by the Liaison Officers only after consultation with the Secretary of National Defense of the United Mexican States with a view to ascertaining the mutual convenience of the Government of the United Mexican States and the Liaison Officers in respect to the said leave.

#### ARTICLE 24

Liaison Officers who may be replaced shall terminate their services only upon the arrival of their replacements, except when otherwise mutually agreed upon in advance by the respective Governments.

#### ARTICLE 25

The Government of the United Mexican States shall provide for the Liaison Officers and their families free medical attention.

## ARTICLE 26

Any Liaison Officer who is unable to perform his duties by reason of long-continued physical disability shall be replaced.

IN WITNESS WHEREOF, the undersigned, Dean Acheson, Secretary of State of the United States of America, and Major General Robert L. Walsh, Senior United States Air Force Member, United States Section, Joint Mexican-United States Defense Commission; and Rafael de la Colina, Ambassador Extraordinary and Plenipotentiary of the United Mexican States to the United States of America, and Lieutenant General Leobardo C. Ruiz, Chief, Mexican Section, Joint Mexican-United States Defense Commission, duly authorized thereto, have signed this Agreement in duplicate, in the English and Spanish languages, at Washington, this fifth day of July, one thousand nine hundred and forty-nine.

For the Government of the United States of America:

DEAN ACHESON  
ROBERT L. WALSH

For the Government of the United Mexican States:

RAFAEL DE LA COLINA  
L. C. RUIZ

## MIGRATORY WORKERS

*Exchange of notes at México August 1, 1949*

*Entered into force August 1, 1949*

*Supplemented by agreements of August 19, 1949; <sup>1</sup> July 28, 1950; <sup>2</sup> and March 9, 1951 <sup>3</sup>*

*Amended by agreements of October 13 and 14, 1949; <sup>4</sup> October 21, 26, and 31 and November 9, 1949; <sup>5</sup> and May 10 and 12, 1950 <sup>6</sup>*

*Terminated July 15, 1951 <sup>7</sup>*

[For text, see 2 UST 1048; TIAS 2260.]

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<sup>1</sup> 2 UST 1089; TIAS 2260.

<sup>2</sup> 2 UST 1141; TIAS 2260.

<sup>3</sup> 2 UST 1917; TIAS 2328.

<sup>4</sup> 2 UST 1130; TIAS 2260.

<sup>5</sup> 2 UST 1134; TIAS 2260.

<sup>6</sup> 2 UST 1139; TIAS 2260.

<sup>7</sup> Pursuant to notice of termination given by Mexico June 15, 1951

## WEATHER STATIONS

*Exchange of notes at México March 29 and August 15, 1949*  
*Entered into force October 20, 1949; operative from July 1, 1948*  
*Extended by agreements of April 7 and August 22, 1952,<sup>1</sup> and June 30,*  
*1953<sup>2</sup>*  
*Expired June 30, 1956*

63 Stat. 2750; Treaties and Other  
International Acts Series 1995

*The American Ambassador to the Acting Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*México, D.F., March 29, 1949*

No. 3045

### EXCELLENCY:

I have the honor to refer to conversations which have taken place between representatives of the Government of the United States of America and representatives of the Government of the United Mexican States regarding the desirability of continuing the cooperative program established in 1942 for the establishment and operation of surface, winds aloft, and radiosonde observation stations in Mexico.

It is my understanding that these conversations have resulted in agreement upon a program for continuation of a cooperative meteorological observation program to be carried on by the Weather Bureau, Department of Commerce, on behalf of the Government of the United States of America and by the Mexican Meteorological Service on behalf of the Government of the United Mexican States, in accordance with the following principles:

1. Cooperating Agencies—The cooperating Agencies shall be (1) for the Government of the United States of America, the Weather Bureau, Department of Commerce, hereinafter referred to as the United States Cooperating Agency, and (2) for the Government of the United Mexican States, the Mexican Meteorological Service, hereinafter referred to as the Mexican Cooperating Agency.

<sup>1</sup> 3 UST 5081; TIAS 2695.

<sup>2</sup> 4 UST 1700; TIAS 2837.

2. General Purposes—The general purposes of the present agreement shall be as follows:

(a) To provide for the establishment, operation, and maintenance of meteorological stations, at strategical locations in Mexico selected by mutual arrangement between the two Cooperating Agencies, for securing reports of regularly scheduled surface, winds aloft, and radiosonde observations; and

(b) To provide for the daily exchange of surface and upper-air observation reports between the two Cooperating Agencies for the use of the respective countries, particularly to meet the needs of aviation and to make it possible for the Government of the United States of America and the Government of the United Mexican States to assist in the development of a continental exchange of weather information and forecasts and hurricane advisories.

3. Title to Property—Title to all property purchased with funds supplied by the United States Cooperating Agency shall remain vested in that Agency, and title to all property supplied by the Mexican Cooperating Agency shall remain vested in that Agency.

4. Expenditures—All expenditures incurred by the United States Cooperating Agency shall be paid directly by the Government of the United States of America, and all expenditures incident to the obligations assumed by the Mexican Cooperating Agency shall be paid directly by the Government of the United Mexican States.

5. Effect on Earlier Agreements—It is understood and agreed by and between the parties hereto that the present agreement supersedes the following agreements:

(a) Agreement between the United States of America and the United Mexican States relating to the establishment in Mexico of radiosonde observation stations, effected by exchange of notes signed at México, D.F., on October 13 and 20 and November 10, 1942,<sup>3</sup> as amended and extended by agreement effected by exchange of notes signed at México, D.F., on May 12 and June 16, 21 and 28, 1945;<sup>4</sup>

(b) Agreement between the United States of America and the United Mexican States relating to the establishment and operation of nine meteorological stations in Mexico, effected by exchange of notes signed at México, D.F., on May 18 and June 14, 1943;<sup>5</sup>

(c) Agreement between the United States of America and the United Mexican States relating to the establishment and operation of a meteorological

<sup>3</sup> TIAS 1989, *ante*, p. 1099.

<sup>4</sup> TIAS 1989, *ante*, p. 1206.

<sup>5</sup> TIAS 1806, *ante*, p. 1143.

station on Guadalupe Island, Baja California effected by exchange of notes signed at México, D.F., on November 6, 1945 and April 12, 1946.<sup>6</sup>

6. Term—The present agreement shall remain in effect through June 30, 1951 and may be continued in force for additional periods by written agreement to that effect by the two Governments, but either Government may terminate the present agreement by giving to the other Government notice in writing sixty days in advance. Participation on the part of either Government in the project contemplated by the present agreement shall be subject to the availability of funds appropriated by the legislative bodies of the respective Governments.

If the above principles meet with the approval of the Government of the United Mexican States, I should appreciate receiving Your Excellency's reply to that effect as soon as possible in order that the technical details may be arranged by officials of the two Cooperating Agencies.

Upon the conclusion of an arrangement between the two Cooperating Agencies embodying the above-mentioned technical details, such arrangement to be subject to amendment at any time by concurrence between the two Cooperating Agencies, the Government of the United States of America will consider the present note and your reply concurring therein as constituting an agreement between our two Governments, which shall be considered effective from July 1, 1948.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

WALTER THURSTON

His Excellency

Señor Don MANUEL TELLO,  
*Acting Minister for Foreign Relations,*  
*México, D.F.*

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*The Acting Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN RELATIONS  
UNITED MEXICAN STATES  
MEXICO

511S61

MEXICO, D.F., *August 15, 1949*

MR. AMBASSADOR:

I have the honor to refer to Your Excellency's note No. 3045, dated March 29, 1949, concerning the desirability of continuing the cooperative program initiated in 1942 for the establishment and operation of surface, winds aloft, and radiosonde observation stations in Mexico.

<sup>6</sup> TIAS 1807, *ante*, p. 1211.

Considering that the meteorological cooperation has been mutually beneficial for Mexico and the United States of America, I take the liberty of informing Your Excellency that my Government is willing to enter into an agreement for the continuation of the said program, in accordance with the following principles:

[For text of principles, see numbered paragraphs of U.S. note, above.]

Upon the signature by the two Cooperating Agencies of the Memorandum Agreement embodying the technical details of the program, such arrangement to be subject to amendment at any time by concurrence between the two Cooperating Agencies, the Government of the United Mexican States will consider Your Excellency's note No. 3045 and the present note as constituting an agreement between our two Governments, which shall be effective from July 1, 1948.

Therefore, I request Your Excellency to be good enough to send me the copies of the said Memorandum drafted in English, which I shall return to the Embassy, duly signed by the Chief of the Mexican Meteorological Service, in order that they may be approved, together with the copies in Spanish, by the appropriate official of your Government.

Accept, Excellency, the assurances of my highest consideration.

MANUEL TELLO

His Excellency

WALTER THURSTON,

*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
City.*

## MIGRATORY WORKERS

*Exchange of notes at México August 19, 1949, supplementing agreement of August 1, 1949*<sup>1</sup>

*Entered into force August 19, 1949*

*Terminated July 15, 1951*<sup>2</sup>

[For text, see 2 UST 1089; TIAS 2260.]

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<sup>1</sup> 2 UST 1048; TIAS 2260.

<sup>2</sup> Pursuant to notice of termination given by Mexico June 15, 1951.

## COMMISSION ON CULTURAL COOPERATION

*Exchange of notes at México December 28, 1948, and August 30, 1949  
Entered into force August 30, 1949*

63 Stat. 2842; Treaties and Other  
International Acts Series 2086

*The American Ambassador to the Acting Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*Mexico, D.F., December 28, 1948*

No. 2787

### EXCELLENCY:

I have the honor to refer to the conversations which have taken place between representatives of the Government of the United States of America and representatives of the Government of the United Mexican States regarding the desirability of promoting closer cultural cooperation between the two countries through cooperative efforts designed to integrate and expand the wide variety of cultural programs and activities of mutual interest which are carried on by the two Governments and by United States and Mexican educational and scientific institutions.

It is my understanding that these conversations have resulted in agreement upon the establishment of a mixed commission, to be called the United States–Mexican Commission on Cultural Cooperation, which shall undertake to promote the integration and expansion of those activities of cultural cooperation which the two countries may consider of mutual interest, in accordance with the following provisions:

1. The Commission shall be composed of three United States members and three Mexican members. The United States members, together with three alternate members, shall be appointed by the Ambassador of the United States of America to the United Mexican States, and the Mexican members, together with three alternates, shall be appointed by the Minister of Education. Members of the Commission shall be selected from persons resident in Mexico who are familiar with United States–Mexican activities in the field of cultural cooperation.

2. The Commission shall meet at least once every three months. The headquarters of the Commission shall be at Mexico, D.F., but meetings of the Commission may be held at appropriate places in either country.

3. The Commission shall have the following duties and functions:

(a) to study and appraise United States–Mexican programs and activities in the field of cultural cooperation of interest to the two countries which are carried on by agencies of the two Governments and by private educational and scientific organizations and institutions;

(b) to recommend to either or both Governments measures for coordinating and improving the operation of current programs and activities in the field of United States–Mexican cultural cooperation;

(c) to recommend to either or both Governments the study and adoption, when appropriate, of new projects for United States–Mexican cultural cooperation;

(d) to advise private educational and scientific organizations and institutions of both countries, when so requested, with respect to methods for improving and expanding their programs and activities in the field of United States–Mexican cultural exchange;

(e) to keep Government agencies and private organizations and institutions which are interested in the development of closer cultural relations between the two countries informed regarding the programs and activities of other agencies, organizations, and institutions having like interests;

(f) to survey the general field of relations pertaining to cultural cooperation between the two countries from time to time and prepare for consideration by the two Governments comprehensive plans for the future development and expansion of such relations.

4. The Commission shall be assisted in the performance of its duties by an Advisory Council. The Council shall be composed of persons who are familiar with matters in the field of cultural cooperation which may interest the two countries, and it shall to the greatest extent possible be representative of the various artistic, literary and scientific fields. The United States members of the Council shall be appointed by the Ambassador of the United States of America to the United Mexican States and the Mexican members by the Minister of Education.

5. As soon as possible after its establishment the Commission shall draw up detailed regulations defining the scope of its activities and providing for the conduct of its meetings and the performance of its duties and functions. These regulations shall become effective immediately upon approval by the two Governments.

6. The present agreement shall remain in effect for a period of three years from the date of its entry into force and shall continue in force thereafter until one of the Governments terminates it by giving to the other

Government notice in writing six months in advance. Such notice may be given six months before the expiration of the initial three-year term or at any time thereafter.

It is understood that participation by either Government in the work of the Commission shall not of itself entail any change in existing procedures for the allocation and expenditure by the agencies of either Government of funds available for use in connection with various United States-Mexican programs of cultural cooperation which are of interest to the two countries.

Upon the receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of the United Mexican States, the Government of the United States of America will consider that this note and your reply constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of Your Excellency's note.

Accept, Excellency, the renewed assurances of my highest consideration.

WALTER THURSTON

His Excellency

Señor Don MANUEL TELLO

*Acting Minister for Foreign Relations,  
México, D.F.*

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*The Acting Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN RELATIONS  
UNITED MEXICAN STATES  
MEXICO

No. 512322

MEXICO, D.F., *August 30, 1949*

MR. AMBASSADOR:

I have the honor to refer to Your Excellency's courteous note no. 2787, dated December 28, 1948, and to the conversations which have taken place between representatives of the Government of the United Mexican States and representatives of the United States of America regarding the desirability of promoting closer cultural cooperation between the two countries through cooperative efforts designed to integrate and expand the wide variety of cultural programs and activities of mutual interest which are being carried on by the two Governments and various educational and scientific institutions of Mexico and the United States.

It is my understanding that in these conversations an agreement has been reached to establish a mixed commission, which would be called the "Mexico-United States Commission on Cultural Cooperation," and which will be charged with promoting the integration and expansion of those activities of

cultural cooperation which the two countries may consider of mutual interest, in accordance with the following stipulations:

[For text of stipulations, see numbered paragraphs of U.S. note, above.]

It is understood that participation by either Government in the work of the Commission shall not of itself entail any change in existing procedures for the allocation and expenditure by the agencies of either Government of funds available for use in connection with various United States–Mexican programs of cultural cooperation which are of interest to the two countries.

As Your Excellency states in the note to which I refer, it is agreed that, upon my informing you in the present note that my Government accepts the foregoing provisions, the Government of the United States of America will consider that this note and that of Your Excellency constitute an agreement between the two Governments on this subject which will enter into force as of this date.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

MANUEL TELLO

His Excellency

WALTER THURSTON,

*Ambassador Extraordinary and Plenipotentiary*

*of the United States of America,*

*City.*

## HEALTH AND SANITATION PROGRAM

*Exchange of notes at México October 7 and 14, 1949, modifying and extending agreement of June 30 and July 1, 1943, as modified and extended*

*Entered into force October 27, 1949; operative from June 30, 1949  
Program expired June 30, 1955*

64 Stat. B1099; Treaties and Other  
International Acts Series 2120

*The Acting Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN RELATIONS  
UNITED MEXICAN STATES  
MEXICO

514011

MÉXICO, D.F., *October 7, 1949*

MR. AMBASSADOR:

I have the honor to refer to the Basic Agreement entered into in July 1943<sup>1</sup> between the then Department of Public Health of the United Mexican States and the "Institute of Inter-American Affairs", as amended,<sup>2</sup> providing for the existing cooperative health and sanitation program in Mexico. I also refer to note No. 3463 of His Excellency Leslie A. Wheeler, Chargé d'Affaires ad interim, dated July 22, 1949, concerning the new extension of that agreement desired by the Government of Mexico.

I take pleasure in noting that Your Excellency's Government agrees with that of Mexico that an extension of the said program beyond its present date of termination on June 30, 1949, would be desirable in view of the mutual benefits which both Governments are deriving from the said program. Therefore, I take pleasure in informing Your Excellency that the Government of Mexico is ready to have the necessary arrangements made for the extension of the program between the Secretary of Public Health and Welfare of Mexico and the Institute of Inter-American Affairs for an additional period of one year, that is, from June 30, 1949, to July [June] 30, 1950.

It is understood that during this extension period the Institute would contribute 100,000.00 dollars, United States currency, to the Dirección de Cooperación Interamericana de Salubridad Pública, for use in carrying out

<sup>1</sup> EAS 347, *ante*, p. 1147.

<sup>2</sup> TIAS 2063, *ante*, p. 1158, and TIAS 2091, *ante*, p. 1243.

project activities of the program, and that the Government of Mexico, through the Secretary of Public Health and Welfare, would contribute to the said Dirección, for the same purpose, 300,000.00 dollars, United States currency, or its equivalent in Mexican national currency. It is understood that the Institute will also make available, during the same extension period, funds to be administered by the Institute and not deposited to the account of the Dirección de Cooperación Interamericana, for payment of salaries and other expenses of the members of the Health and Sanitation Division Field Staff who are maintained by the Institute in Mexico. The amounts referred to will be in addition to the sums already required under the present Basic Agreement, as amended, to be contributed and made available by the Parties in furtherance of the program.

The Government of the United Mexican States will consider this note and the reply thereto from the Embassy of the United States of America, transmitting its assent, as constituting an agreement between our two Governments which shall come into force on the date of signature of an agreement by the Secretary of Public Health and Welfare of Mexico and a representative of the "Institute of Inter-American Affairs", embodying the aforesaid operational details.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

MANUEL TELLO

His Excellency WALTER THURSTON,  
*Ambassador Extraordinary and Plenipotentiary  
 of the United States of America,  
 City.*

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*The American Ambassador to the Acting Minister of Foreign Affairs*

EMBASSY OF THE  
 UNITED STATES OF AMERICA  
*Mexico, D.F., October 14, 1949*

No. 3796

EXCELLENCY:

I have the honor to refer to the basic agreement entered into in July 1943 between the then Department of Public Health of the United Mexican States and the Institute of Inter-American Affairs, as amended, providing for the existing cooperative health and sanitation program in Mexico. I also refer to Your Excellency's note No. 514011 of October 7, 1949, concerning the basis upon which a further extension of that agreement may be effected for a period of one year from June 30, 1949, through June 30, 1950.

It is understood that during this period of extension Your Excellency's Government will contribute to the Dirección de Cooperación Interamericana

de Salubridad Pública the sum of \$300,000, United States currency, or the equivalent in pesos, for use in carrying out project activities of the program and that the Institute will make a contribution of \$100,000, United States currency, for the same purpose.

During the same extension period, the Institute will also make available funds to be administered by the Institute and not deposited to the account of the Dirección for payment of salaries and other expenses of the members of the Health and Sanitation Division Field Staff who are maintained by the Institute in Mexico. The amounts referred to will be in addition to the sums already required under the present basic agreement, as amended, to be contributed and made available by the parties in furtherance of the program.

The Government of the United States of America considers Your Excellency's note under reference and the present note in reply thereto as constituting an agreement between our two Governments which shall come into force on the date of signature of an agreement by the Secretary of Public Health and Welfare of your Government and a representative of the Institute of Inter-American Affairs embodying the necessary operational details.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

WALTER THURSTON

His Excellency

Señor Don MANUEL TELLO,

*Acting Minister for Foreign Relations,  
Mexico, D.F.*

## MIGRATORY WORKERS

*Exchange of notes at México October 13 and 14, 1949, amending agreement of August 1, 1949,<sup>1</sup> as supplemented*

*Entered into force October 14, 1949*

*Terminated July 15, 1951<sup>2</sup>*

[For text, see 2 UST 1130; TIAS 2260.]

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<sup>1</sup> 2 UST 1048; TIAS 2260.

<sup>2</sup> Pursuant to notice of termination given by Mexico June 15, 1951.

# Monaco

## EXTRADITION

*Treaty signed at Monaco February 15, 1939*

*Senate advice and consent to ratification August 1, 1939*

*Ratified by the President of the United States August 30, 1939*

*Ratified by Monaco February 13, 1940*

*Ratifications exchanged at Monaco February 27, 1940*

*Proclaimed by the President of the United States March 27, 1940*

*Entered into force March 28, 1940*

54 Stat. 1780; Treaty Series 959

### EXTRADITION TREATY

The Government of the United States of America and His Most Serene Highness the Sovereign Prince of Monaco, desiring to assure a better administration of justice in both countries, have resolved to conclude a treaty for the extradition of fugitives from justice and have appointed for that purpose the plenipotentiaries designated below, to wit:

The President of the United States of America:

Paul C. Squire, Consul of the United States of America at Nice, France, and at Monaco;

His Most Serene Highness the Sovereign Prince of Monaco:

Henry Mauran, Minister Plenipotentiary, Secretary of State of the Principality of Monaco;

Who, after having communicated to each other their full powers found in good and due form, have agreed upon the following articles:

#### ARTICLE I

The High Contracting Parties agree to surrender to each other reciprocally persons who, having been prosecuted for or convicted of any of the crimes or offenses specified in the following article, committed within the jurisdic-

tion of one of the two States shall have sought an asylum or shall be found on the territory of the other.

Nevertheless, the extradition shall not take place except in a case where the existence of the violation is shown in such manner that the laws of the country where the fugitive is found would justify his arrest and prosecution if the crime or offense had been committed there.

## ARTICLE II

Extradition shall be granted for the following crimes and offenses:

1. Murder, parricide, assassination, poisoning, infanticide; manslaughter, when voluntary; assault with intent to commit murder;
2. Rape, abortion, bigamy;
3. Arson;
4. Stealing accompanied by one of the following circumstances: violence, threats, housebreaking, skeleton keys; stealing committed at night in an inhabited house; stealing committed by several persons or by one person bearing arms;
5. Forgeries in a public or authentic document, in a commercial or bank paper, in a private document; use of the said forgeries;
6. Counterfeiting, falsifying or alteration of coin or paper money, bonds or coupons of public debts, bank notes; seals of State; utterance or use of the articles thus counterfeited, falsified or altered;
7. Breach of trust, embezzlement, whether by public depositaries, or by ministerial or public officers; embezzlement by a hired person to the prejudice of his employer, embezzlement or abstraction by an innkeeper, carrier, boatman, or their agents, when such acts are punishable by the laws of both countries and when the amount of the sums or values concerned in the offense is not less than two hundred dollars or five thousand francs;
8. Obtaining money, securities or other property under false pretenses, and theft, when such acts are punishable by the laws of both countries and when the amount of the sums or values affected by the violation is not less than two hundred dollars or five thousand francs;
9. False swearing, false witness, subornation of witnesses, experts or interpreters;
10. Child-stealing, abduction of a minor boy under the age of 14 or a girl under the age of 16;
11. Kidnapping or illegal detention;
12. Wilful and unlawful obstruction or destruction of railways, which may endanger human life;
13. a. Piracy, by the law of nations;  
b. The act by any person, being or not being one of the crew of a seagoing vessel or ship, of taking possession of such vessel by fraud or violence;

c. Wrongfully destroying, sinking, stranding or causing the loss of a vessel at sea;

d. Revolt or conspiracy, by two or more persons on board a vessel on the high seas, against the authority of the captain or master;

e. Assault on board a vessel on the high seas with intent to kill or inflict serious injuries;

14. Crimes and offenses committed against the laws of both countries on the suppression of slavery and the slave trade;

15. Fraudulent receiving and concealment of articles or values obtained through a crime or an offense, when such act is punishable under the laws of both countries and when the amount of the said articles or values is not less than two hundred dollars or five thousand francs;

16. Crimes and offenses relating to the traffic in women and children;

17. Crimes and offenses covered by the laws concerning the use of and traffic in opium and other narcotics.

Extradition shall also be granted for the attempt to commit the acts listed above, for participation or complicity in the said acts, when such attempt, participation or complicity is punishable according to the laws of the two countries.

### ARTICLE III

Requisitions for extradition shall be made by the diplomatic agents, or, in their absence, either from the country or its seat of government, by the consuls or consular agents.

If the requisition concerns a fugitive who has been convicted after a hearing in court (*contradictoirement*), it must be accompanied with a duly authenticated copy of the sentence; if it concerns a fugitive who has merely been charged with a crime or offense or convicted in his default or absence, it must be accompanied with a duly authenticated copy of the warrant of arrest and of the depositions or other evidence upon which such warrant was issued. The procedure of extradition shall be followed according to the laws regulating extradition in force in the country on which the requisition is made.

### ARTICLE IV

The arrest of the fugitive criminal may be requested on information even by telegraph, of the existence of a judgment of conviction or of a warrant of arrest.

In Monaco, the application for the arrest shall be addressed to the Minister of State, who shall transmit it to the proper authority.

In the United States of America, the application for arrest shall be addressed to the Secretary of State, who shall deliver a warrant certifying that the application is regular and requesting the competent authorities to take action thereon in conformity with law.

In each country, in case of urgency, the application for arrest may be addressed directly to the competent magistrate in conformity with the laws in force.

In both countries, the person provisionally arrested shall be released, if, within a period of forty days from the date of arrest in Monaco, or from the date of commitment in the United States of America, the formal requisition for extradition accompanied with the documents prescribed in the foregoing article has not been submitted by the diplomatic agent of the country making the requisition or, in his absence, by a consul or consular agent of said country.

#### ARTICLE V

The contracting Parties shall not be bound to delivery up their own citizens or subjects under the stipulations of this treaty.

#### ARTICLE VI

No person shall be surrendered if the offense for which his extradition is requested is of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

If any question arises as to whether a case comes within the provisions of this article, the authorities of the Government on which the requisition is made shall decide.

However, when the violation comprises the act of murder, assassination or poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the Sovereign or Head of any State, or against the life of any member of his family, shall not be deemed sufficient to sustain that such crime or offense is of a political character, or that it has any connection with crimes or offenses of a political character.

#### ARTICLE VII

No person surrendered by one of the High Contracting Parties to the other shall be prosecuted, judged or punished for any crime or offense committed prior to his extradition, other than the offense for which his surrender was accorded, and no person shall be arrested or detained by civil process for a cause prior to the extradition, unless, in either case, he has been at liberty for one month to leave the country, after having been tried, or, in case of conviction, after having either served his sentence or obtained pardon.

#### ARTICLE VIII

Extradition shall not be granted, under the stipulations of this Convention, if the person claimed has been tried for the same act in the country to which the requisition is addressed, or if, subsequent to the acts with

which he is charged, the prosecution or the conviction, the action or the sentence has become barred by limitation, according to the law of the said country.

#### ARTICLE IX

If, at the time of the requisition, the person claimed is being prosecuted, or has been convicted of a crime or offense committed in the country of refuge, his extradition may be deferred until such prosecution is terminated, and/or until he has been released in conformity with law.

#### ARTICLE X

If the person claimed by one of the High Contracting Parties, in virtue of this treaty, is also claimed by one or more other Powers on account of crimes or offenses committed in their respective jurisdictions, his extradition shall be granted to the State whose demand is received first; unless the Government from which extradition is asked is bound by treaty, in case of concurrent demands, to accord preference to the one that is first in date, in which event that rule shall be followed, unless also an arrangement exists between the demanding Governments which would decide the preference either on account of the gravity of the offenses committed or for any other reason.

#### ARTICLE XI

All articles seized which were in the possession of the person to be surrendered at the time of his arrest, whether they are the proceeds of the crime or offense charged, or can be used as elements to establish the proof of the crime or offense, shall, so far as practicable, and if the competent authority of the State applied to orders the delivery thereof, be given up at the time the extradition is effected. Nevertheless, the rights of third parties with regard to the articles aforesaid shall be duly respected.

#### ARTICLE XII

The expenses occasioned by the arrest, examination and delivery of the persons claimed shall be borne by the Government requesting the extradition. However, such Government shall not have to bear any expense for the services of such public officers or functionaries of the Government from which extradition is sought as receive a fixed salary from the State. It is understood that the charge for the services of such public officers or functionaries as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which the extradition is requested.

## ARTICLE XIII

This treaty shall take effect in 30 days after the date of the exchange of ratifications, and shall not operate retroactively.

The ratifications of this treaty shall be exchanged at Monaco as soon as possible, and it shall continue to produce its effects for a period of six months after either of the High Contracting Parties shall have given notice of its intention to terminate it.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed the above articles both in English and French and have hereunto affixed their seals.

DONE, in duplicate, at Monaco, this fifteenth day of February, in the year nineteen hundred and thirty-nine.

PAUL C. SQUIRE [SEAL]

H. MAURAN [SEAL]

# Morocco<sup>1</sup>

## PEACE AND FRIENDSHIP

*Treaty sealed by the Emperor of Morocco June 23, 1786, and delivered to the American agent at Morocco June 28, 1786; additional article signed and sealed on behalf of Morocco July 15, 1786; ship-signals agreement signed at Morocco July 6, 1786*<sup>2</sup>

*Entered into force July 15, 1786*

*Treaty and additional article ratified and proclaimed by the President of the United States July 18, 1787*

*Expired; replaced January 28, 1837, by treaty of September 16, 1836*<sup>3</sup>

8 Stat. 100; Treaty Series 244-1

### TREATY

[TRANSLATION]

To all Persons to whom these Presents shall come or be made known—

Whereas the United States of America in Congress assembled by their Commission bearing date the twelvth day of May One thousand Seven hundred and Eighty four thought proper to constitute John Adams, Benjamin Franklin and Thomas Jefferson their Ministers Plenipotentiary, giving to them or a Majority of them full Powers to confer, treat & negotiate with the Ambassador, Minister or Commissioner of His Majesty the Emperor of Morocco concerning a Treaty of Amity and Commerce, to make & receive propositions for such Treaty and to conclude and sign the same, transmitting it to the United States in Congress assembled for their final Ratification, And by one other Commission bearing date the Eleventh day of March One thousand Seven hundred & Eighty five did further empower the said Min-

<sup>1</sup> Certain agreements between the United States and France were applicable to Morocco. See *ante*, Vol. 7, p. 763, FRANCE.

<sup>2</sup> For a detailed study of these procedures and other features of the negotiations, see 2 Miller 185. The document printed here, incorporating a certified English translation of the treaty and the additional article, was signed and sealed by Ministers Plenipotentiary of the United States, Thomas Jefferson at Paris, Jan. 1, 1787, and John Adams at London Jan. 25, 1787.

<sup>3</sup> TS 244-2, *post*, p. 1286.

isters Plenipotentiary or a majority of them, by writing under their hands and Seals to appoint such Agent in the said Business as they might think proper with Authority under the directions and Instructions of the said Ministers to commence & prosecute the said Negotiations & Conferences for the said Treaty provided that the said Treaty should be signed by the said Ministers: And Whereas, We the said John Adams & Thomas Jefferson two of the said Ministers Plenipotentiary (the said Benjamin Franklin being absent) by writing under the Hand and Seal of the said John Adams at London October the fifth, One thousand Seven hundred and Eighty five, & of the said Thomas Jefferson at Paris October the Eleventh of the same Year, did appoint Thomas Barclay, Agent in the Business aforesaid, giving him the Powers therein, which by the said second Commission we were authorized to give, and the said Thomas Barclay in pursuance thereof, hath arranged Articles for a Treaty of Amity and Commerce between the United States of America and His Majesty the Emperor of Morocco, which Articles written in the Arabic Language, confirmed by His said Majesty the Emperor of Morocco & seal'd with His Royal Seal, being translated into the Language of the said United States of America, together with the Attestations thereto annexed are in the following Words, To Wit.

In the name of Almighty God,

This is a Treaty of Peace and Friendship established between us and the United States of America, which is confirmed, and which we have ordered to be written in this Book and sealed with our Royal Seal at our Court of Morocco on the twenty fifth day of the blessed Month of Shaban, in the Year One thousand two hundred, trusting in God it will remain permanent.

.1.

We declare that both Parties have agreed that this Treaty consisting of twenty five Articles shall be inserted in this Book and delivered to the Honorable Thomas Barclay, the Agent of the United States now at our Court, with whose Approbation it has been made and who is duly authorized on their Part, to treat with us concerning all the Matters contained therein.

.2.

If either of the Parties shall be at War with any Nation whatever, the other Party shall not take a Commission from the Enemy nor fight under their Colors.

.3.

If either of the Parties shall be at War with any Nation whatever and take a Prize belonging to that Nation, and there shall be found on board Subjects or Effects belonging to either of the Parties, the Subjects shall be set at Liberty and the Effects returned to the Owners. And if any Goods belonging to any

Nation, with whom either of the Parties shall be at War, shall be loaded on Vessels belonging to the other Party, they shall pass free and unmolested without any attempt being made to take or detain them.

.4.

A Signal or Pass shall be given to all Vessels belonging to both Parties, by which they are to be known when they meet at Sea, and if the Commander of a Ship of War of either Party shall have other Ships under his Convoy, the Declaration of the Commander shall alone be sufficient to exempt any of them from examination.

.5.

If either of the Parties shall be at War, and shall meet a Vessel at Sea, belonging to the other, it is agreed that if an examination is to be made, it shall be done by sending a Boat with two or three Men only, and if any Gun shall be fired and injury done without Reason, the offending Party shall make good all damages.

.6.

If any Moor shall bring Citizens of the United States or their Effects to His Majesty, the Citizens shall immediately be set at Liberty and the Effects restored, and in like Manner, if any Moor not a Subject of these Dominions shall make Prize of any of the Citizens of America or their Effects and bring them into any of the Ports of His Majesty, they shall be immediately released, as they will then be considered as under His Majesty's Protection.

.7.

If any Vessel of either Party shall put into a Port of the other and have occasion for Provisions or other Supplies, they shall be furnished without any interruption or molestation.

.8.

If any Vessel of the United States shall meet with a Disaster at Sea and put into one of our Ports to repair, she shall be at Liberty to land and reload her cargo, without paying any Duty whatever.

.9.

If any Vessel of the United States shall be cast on Shore on any Part of our Coasts, she shall remain at the disposition of the Owners and no one shall attempt going near her without their Approbation, as she is then considered particularly under our Protection; and if any Vessel of the United States shall be forced to put into our Ports, by Stress of weather or otherwise, she shall not be compelled to land her Cargo, but shall remain in tranquillity untill the Commander shall think proper to proceed on his Voyage.

.10.<sup>4</sup>

If any Vessel of either of the Parties shall have an engagement with a Vessel belonging to any of the Christian Powers within gunshot of the Forts of the other, the Vessel so engaged shall be defended and protected as much as possible untill she is in safety; And if any American Vessel shall be cast on shore on the Coast of Wadnoon or any Coast thereabout, the People belonging to her shall be protected, and assisted untill by the help of God, they shall be sent to their Country.

## .11.

If we shall be at War with any Christian Power and any of our Vessels sail from the Ports of the United States, no Vessel belonging to the enemy shall follow untill twenty four hours after the Departure of our Vessels; and the same Regulation shall be observed towards the American Vessels sailing from our Ports.—be their enemies Moors or Christians.

## .12.

If any Ship of War belonging to the United States shall put into any of our Ports, she shall not be examined on any Pretence whatever, even though she should have fugitive Slaves on Board, nor shall the Governor or Commander of the Place compel them to be brought on Shore on any pretext, nor require any payment for them.

## .13.

If a Ship of War of either Party shall put into a Port of the other and salute, it shall be returned from the Fort, with an equal Number of Guns, not with more or less.

## .14.

The Commerce with the United States shall be on the same footing as is the Commerce with Spain or as that with the most favored Nation for the time being and their Citizens shall be respected and esteemed and have full Liberty to pass and repass our Country and Sea Ports whenever they please without interruption.

## .15.

Merchants of both Countries shall employ only such interpreters, & such other Persons to assist them in their Business, as they shall think proper. No Commander of a Vessel shall transport his Cargo on board another Vessel, he shall not be detained in Port, longer than he may think proper, and all persons employed in loading or unloading Goods or in any other Labor whatever, shall be paid at the Customary rates, not more and not less.

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<sup>4</sup> See also additional article, p. 1284.

.16.

In case of a War between the Parties, the Prisoners are not to be made Slaves, but to be exchanged one for another, Captain for Captain, Officer for Officer and one private Man for another; and if there shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican Dollars for each Person wanting; And it is agreed that all Prisoners shall be exchanged in twelve Months from the Time of their being taken, and that this exchange may be effected by a Merchant or any other Person authorized by either of the Parties.

.17.

Merchants shall not be compelled to buy or Sell any kind of Goods but such as they shall think proper; and may buy and sell all sorts of Merchandise but such as are prohibited to the other Christian Nations.

.18.

All goods shall be weighed and examined before they are sent on board, and to avoid all detention of Vessels, no examination shall afterwards be made, unless it shall first be proved, that contraband Goods have been sent on board, in which Case the Persons who took the contraband Goods on board shall be punished according to the Usage and Custom of the Country and no other Person whatever shall be injured, nor shall the Ship or Cargo incur any Penalty or damage whatever.

.19.

No vessel shall be detained in Port on any pretence whatever, nor be obliged to take on board any Article without the consent of the Commander, who shall be at full Liberty to agree for the Freight of any Goods he takes on board.

.20.

If any of the Citizens of the United States, or any Persons under their Protection, shall have any disputes with each other, the Consul shall decide between the Parties and whenever the Consul shall require any Aid or Assistance from our Government to enforce his decisions it shall be immediately granted to him.

.21.

If a Citizen of the United States should kill or wound a Moor, or on the contrary if a Moor shall kill or wound a Citizen of the United States, the Law of the Country shall take place and equal Justice shall be rendered, the Consul assisting at the Tryal, and if any Delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

.22.

If an American Citizen shall die in our Country and no Will shall appear, the Consul shall take possession of his Effects, and if there shall be no Consul, the Effects shall be deposited in the hands of some Person worthy of Trust, untill the Party shall appear who has a Right to demand them, but if the Heir to the Person deceased be present, the Property shall be delivered to him without interruption; and if a Will shall appear, the Property shall descend agreeable to that Will, as soon as the Consul shall declare the Validity thereof.

.23.

The Consuls of the United States of America shall reside in any Sea Port of our Dominions that they shall think proper; And they shall be respected and enjoy all the Privileges which the Consuls of any other Nation enjoy, and if any of the Citizens of the United States shall contract any Debts or engagements, the Consul shall not be in any Manner accountable for them, unless he shall have given a Promise in writing for the payment or fulfilling thereof, without which promise in Writing no Application to him for any redress shall be made.

.24.

If any differences shall arise by either Party infringing on any of the Articles of this Treaty, Peace and Harmony shall remain notwithstanding in the fullest force, untill a friendly Application shall be made for an Arrangement, and untill that Application shall be rejected, no appeal shall be made to Arms. And if a War shall break out between the Parties, Nine Months shall be granted to all the Subjects of both Parties, to dispose of their Effects and retire with their Property. And it is further declared that whatever indulgences in Trade or otherwise shall be granted to any of the Christian Powers, the Citizens of the United States shall be equally entitled to them.

.25.

This Treaty shall continue in full Force, with the help of God for Fifty Years.

We have delivered this Book into the Hands of the before-mentioned Thomas Barclay on the first day of the blessed Month of Ramadan, in the Year One thousand two hundred.

I certify that the annex'd is a true Copy of the Translation made by Issac Cardoza Nuñez, Interpreter at Morocco, of the treaty between the Emperor of Morocco and the United States of America.

THO<sup>s</sup> BARCLAY

## ADDITIONAL ARTICLE

[TRANSLATION]

Grace to the only God

I the underwritten the Servant of God, Taher Ben Abdelhack Fennish do certify that His Imperial Majesty my Master /whom God preserve/ having concluded a Treaty of Peace and Commerce with the United States of America has ordered me the better to compleat it and in addition of the tenth Article of the Treaty to declare "That, if any Vessel belonging to the United States shall be in any of the Ports of His Majesty's Dominions, or within Gunshot of his Forts, she shall be protected as much as possible and no Vessel whatever belonging either to Moorish or Christian Powers with whom the United States may be at War, shall be permitted to follow or engage her, as we now deem the Citizens of America our good Friends."

And in obedience to His Majesty's Commands I certify this Declaration by putting my hand and Seal to it, on the Eighteenth day of Ramadan in the Year One thousand two hundred.

(Signed)

The Servant of the King my Master whom God preserve

TAHER BEN ABDELHACK FENNISH

I Do Certify that the above is a True Copy of the Translation Made at Morocco by Isaac Cardoza Nunes, Interpreter, of a Declaration Made and Signed by Sidi Hage Tahar Fennish in addition to the Treaty between the Emperor of Morocco and the United States of America which Declaration the said Tahar Fennish Made by the Express Directions of His Majesty.

THO<sup>s</sup> BARCLAY

Note, The Ramadan of the Year of the Hegira 1200 Commenced on the 28th June in the Year of our Lord 1786.

Now know Ye that We the said John Adams & Thomas Jefferson Ministers Plenipotentiary aforesaid do approve & conclude the said Treaty and every Article and Clause therein contained, reserving the same nevertheless to the United States in Congress assembled for their final Ratification.

In testimony whereof we have signed the same with our Names and Seals, at the places of our respective residence and at the dates expressed under our signatures respectively.

JOHN ADAMS [SEAL]

LONDON *January 25. 1787.*

TH: JEFFERSON [SEAL]

PARIS *January 1. 1787.*

## SHIP-SIGNALS AGREEMENT

The following Signals are agreed upon between Commodore Rais Farache, on the Part of His Majesty the Emperor of Morocco, and the Honorable Thomas Barclay Esquire Agent for the United States of America on their Part, to the End that the Vessels of both Parties may be known to each other at Sea.

For Vessels of two or of three Masts,

In the Day, a blue Pendant is to be hoisted on the End of the Main Yard, and in the Night a Lantern is to be hoisted on the same Place.

For Vessels of one Mast only,

In the Day, a blue Pendant is to be hoisted at the Mast-Head, and in the Night a Lantern is to be hoisted on the Ensign Staff.

Done at Morocco the Ninth day of the Month of Ramadan in the Year One thousand two hundred.

THO<sup>s</sup> BARCLAY

From the Great in Position, the High in God

By authorization: Rais Faraj

## PEACE AND FRIENDSHIP

*Treaty sealed by the Emperor of Morocco at Meccanez September 16, 1836, and signed for the United States October 1, 1836*

*Senate advice and consent to ratification January 17, 1837*

*Ratified by the President of the United States January 28, 1837*

*Entered into force January 28, 1837*

*Proclaimed by the President of the United States January 30, 1837*

*Termination in part: extraterritorial jurisdiction in Morocco relinquished by the United States October 6, 1956*

8 Stat. 484; Treaty Series 244-2<sup>1</sup>

### [TRANSLATION]

In the name of God, the merciful and Clement!

(Abd Errahman Ibenu Kesham whom God exalt!)

Praise be to God!

This is the copy of the Treaty of peace which we have made with the Americans; and written in this book; affixing thereto our blessed Seal, that, with the help of God, it may remain firm for ever.

Written at Meccanez, the City of Olives, on the 3<sup>d</sup> day of the month Jumad el lahhar, in the year of the Hegira 1252. (corresponding to Sept. 16. A.D. 1836.)

ART. 1. We declare that both Parties have agreed that this Treaty, consisting of Twenty five Articles, shall be inserted in this Book, and delivered to James R. Leib, Agent of the United States, and now their Resident Consul at Tangier, with whose approbation it has been made, and who is duly authorized on their part, to treat with us, concerning all the matters contained therein.

ART. 2. If either of the parties shall be at war with any nation whatever, the other shall not take a commission from the enemy, nor fight under their colors.

ART. 3. If either of the parties shall be at war with any nation whatever, and take a prize belonging to that nation, and there shall be found on board subjects or effects belonging to either of the parties, the subjects shall be set at liberty, and the effects returned to the owners. And if any goods, belong-

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<sup>1</sup> For a detailed study of this treaty, see 4 Miller 33.

ing to any nation, with whom either of the parties shall be at war, shall be loaded on vessels belonging to the other party, they shall pass free and unmolested, without any attempt being made to take or detain them.

ART. 4. A signal, or pass, shall be given to all vessels belonging to both parties, by which they are to be known when they meet at sea: and if the Commander of a ship of war of either party shall have other ships under his convoy, the declaration of the Commander shall alone be sufficient to exempt any of them from examination.

ART. 5. If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed, that if an examination is to be made, it shall be done by sending a boat with two or three men only: and if any gun shall be fired, and injury done, without reason, the offending party shall make good all damages.

ART. 6. If any Moor shall bring citizens of the United States, or their effects, to his Majesty, the citizens shall immediately be set at liberty, and the effects restored: and, in like manner, if any Moor, not a subject to these dominions, shall make prize of any of the citizens of America or their effects, and bring them into any of the ports of his Majesty, they shall be immediately released, as they will then be considered as under his Majesty's protection.

ART. 7. If any vessel of either party, shall put into a port of the other, and have occasion for provisions or other supplies, they shall be furnished without any interruption or molestation.

ART. 8. If any vessel of the United States, shall meet with a disaster at sea, and put into one of our ports to repair, she shall be at liberty to land and reload her cargo, without paying any duty whatever.

ART. 9. If any vessel of the United States, shall be cast on shore on any part of our coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her without their approbation, as she is then considered particularly under our protection; and if any vessel of the United States shall be forced to put into our ports by stress of weather, or otherwise, she shall not be compelled to land her cargo, but shall remain in tranquility until the commander shall think proper to proceed on his voyage.

ART. 10. If any vessel of either of the parties shall have an engagement with a vessel belonging to any of the Christian powers, within gun-shot of the forts of the other, the vessel so engaged, shall be defended and protected as much as possible, until she is in safety: and if any American vessel shall be cast on shore, on the coast of Wadnoon, or any coast thereabout, the people belonging to her, shall be protected and assisted, until by the help of God, they shall be sent to their country.

ART. 11. If we shall be at war with any Christian power, and any of our vessels sails from the ports of the United States, no vessel belonging to the enemy shall follow, until twenty-four hours after the departure of our

vessels: and the same regulation shall be observed towards the American vessels sailing from our ports, be their enemies Moors or Christians.

ART. 12. If any ship of war belonging to the United States, shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive slaves on board, nor shall the governor or commander of the place compel them to be brought on shore on any pretext, nor require any payment for them.

ART. 13. If a ship of war of either party shall put into a port of the other, and salute, it shall be returned from the fort with an equal number of guns, not more or less.

ART. 14. The commerce with the United States, shall be on the same footing as is the commerce with Spain, or as that with the most favored nation for the time being; and their citizens shall be respected and esteemed, and have full liberty to pass and repass our country and sea-ports whenever they please, without interruption.

ART. 15. Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business, as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel: he shall not be detained in port longer than he may think proper; and all persons employed in loading or unloading goods, or in any other labor whatever, shall be paid at the customary rates, not more and not less.

ART. 16. In case of a war between the parties, the prisoners are not to be made slaves, but to be exchanged one for another. Captain for Captain, Officer for Officer, and one private man for another; and if there shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars for each person wanting. And it is agreed, that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant, or any other person, authorized by either of the parties.

ART. 17. Merchants shall not be compelled to buy or sell any kind of goods but such as they shall think proper: and may buy and sell all sorts of merchandise but such as are prohibited to the other Christian nations.

ART. 18. All goods shall be weighed and examined before they are sent on board; and to avoid all detention of vessels, no examination shall afterwards be made, unless it shall first be proved that contraband goods have been sent on board; in which case, the persons who took the contraband goods on board, shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

ART. 19. No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any article without the consent of the Commander, who shall be at full liberty to agree for the freight of any goods he takes on board.

ART. 20. If any of the citizens of the United States, or any persons under their protection, shall have any dispute with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid, or assistance from our government, to enforce his decisions, it shall be immediately granted to him.

ART. 21. If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the Country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

ART. 22. If an American citizen shall die in our country, and no will shall appear, the Consul shall take possession of his effects; and if there shall be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; but if the heir to the person deceased be present, the property shall be delivered to him without interruption; and if a will shall appear the property shall descend agreeably to that will, as soon as the Consul shall declare the validity thereof.

ART. 23. The Consul of the United States of America, shall reside in any seaport of our dominions that they shall think proper: and they shall be respected, and enjoy all the privileges which the Consuls of any other Nation enjoy: and if any of the citizens of the United States shall contract any debts or engagements, the Consul shall not be in any manner accountable for them, unless he shall have given a promise in writing for the payment or fulfilling thereof; without which promise in writing, no application to him for any redress shall be made.

ART. 24. If any differences shall arise by either party infringing on any of the Articles of this treaty, peace and harmony shall remain notwithstanding, in the fullest force, until a friendly application shall be made for an arrangement; and until that application shall be rejected, no appeal shall be made to arms. And if a war shall break out between the parties, nine months shall be granted to all the subjects of both parties, to dispose of their effects and retire with their property. And it is further declared, that whatever indulgence, in trade or otherwise, shall be granted to any of the Christian powers, the citizens of the United States shall be equally entitled to them.

ART. 25. This Treaty shall continue in force, with the help of God, for fifty years; after the expiration of which term, the Treaty shall continue to be binding on both parties, until the one shall give twelve months notice to the other of an intention to abandon it; in which case, its operations shall cease at the end of the twelve months.

## CONSULATE OF THE UNITED STATES OF AMERICA

*For The Empire of Morocco*

TO ALL WHOM IT MAY CONCERN.  
BE IT KNOWN

Whereas the undersigned, James R. Leib, a Citizen of the United States of North America, and now their Resident Consul at Tangier, having been duly appointed Commissioner, by *letters patent*, under the signature of the President and Seal of the United States of North America, bearing date, at the City of Washington, the Fourth day of July A.D. 1835, for negotiating and concluding a Treaty of *peace and friendship* between the United States of North America and the Empire of Morocco; I, therefore, James R. Leib, Commissioner as aforesaid, do conclude the foregoing Treaty and every Article and clause therein contained; reserving the same, nevertheless, for the final ratification of the President of the United States of North America, by and with the advice and consent of the Senate.

In testimony whereof, I have hereunto affixed my signature, and the Seal of this Consulate, on the First day of October, in the year of our Lord One Thousand eight hundred and *Thirty six*, and of the Independence of the United States the *Sixty First*.

JAMES R. LEIB [SEAL]

# Muscat

## AMITY AND COMMERCE

*Treaty signed at Muscat September 21, 1833*

*Senate advice and consent to ratification June 30, 1834*

*Entered into force June 30, 1834*

*Ratified by the President of the United States January 3, 1835*

*Ratified by Muscat September 30, 1835*

*Ratifications exchanged at Muscat September 30, 1835*

*Proclaimed by the President of the United States June 24, 1837*

*Replaced June 11, 1960, by agreement of December 20, 1958*<sup>1</sup>

8 Stat. 458; Treaty Series 247<sup>2</sup>

### A TREATY OF AMITY AND COMMERCE, BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY SEYED SYEED BIN SULTAN OF MUSCAT AND HIS DEPENDENCIES

ARTICLE 1. There shall be a perpetual Peace between the United States of America and Seyed Syeed bin Sultan and his dependencies.

2. The Citizens of the United States shall have free liberty to enter all the Ports of His Majesty Seyed Syeed bin Sultan, with their Cargoes of whatever kind the said cargoes may consist, & they shall have the liberty to sell the same, to any of the subjects of the Sultan, or others who may wish to buy the same, or to barter the same for any produce or manufactures of the Kingdom, or other articles that may be found there—no price shall be fixed by the Sultan or his Officers on the articles to be sold by the Merchants of the United States, or the merchandize they may wish to purchase—but the trade shall be free on both sides, to sell, or buy, or exchange on the terms, & for the prices the owners may think fit—and whenever the said Citizens of the United States may think fit to depart they shall be at liberty so to do—and if any Officer of the Sultan shall contravene this Article, he shall be

<sup>1</sup> 11 UST 1835; TIAS 4530.

<sup>2</sup> For a detailed study of this treaty, see 3 Miller 789.

severely punished. It is understood & agreed however, that the articles of Muskets, Powder and Ball can only be sold to the Government in the Island of Zanzibar—but in all the other ports of the Sultan, the said munitions of war may be freely sold, without any restrictions whatever to the highest bidder.

3. Vessels of the United States entering any port within the Sultan's dominions, shall pay no more than Five per centum Duties on the Cargo landed; and this shall be in full consideration of all import & export duties, tonnage, license to trade, pilotage, anchorage, or any other charge whatever. Nor shall any charge be paid on that part of the cargo which may remain on board unsold, & reexported—nor shall any charge whatever be paid on any vessel of the United States which may enter any of the Ports of His Majesty for the purpose of re-fitting, or for refreshments, or to enquire the state of the market.

4. The American Citizen shall pay no other duties on export or import, tonnage, license to trade, or other charge whatsoever, than the nation the most favored shall pay.

5. If any vessel of the United States shall suffer Shipwreck on any part of the Sultans Dominions, the persons escaping from the wreck shall be taken care of and hospitably entertain'd at the expense of the Sultan, until they shall find an opportunity to be return'd to their country—for the Sultan can never receive any remuneration whatever for rendering succour to the distress'd—and the property saved from such wreck, shall be carefully preserv'd and delivered to the owner, or the Consul of the United States, or to any authorized Agent.

6. The Citizens of the United States resorting to the Ports of the Sultan for the purpose of trade, shall have leave to land, & reside in the said Ports, without paying any tax or imposition whatever for such liberty, other than the General Duties on Imports which the most favored nation shall pay.

7. If any citizens of the United States, or their vessels, or other property shall be taken by Pirates, and brought within the Dominions of the Sultan, the persons shall be set at liberty, and the property restored to the owner if he is present, or to the American Consul, or to any authorized agent.

8. Vessels belonging to the subjects of the Sultan which may resort to any port in the United States, shall pay no other or higher rate of Duties, or other charges, than the nation the most favored shall pay.

9. The President of the United States may appoint Consuls to reside in the Ports of the Sultan where the principal commerce shall be carried on; which Consuls shall be the exclusive judges of all disputes or suits wherein American Citizens shall be engaged with each other. They shall have power to receive the property of any American Citizen dying within the Kingdom, and to send the same to his heirs, first paying all his debts due to the subjects of the Sultan. The said Consuls shall not be arrested, nor shall their property be seized.

Nor shall any of their household be arrested, but their persons, and property, & their houses, shall be inviolate—Should any Consul however, commit any offence against the laws of the Kingdom, complaint shall be made to the President who will immediately displace him.

Concluded, Signed and Sealed, at the Royal Palace in the City of Muscat in the Kingdom of Aman the twenty first day of September in the year One thousand, Eight hundred, & Thirty three of the Christian Era, & the Fifty Seventh year of the Independence of the United States of America, corresponding to the Sixth day of the Moon called Iamada Alawel, in the year of the Allhajra (Hegira) Twelve hundred and Forty Nine.

EDMUND ROBERTS [SEAL]<sup>3</sup>

Whereas the undersigned Edmund Roberts a Citizen of the United States of America, and a resident of Portsmouth in the State of New Hampshire, being duly appointed a Special Agent by Letters Patent, under the Signature of the President and Seal of the United States of America, bearing date at the City of Washington the twenty sixth day of January, Anno Domini One thousand, eight hundred & thirty two, for negotiating & concluding a Treaty of Amity and Commerce between the United States of America, and His Majesty Seyed Syeed bin Sultan of Muscat. Now Know Ye, That I Edmund Roberts, Special Agent as aforesaid, do conclude the foregoing Treaty of Amity & Commerce, and every Article & Clause therein contain'd, reserving the same nevertheless, for the final ratification of the President of the United States of America, by and with the advice & consent of the Senate of the United States.

Done at the Royal Palace, in the City of Muscat, in the Kingdom of Aman, on the twenty first day of September in the year of our Lord One thousand, eight hundred & thirty three, and of the Independence of the United States of America, the Fifty Seventh, corresponding to the Sixth day of the Moon, called Iamada Alawel, in the Year of Allhajra (Hegira) one thousand two hundred and Forty nine.

EDMUND ROBERTS

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<sup>3</sup> The Arabic text was signed by the Ruler of Muscat.



# INDEX

	<i>Page</i>		<i>Page</i>
Agricultural Commission: Mexico, Jan. 6 and 27, 1944.....	1162	Arbitration—Continued	
Agricultural investigations. <i>See</i> Plan- tation rubber investigations.		Japan	
Agricultural workers. <i>See</i> Migratory workers.		May 5, 1908.....	406
Air Force mission: Mexico, July 5, 1949.....	1252	June 28, 1913, and May 9, 1914.....	423
Air navigation		Aug. 23, 1918.....	428
Ireland: Sept. 29 and Nov. 4, 1937.....	36	Aug. 23, 1923.....	439
Italy: Oct. 13 and 14, 1931.....	167	Latvia: Jan. 14, 1930.....	546
Liberia: June 14, 1939.....	615	Liberia: Feb. 10, 1926.....	585
Air service facilities: Italy, June 9, 1947.....	200	Lithuania: Nov. 14, 1928.....	671
Air transport services		Luxembourg: Apr. 6, 1929.....	701
Ireland		Mexico ( <i>see also</i> Chamizal arbi- tration)	
Feb. 3, 1945.....	43	Feb. 2, 1848 (Treaty of Guada- lupe Hidalgo).....	803
June 2 and 3, 1947.....	49	Mar. 24, 1908.....	927
Italy: Feb. 6, 1948.....	289	Arbitration awards. <i>See</i> Claims.	
Korea: June 24 and 29, 1949....	510	<i>Awa Maru</i> claim, settlement: Japan, Apr. 14, 1949.....	467
Lebanon: Aug. 11, 1946.....	565		
Aircraft, military, transit of: Mex- ico, Apr. 1, 1941.....	1049	Boundaries, Mexico ( <i>see also</i> Bound- ary line west of Rio Grande, Boundary waters, Chamizal arbitration, <i>and</i> Rio Grande)	
Airlines, landing rights: Italy		Jan. 12, 1828, and Apr. 5, 1831... ..	760
Mar. 1–July 16, 1945.....	186	Apr. 3, 1835.....	781
Sept. 4 and Oct. 1, 1946.....	198	Feb. 2, 1848 (Treaty of Guada- lupe Hidalgo).....	791
July 25, 1947.....	213	Dec. 30, 1853 (Gadsden Treaty). ..	812
Airplanes, stolen or embezzled, re- covery of: Mexico, Oct. 6, 1936.....	1020	Apr. 13, 1937.....	1023
Alcoholic beverages, smuggling. <i>See</i> Smuggling, suppression of.		Boundary line, right to pursue In- dians across. <i>See</i> Right to pursue Indians across boundary line.	
Amity. <i>See</i> Commercial relations <i>and</i> Peace and friendship.		Boundary line west of Rio Granda, Mexico	
Animal diseases. <i>See</i> Livestock dis- eases, Mexico.		July 29, 1882.....	850
Animals (game mammals), protec- tion: Mexico, Feb. 7, 1936....	1017	Dec. 5, 1885.....	870
Anthropological research, Mexico		Feb. 18, 1889.....	874
Dec. 4, 1943, and Apr. 19, 1944. . .	1193	Aug. 24, 1894.....	885
June 21, 1949.....	1248	Boundary waters, Mexico	
Arbitration ( <i>see also</i> Conciliation)		Bancos in Rio Grande: Mar. 20 and Nov. 14, 1905.....	920
Italy		Rio Grande and Rio Colorado	
Mar. 28, 1908.....	116	Nov. 12, 1884.....	865
May 28, 1913.....	124	Mar. 1, 1889.....	877
Mar. 20, 1919.....	139	Oct. 1, 1895.....	887
Apr. 19, 1928.....	153	Nov. 6, 1896.....	892
		Oct. 29, 1897.....	896

	<i>Page</i>		<i>Page</i>
Boundary waters, Mexico—Continued		Claims—Continued	
Rio Grande and Rio Colorado—		Mexico—Continued	
Continued		July 4, 1868.....	826
Dec. 2, 1898.....	898	Dec. 14, 1876 (arbitration	
Dec. 22, 1899.....	908	award).....	844
Nov. 21, 1900.....	910	Mar. 2, 1897 (case of Charles	
Censorship of telegraphic correspond-		Oberlander and Barbara	
ence: Mexico, Oct. 20 and 27,		M. Messenger).....	894
1943.....	1155	May 22, 1902 (Pious Fund)...	912
Chamizal arbitration, Mexico		Sept. 8, 1923 (general claims)..	935
June 24, 1910.....	929	Sept. 10, 1923 (special claims).	941
Dec. 5, 1910.....	933	June 18, 1932 (general claims).	973
China, Japanese interests in		Apr. 24, 1934	
Commercial rights protection:		General claims.....	1008
Dec. 20 and 26, 1899.....	399	Special claims.....	1004
Industrial property protection:		Nov. 19, 1941 (settlement of	
May 19, 1908.....	411	claims).....	1059
Lansing-Ishii Agreement: Nov. 2,		Claims commissions, Mexico	
1917.....	425	General Claims Commission	
Lansing-Ishii Agreement, cancel-		Establishment: Sept. 8, 1923...	935
lation: Apr. 14, 1923.....	437	Extension	
Root-Takahira Agreement: Nov.		Aug. 16, 1927.....	957
30, 1908.....	414	Sept. 2, 1929.....	965
China, protection of trademarks in:		June 18, 1932.....	970
Italy, Dec. 18, 1905.....	113	Joint Commission (mixed claims)	
Chosen. <i>See</i> Korea.		Duration	
Civil affairs		Apr. 19, 1871.....	834
Italy: Sept. 3, 1947.....	248	Nov. 27, 1872.....	836
Luxembourg: July 27, 1944.....	714	Nov. 20, 1874.....	838
Claims		Apr. 29, 1876.....	841
Ireland: June 28, 1948 (settle-		Establishment: July 4, 1868...	826
ment of claims).....	61	Special Claims Commission	
Italy		Establishment: Sept. 10, 1923..	941
Aug. 14, 1947.....	215	Extension: Aug. 17, 1929...	963
Feb. 14, 1948 (Italian prisoners		Colorado River (Rio Colorado)	
of war).....	299	Boundary waters. <i>See under</i>	
June 28, 1948.....	315	Boundary waters, Mexico.	
Jan. 14, 1949 (Italian prisoners		Utilization of waters: Mexico,	
of war and related claims)..	338	Feb. 3 and Nov. 14, 1944...	1166
Feb. 24, 1949.....	342	Commercial relations ( <i>see also</i> Peace	
Japan		and friendship)	
Reimbursement of shipwreck		Iraq: Dec. 3, 1938.....	7
expenses: May 17, 1880..	381	Ireland: June 28, 1948 (most-	
Settlement of <i>Awa Maru</i> claim:		favored-nation treatment for	
Apr. 14, 1949.....	467	areas under occupation or	
Korea: June 13, 1949 (electric		control).....	51
power).....	509	Italy	
Luxembourg		Feb. 26, 1871.....	82
Sept. 12, 1946 (waiver of war		Feb. 8, 1900.....	106
claims).....	721	Mar. 2, 1909.....	118
July 3, 1948 (settlement of		Feb. 25, 1913.....	120
claims).....	730	Dec. 16, 1937.....	179
Mexico ( <i>see also</i> Claims commis-		Dec. 6, 1945.....	190
sions, Mexico)		Feb. 2, 1948.....	261
Apr. 11, 1839.....	783	June 28, 1948 (most-favored-	
Jan. 30, 1843.....	788	nation treatment for areas	
Feb. 2, 1848.....	800	under occupation or	
		control).....	320

	<i>Page</i>		<i>Page</i>
Commercial relations—Continued		Conciliation—Continued	
Japan		Lithuania: Nov. 14, 1928.....	673
June 23, 1854 (Port of Shimoda).....	357	Luxembourg: Apr. 6, 1929.....	704
June 17, 1857 (rights of Americans in Japan)....	359	Consular rights	
July 29, 1858.....	362	Italy	
Mar. 19, 1859.....	373	Feb. 8, 1868.....	70
Jan. 28, 1864 (reduction of import duties).....	375	Jan. 21, 1869.....	80
July 25, 1878 (revision of commercial treaties)....	377	May 8, 1878.....	91
Nov. 22, 1894.....	387	Feb. 24, 1881.....	98
Dec. 20 and 26, 1899 (protection of commercial rights in China).....	399	Latvia: Apr. 20, 1928.....	531
Feb. 21, 1911.....	416	Liberia	
Korea: May 22, 1882.....	470	Oct. 7, 1938.....	607
Lagos: July 31, 1854.....	513	May 2 and July 22, 1949.....	643
Latvia		Lithuania: July 28—Oct. 4, 1934..	685
Friendship, commerce and consular rights: Apr. 20, 1928.	531	Mexico: Aug. 12 and Dec. 11 and 12, 1942.....	1076
Most-favored-nation treatment in customs matters: Feb. 1, 1926.....	528	Copyright	
Liberia		Italy	
Oct. 21, 1862.....	580	Oct. 28, 1892.....	104
Aug. 8, 1938.....	595	Feb. 12 and Mar. 4 and 11, 1915.....	129
Lithuania: Dec. 23, 1925 (most-favored-nation treatment in customs matters).....	668	Japan. <i>See</i> Industrial property protection, Japan.	
Loochoo (Ryukyu): July 11, 1854.....	692	Cultural and educational program, financing: Luxembourg, Oct. 8, 1948.....	739
Luxembourg: July 3, 1948 (most-favored-nation treatment for areas under occupation or control).....	736	Cultural Cooperation Commission: Mexico, Dec. 28, 1948, and Aug. 30, 1949.....	1264
Madagascar		Cultural research, Mexico. <i>See</i> Anthropological research, Mexico.	
Feb. 14, 1867.....	742	Debt funding	
May 13, 1881.....	746	Italy	
Mexico		Nov. 14, 1925.....	145
Apr. 5, Sept. 17, and Dec. 17, 1831.....	764	June 3, 1932.....	176
Feb. 2, 1848 (Treaty of Guadalupe Hidalgo).....	801	Latvia	
Jan. 20, 1883.....	855	Sept. 24, 1925.....	521
Feb. 25, 1885.....	868	June 11, 1932.....	551
May 14, 1886.....	872	Lithuania	
Dec. 23, 1942 (reciprocal trade).....	1109	Sept. 22, 1924.....	661
Muscat: Sept. 21, 1833.....	1291	June 9, 1932.....	681
Conciliation ( <i>see also</i> Arbitration)		Defense areas: Liberia, Mar. 31, 1942.....	626
Italy (advancement of peace)		Diseases, contagious or infectious ( <i>see also</i> Livestock diseases), exchange of information: Mexico, Dec. 23, 1925.....	950
May 5, 1914.....	126	Double taxation. <i>See</i> Taxation, double.	
Sept. 18, 1915.....	132	Drugs. <i>See</i> Narcotic drugs.	
Sept. 23, 1931.....	164	Economic cooperation	
Latvia: Jan. 14, 1930.....	548	Ireland: June 28, 1948.....	53
Liberia: Aug. 21, 1939.....	618	Italy ( <i>see also</i> Financial and economic relations, Italy)	
		June 28, 1948.....	306
		Sept. 28 and Oct. 2, 1948.....	326

	<i>Page</i>		<i>Page</i>
Economic cooperation—Continued		Far East policy (Root-Takahira Agreement): Japan, Nov. 30, 1908.....	414
Italy—Continued		Financial and economic relations, Italy ( <i>see also</i> Debt funding and Economic cooperation under Italy)	
Apr. 29, 1949.....	345	Aug. 14, 1947.....	215
June 9 and 17, 1949		Feb. 24, 1949.....	342
Convertibility of lire.....	347	Financial and property settlement. <i>See</i> Property settlement.	
Lire acquired by U.S. Government.....	349	Fisheries, Mexico ( <i>see also</i> Tuna commission)	
Korea: Dec. 10, 1948.....	492	Dec. 23, 1925 (International Fisheries Commission).....	951
Luxembourg		Apr. 17—Oct. 24, 1942.....	1090
July 3, 1948.....	722	Sept. 7 and Oct. 18, 1944 (fisheries mission).....	1197
Nov. 17 and Dec. 22, 1948....	740	Foot-and-mouth disease eradication, Mexico	
Educational programs, financing of Italy: Dec. 18, 1948 (educational exchange).....	333	Mar. 16, 1928.....	959
Luxembourg: Oct. 8, 1948 (educational and cultural program).....	739	Mar. 17, 1947.....	1228
Emigration of Mexican workers. <i>See</i> Migratory workers, Mexico.		Foreign service personnel, privileges. <i>See</i> Consular rights.	
Estate taxes. <i>See under</i> Taxation, double.		Friendly relations. <i>See</i> Commercial relations and Peace and friendship.	
Expropriated properties and lands, Mexico. <i>See under</i> Property settlement.		Gadsden Treaty (boundaries): Mexico, Dec. 30, 1853.....	812
Extradition		General Claims Commission, Mexico. <i>See under</i> Claims commissions, Mexico.	
Iraq: June 7, 1934.....	1	Graves, war. <i>See</i> War graves, Italy:	
Italy		Guadalupe Hidalgo, Treaty of (peace, friendship, limits, and settlement): Mexico, Feb. 2, 1848.....	791
Mar. 23, 1868.....	76	Health and sanitation program, Mexico	
Jan. 21, 1869.....	81	June 30 and July 1, 1943.....	1147
June 11, 1884.....	102	Dec. 8, 1943.....	1158
Apr. 16 and 17, 1946.....	192	Feb. 10 and 14, 1949.....	1243
Japan		Oct. 7 and 14, 1949.....	1268
Apr. 29, 1886.....	383	Hostilities, suspension of: Mexico, Feb. 29, 1848.....	807
May 17, 1906.....	404	Indians, right to pursuit of. <i>See</i> Right to pursue Indians across boundary line.	
Latvia		Indians of Mexico, study of. <i>See</i> Anthropological research, Mexico.	
Oct. 16, 1923.....	515	Industrial property protection, Japan	
Oct. 10, 1934.....	554	Jan. 13, 1897 (patents, trademarks, and designs).....	397
Liberia: Nov. 1, 1937.....	589	Nov. 10, 1905 (copyright).....	402
Liechtenstein: May 20, 1936....	648		
Lithuania			
Apr. 9, 1924.....	655		
May 17, 1934.....	683		
Luxembourg			
Oct. 29, 1883.....	694		
Apr. 24, 1935.....	707		
Mexico			
Dec. 11, 1861.....	817		
Feb. 22, 1899.....	900		
June 25, 1902.....	918		
Dec. 23, 1925.....	955		
Aug. 16, 1939.....	1045		
Monaco: Feb. 15, 1939.....	1272		
Extraterritorial rights in Libya, relinquishment: Italy, Oct. 30, 1912, and Feb. 28, 1913.....	122		

	<i>Page</i>		<i>Page</i>
Industrial property protection, Japan—Continued		Italy—Continued	
May 19, 1908		Claims	
Property in China.....	411	Aug. 14, 1947.....	215
Property in Korea.....	408	Feb. 14, 1948 (Italian prisoners of war).....	299
Iraq		June 28, 1948.....	315
Commerce and navigation:		Jan. 14, 1949 (Italian prisoner of war and related claims). . .	338
Dec. 3, 1938.....	7	Feb. 24, 1949.....	342
Exchange of publications:		Commercial relations	
Feb. 16, 1944.....	14	Feb. 26, 1871 (commerce and navigation).....	82
Extradition: June 7, 1934.....	1	Feb. 8, 1900.....	106
Lend-lease: July 31, 1945.....	22	Mar. 2, 1909.....	118
Reduction of visa fees for nonim- migrants: Feb. 27, 1939....	12	Feb. 25, 1913 (commerce and navigation).....	120
Ireland		Dec. 16, 1937.....	179
Air navigation:		Dec. 6, 1945.....	190
Sept. 29 and Nov. 4, 1937....	36	Feb. 2, 1948 (friendship, com- merce, and navigation)... .	261
Air transport services		June 28, 1948 (most-favored- nation treatment for areas under occupation or control).....	320
Feb. 3, 1945.....	43	Conciliation	
June 2 and 3, 1947.....	49	May 5, 1914.....	126
Claims settlement: June 28, 1948.....	61	Sept. 18, 1915.....	132
Economic cooperation:		Sept. 23, 1931.....	164
June 28, 1948.....	53	Consular rights	
Load-line certificates, recogni- tion: Sept. 21 and Nov. 18, 1931.....	28	Feb. 8, 1868.....	70
Most-favored-nation treatment for areas under occupation or control: June 28, 1948....	51	Jan. 21, 1869.....	80
Taxation, double		May 8, 1878.....	91
Estate taxes: Sept. 13, 1949... .	69	Feb. 24, 1881.....	98
Shipping profits: Aug. 24, 1933, and Jan. 9, 1934.....	31	Copyright	
Taxes on income: Sept. 13, 1949, and Dec. 20, 1951... .	69	Oct. 28, 1892.....	104
Visa fees for nonimmigrants, re- duction: Mar. 23, 1937....	33	Feb. 12 and Mar. 4 and 11, 1915.....	129
Visas and visa fees: Aug. 1, 1949.....	66	Debt funding	
Italy		Nov. 14, 1925.....	145
Air navigation: Oct. 13 and 14, 1931.....	167	June 3, 1932.....	176
Air service facilities: June 9, 1947.....	200	Economic cooperation	
Air transport services: Feb. 6, 1948.....	289	June 28, 1948.....	306
Airlines, landing rights		Sept. 28 and Oct. 2, 1948....	326
Mar. 1—July 16, 1945.....	186	Apr. 29, 1949.....	345
Sept. 4 and Oct. 1, 1946....	198	June 9 and 17, 1949	
July 25, 1947.....	213	Convertibility of lire.....	347
Arbitration		Lire acquired by U.S. Gov- ernment.....	349
Mar. 28, 1908.....	116	Educational exchange program, financing: Dec. 18, 1948....	333
May 28, 1913.....	124	Extradition	
Mar. 20, 1919.....	139	Mar. 23, 1868.....	76
Apr. 19, 1928.....	153	Jan. 21, 1869.....	81
		June 11, 1884.....	102
		Apr. 16 and 17, 1946.....	192
		Extraterritorial rights in Libya, relinquishment: Oct. 30, 1912, and Feb. 28, 1913....	122

	<i>Page</i>		<i>Page</i>
Italy—Continued		Japan—Continued	
Financial and economic relations (see also Claims and Economic cooperation, <i>supra</i> )		<i>Awa Maru</i> claim, settlement:	
Aug. 14, 1947.....	215	Apr. 14, 1949.....	467
Feb. 24, 1949.....	342	Commercial relations	
Inspection certificates for passen- ger vessels, recognition:		Amity and commerce	
June 1 and Aug. 5 and 17, 1931.....	161	July 29, 1858.....	362
Load-line certificates, recogni- tion: Sept. 8, 1931, and June 1, 1932.....	174	Mar. 19, 1859.....	373
Military and civil affairs: Sept. 3, 1947.....	248	Commerce and navigation	
Military service: Aug. 24, 1918..	136	Nov. 22, 1894.....	387
Narcotic drugs: Jan. 5 and Apr. 27, 1928.....	156	Feb. 21, 1911.....	416
Peace commission. See Concilia- tion, <i>supra</i> .		Reduction of import duties:	
Radio communications: Mar. 27, 1918.....	134	Jan. 28, 1864.....	375
Relief assistance		Commercial rights in China, pro- tection: Dec. 20 and 26, 1899.	399
July 4, 1947.....	204	Commercial treaties, revision:	
Jan. 3, 1948.....	255	July 25, 1878.....	377
Nov. 26, 1948.....	328, 331	Copyright: Nov. 10, 1905.....	402
Smuggling, suppression of:		Extradition	
June 3, 1924.....	141	Apr. 29, 1886.....	383
Taxation, double (shipping prof- its): Mar. 10 and May 5, 1926.....	151	May 17, 1906.....	404
Telegraph service: Apr. 24, 1945.....	184	Industrial property in China, protection: May 19, 1908...	411
Trademarks: June 1, 1882.....	101	Industrial property in Korea, pro- tection: May 19, 1908.....	408
Trademarks in China, protec- tion: Dec. 18, 1905.....	113	Leaseholds, perpetual: Mar. 25, 1937.....	464
Trademarks in Morocco, protec- tion: June 13, 1903, and Mar. 12, 1904.....	110	Load-line certificates, recogni- tion: Feb. 13—Sept. 7, 1931..	459
Visa fees for nonimmigrants, waiver: Feb. 11, 21, and 26, 1929.....	158	Mutual interests in China	
Visas, nonimmigrant: Sept. 28 and 29, 1948.....	323	Nov. 2, 1917 (Lansing-Ishii Agreement).....	425
War graves		Apr. 14, 1923 (cancellation of Lansing-Ishii Agreement).	437
Sept. 13 and 24, 1946.....	194	Narcotic drugs	
Aug. 14, 1947.....	221	Feb. 16 and July 6, 1928.....	452
Dec. 18, 1947, and Jan. 21, 1948.....	258	Apr. 23 and Sept. 6, 1929.....	455
Mar. 24 and Apr. 19, 1948....	304	Patents, trademarks, and designs:	
Japan		Jan. 13, 1897.....	397
Arbitration		Peace and amity (see also Com- mercial relations, <i>supra</i> )	
May 5, 1908.....	406	Mar. 31, 1854.....	351
June 28, 1913, and May 9, 1914.....	423	June 17, 1854.....	355
Aug. 23, 1918.....	428	Policy in the Far East (Root- Takahira Agreement): Nov. 30, 1908.....	414
Aug. 23, 1923.....	439	Port of Shimoda: June 23, 1854..	357
		Rights in former German islands in Pacific Ocean: Feb. 11, 1922.....	430
		Rights of American citizens in Japan: June 17, 1857.....	359
		Shipwreck expenses, reimburse- ment: May 17, 1880.....	381
		Smuggling of intoxicating liquors:	
		May 31, 1928.....	446

<i>Page</i>	<i>Page</i>
Japan—Continued	
Taxation, double (shipping profits): Mar. 31 and June 8, 1926.....	442
Visa fees for nonimmigrants: July 6 and 7, 1926.....	444
Korea ( <i>for agreements applicable to Korea during period of Japanese annexation, see also Japan</i> )	
Air transport services: June 24 and 29, 1949.....	510
Claims (electric power): June 13, 1949.....	509
Coastal vessels, transfer: May 18, 1949.....	507
Economic cooperation: Dec. 10, 1948.....	492
Financial and property settlement: Sept. 11, 1948.....	481
Industrial property in, protection: Japan, May 19, 1908.....	408
Military and security measures: Aug. 24, 1948.....	477
Parcel post: Feb. 17 and Apr. 13, 1949.....	500
Peace, amity, commerce, and navigation: May 22, 1882.....	470
Lagos: July 31, 1854 (commerce)..	513
Lansing-Ishii Agreement (mutual interests in China)	
Nov. 2, 1917.....	425
Apr. 14, 1923 (cancellation)....	437
Latvia	
Arbitration: Jan. 14, 1930.....	546
Commercial relations	
Friendship, commerce, and consular rights: Apr. 20, 1928.....	531
Most-favored-nation treatment in customs matters: Feb. 1, 1926.....	528
Conciliation: Jan. 14, 1930.....	548
Debt funding	
Sept. 24, 1925.....	521
June 11, 1932.....	551
Extradition	
Oct. 16, 1923.....	515
Oct. 10, 1934.....	554
Waiver of visa fees for nonimmigrants: Feb. 18 and Mar. 27, 1935.....	556
League of Nations: Jan. 22 and 23, 1934 (registration of treaties)...	558
Leaseholds, perpetual: Japan, Mar. 25, 1937.....	464
Lebanon	
Air transport services: Aug. 11, 1946.....	565
Money orders: Jan. 21 and Oct. 8, 1946, and Mar. 15, 1947....	571
Rights of American nationals: Sept. 7 and 8, 1944.....	562
Lend-lease	
Iraq: July 31, 1945.....	22
Liberia: June 8, 1943.....	630
Mexico	
Mar. 27, 1942.....	1063
Mar. 18, 1943.....	1121
Lend-lease settlement: Luxembourg, Aug. 29, 1946.....	718
Liberia	
Air navigation: June 14, 1939....	615
Arbitration: Feb. 10, 1926.....	585
Commercial relations	
Oct. 21, 1862.....	580
Aug. 8, 1938.....	595
Conciliation: Aug. 21, 1939.....	618
Defense areas: Mar. 31, 1942....	626
Duties, rights, prerogatives and immunities of consular officers: Oct. 7, 1938.....	607
Extradition: Nov. 1, 1937.....	589
Foreign service personnel, free importation privileges: May 2 and July 22, 1949....	643
Lend-lease: June 8, 1943.....	630
Permanent free port area in Liberia: July 24 and 26, 1948.....	643
Port and port works, construction	
Dec. 31, 1943.....	635
Feb. 23 and 29, 1944.....	639
Publications exchange: Jan. 15, 1942.....	621
Visas	
Period of validity of temporary visitors visas: Oct. 27 and 28, 1947.....	641
Waiver of visas and visa fees for nonimmigrants: Aug. 31, 1925.....	584
Libya, relinquishment of extraterritorial rights in: Italy, Oct. 30, 1912, and Feb. 28, 1913.....	122
Liechtenstein	
Extradition: May 20, 1936.....	648
Nonimmigrant visa requirements: Oct. 22 and 31 and Nov. 4 and 13, 1947.....	654
Waiver of visas and visa fees for nonimmigrants: Apr. 22, June 18, and June 30, 1926....	644

	Page		Page
Lithuania		Luxembourg—Continued	
Arbitration: Nov. 14, 1928.....	671	Trademarks: Dec. 23 and 27, 1904.....	699
Conciliation: Nov. 14, 1928.....	673	Visas and visa fees for nonimmigrants, waiver of: Apr. 25 and May 22 and 26, 1936... ..	710
Customs matters, most-favored-nation treatment: Dec. 23, 1925.....	668	Waiver of certain war claims: Sept. 12, 1946.....	721
Customs privileges for consular officers: July 28-Oct. 4, 1934.....	685	Madagascar	
Debt funding		Commerce: Feb. 14, 1867.....	742
Sept. 22, 1924.....	661	Peace, friendship, and commerce: May 13, 1881.....	746
June 9, 1932.....	681	Meteorological stations. <i>See</i> Weather stations.	
Extradition		Mexico	
April 9, 1924.....	655	Agricultural Commission: Jan. 6 and 27, 1944.....	1162
May 17, 1934.....	683	Air Force mission: July 5, 1949... ..	1252
Naturalized persons and persons born with double nationality, liability for military service: Oct. 18, 1937.....	690	Aircraft, military, transit of: Apr. 1, 1941.....	1049
Trademarks: Sept. 14 and Oct. 11, 1929.....	675	Anthropological research Dec. 4, 1943, and Apr. 19, 1944.....	1193
Visa fees for nonimmigrants		June 21, 1949.....	1248
Reduction: Mar. 11-Apr. 20, 1932.....	677	Arbitration: Mar. 24, 1908.....	927
Waiver: Apr. 17, 1937.....	688	Arbitration, Chamizal. <i>See</i> Chamizal arbitration, <i>infra</i> .	
Livestock diseases, Mexico		Arbitration of claims. <i>See</i> Claims, <i>infra</i> :	
Eradication of foot-and-mouth disease: Mar. 17, 1947.....	1228	Boundaries ( <i>see also other boundary     headings and see Chamizal arbi-     tration, infra</i> )	
Prevention: Mar. 16, 1928.....	959	Jan. 12, 1828, and Apr. 5, 1831	760
Load-line certificates, recognition		Apr. 3, 1835.....	781
Ireland: Sept. 21 and Nov. 18, 1931.....	28	Feb. 2, 1848.....	791
Italy: Sept. 8, 1931, and June 1, 1932.....	174	Dec. 30, 1853.....	812
Japan: Feb. 13-Sept. 7, 1931... ..	459	Apr. 13, 1937.....	1023
Lochoo (Ryukyu): July 11, 1854 (commerce and navigation)... ..	692	Boundary line, right to pursue Indians across. <i>See</i> Right to pursue Indians across bound- ary line, <i>infra</i> .	
Luxembourg		Boundary line west of the Rio Grande	
Arbitration: Apr. 6, 1929.....	701	July 29, 1882.....	850
Civil affairs (administration and jurisdiction): July 27, 1944..	714	Dec. 5, 1885.....	870
Claims settlement: July 3, 1948..	730	Feb. 18, 1889.....	874
Conciliation: Apr. 6, 1929.....	704	Aug. 24, 1894.....	885
Economic cooperation		Boundary waters ( <i>see also</i> Rio Grande, <i>infra</i> )	
July 3, 1948.....	722	Bancos in Rio Grande: Mar. 20 and Nov. 14, 1905.....	920
Nov. 17 and Dec. 22, 1948... ..	740	Rio Grande and Rio Colorado	
Extradition		Nov. 12, 1884.....	865
Oct. 29, 1883.....	694	Mar. 1, 1889.....	877
Apr. 24, 1935.....	707	Oct. 1, 1895.....	887
Financing of educational and cul- tural program: Oct. 8, 1948..	739	Nov. 6, 1896.....	892
Lend-lease settlement: Aug. 29, 1946.....	718	Oct. 29, 1897.....	896
Most-favored-nation treatment for areas under occupation or control: July 3, 1948.....	736		

	<i>Page</i>		<i>Page</i>
Mexico—Continued		Mexico—Continued	
Boundary waters—Continued		Diseases, contagious or infectious	
Rio Grande and Rio Colorado—Continued		( <i>see also</i> Livestock diseases, <i>infra</i> ), exchange of information: Mexico, Dec. 23, 1925.....	950
Dec. 2, 1898.....	898	Exchange of journals and parliamentary documents: Sept. 9 and 24, 1937.....	1025
Dec. 22, 1899.....	908	Exchange of publications: June 3 and Aug. 29, 1938.....	1028
Nov. 21, 1900.....	910	Expropriated lands, compensation: Nov. 9, 1938-Apr. 18, 1939.....	1038
Chamizal arbitration		Expropriation of petroleum properties	
June 24, 1910.....	929	Nov. 19, 1941.....	1055
Dec. 5, 1910.....	933	Apr. 17, 1942, and Sept. 25, and 29, 1943 (payment).....	1150
Claims ( <i>see also</i> Claims commissions, <i>infra</i> )		Extradition	
Apr. 11, 1839.....	783	Dec. 11, 1861.....	817
Jan. 30, 1843.....	788	Feb. 22, 1899.....	900
Feb. 2, 1848.....	800	June 25, 1902.....	918
July 4, 1868.....	826	Dec. 23, 1925.....	955
Dec. 14, 1876 (arbitration award).....	844	Aug. 16, 1939.....	1045
Mar. 2, 1897 (case of Charles Oberlander and Barbara M. Messenger).....	894	Fisheries ( <i>see also</i> Tuna commission, <i>infra</i> ): Apr. 17-Oct. 24, 1942.....	1090
May 22, 1902 (Pious Fund).....	912	Fisheries Commission, International: Dec. 23, 1925.....	951
Sept. 8, 1923 (general claims).....	935	Fisheries mission: Sept. 7 and Oct. 18, 1944.....	1197
Sept. 10, 1923 (special claims).....	941	Gadsden Treaty (boundaries): Dec. 30, 1853.....	812
June 18, 1932 (general claims).....	973	Guadalupe Hidalgo, Treaty of (peace, friendship, limits, and settlement): Feb. 2, 1848.....	791
Apr. 24, 1934		Health and sanitation program	
General claims.....	1008	June 30 and July 1, 1943.....	1147
Special claims.....	1004	Dec. 8, 1943.....	1158
Nov. 19, 1941 (settlement of claims).....	1059	Feb. 10 and 14, 1949.....	1243
Claims commissions		Oct. 7 and 14, 1949.....	1268
Duration of Joint Commission		Hostilities, suspension of: Feb. 29, 1848.....	807
Apr. 19, 1871.....	834	Lend-lease	
Nov. 27, 1872.....	836	Mar. 27, 1942.....	1063
Nov. 20, 1874.....	838	Mar. 18, 1943.....	1121
Apr. 29, 1876.....	841	Livestock diseases	
Extension of General Claims Commission		Eradication of foot-and-mouth disease: Mar. 17, 1947.....	1228
Aug. 16, 1927.....	957	Prevention: Mar. 16, 1928.....	959
Sept. 2, 1929.....	965	Migration of persons ( <i>see also</i> Migratory workers, <i>infra</i> ):	
June 18, 1932.....	970	Dec. 23, 1925.....	951
Extension of Special Claims Commission: Aug. 17, 1929.....	963	Migratory birds and game mammals, protection: Feb. 7, 1936.....	1017
Commercial relations			
Apr. 5, Sept. 17, and Dec. 17, 1831.....	764		
Feb. 2, 1848 (Treaty of Guadalupe Hidalgo).....	801		
Jan. 20, 1883.....	855		
Feb. 25, 1885.....	868		
May 14, 1886.....	872		
Dec. 23, 1942 (reciprocal trade).....	1109		
Consular officers: Aug. 12 and Dec. 11 and 12, 1942.....	1076		
Cultural Cooperation Commission: Dec. 28, 1948, and Aug. 30, 1949.....	1264		

	<i>Page</i>		<i>Page</i>
Mexico—Continued		Mexico—Continued	
Migratory workers		Tuna commission	
Aug. 4, 1942.....	1069	Jan. 25, 1949.....	1242
Apr. 26, 1943.....	1129	Jan. 26 and 31, 1949.....	1242
Apr. 29, 1943.....	1136	Vessels, assistance to and salvage	
Nov. 15, 1946.....	1215	of: June 13, 1935.....	1015
Mar. 10, 1947.....	1219, 1224	Visa fees for nonimmigrants,	
Mar. 25 and Apr. 2, 1947.....	1229	waiver: Oct. 6 and 7, 1925..	946
Feb. 20 and 21, 1948.....	1232	Waters, boundary. <i>See</i> Boundary	
Aug. 1, 1949.....	1258	waters, <i>supra</i> .	
Aug. 19, 1949.....	1263	Waters of Colorado and Tijuana	
Oct. 13 and 14, 1949.....	1271	Rivers and of the Rio	
Military aircraft, transit: Apr. 1,		Grande, utilization ( <i>see also</i>	
1941.....	1049	Rio Grande, <i>supra</i> ): Feb. 3	
Military service: Jan. 22, 1943...	1118	and Nov. 14, 1944.....	1166
Narcotic drugs		Weather stations	
Dec. 23, 1925.....	949	Oct: 13 and 20 and Nov: 10,	
Aug. 5 and Oct. 2, 1930.....	967	1942.....	1099
Naturalization: July 10, 1868....	831	May 18 and June 14, 1943....	1143
Peace, friendship, limits, and set- tlement (Treaty of Guada- lupe Hidalgo): Feb. 2, 1848.	791	May 12–June 28, 1945.....	1206
Plantation rubber investigations		Nov. 6, 1945, and Apr. 12, 1946	
Apr. 11, 1941.....	1052	(Guadalupe Island).....	1211
July 14, 1942.....	1067	Mar. 29 and Aug. 15, 1949....	1259
Mar. 3–Apr. 3, 1943.....	1125	Migration of persons ( <i>see also</i> Migra- tory workers): Mexico, Dec. 23, 1925.....	951
Postal convention: Dec. 11, 1861.	821	Migratory birds and game mam- mals, protection: Mexico,	
Radiobroadcasting: Aug. 24 and 28, 1940.....	1047	Feb. 7, 1936.....	1017
Rehabilitation of certain Mexican national railways		Migratory workers, Mexico	
Nov. 18, 1942.....	1104	Aug. 4, 1942.....	1069
Sept. 21–Dec. 29, 1944, and Apr. 17, 1945.....	1200	Apr. 26, 1943.....	1129
Right to pursue Indians across boundary line		Apr. 29, 1943.....	1136
July 29, 1882.....	847	Nov. 15, 1946.....	1215
Sept. 21, 1882.....	854	Mar. 10, 1947.....	1219
June 25, 1890.....	881	Mar: 10, 1947 (supplementary agreement).....	1224
Nov. 25, 1892.....	884	Mar. 25 and Apr. 2, 1947.....	1229
June 4, 1896.....	889	Feb. 20 and 21, 1948.....	1232
Rio Grande		Aug. 1, 1949.....	1258
Distribution of waters: May 21, 1906.....	924	Aug. 19, 1949.....	1263
Rectification: Feb. 1, 1933....	976	Oct. 13 and 14, 1949.....	1271
Utilization of waters: Feb. 3, 1944.....	1166	Military aircraft, transit: Mexico, Apr. 1, 1941.....	1049
Smuggling, prevention of		Military and civil affairs: Italy, Sept. 3, 1947.....	248
Dec. 23, 1925.....	949	Military and security measures: Korea, Aug. 24, 1948.....	477
Aug. 5 and Oct. 2, 1930.....	967	Military cemeteries. <i>See</i> War graves.	
Stolen or embezzled motor vehi- cles, trailers, and airplanes, recovery: Oct. 6, 1936.....	1020	Military convention for suspension of hostilities: Mexico, Feb. 29, 1848.....	807
Telegraphic correspondence, cen- sorship: Oct. 20 and 27, 1943.....	1155	Military mission (Air Force): Mex- ico, July 5, 1949.....	1252
		Military service	
		Italy	
		Feb. 26, 1871.....	83
		Aug. 24, 1918.....	136

	<i>Page</i>		<i>Page</i>
Military service—Continued		Peaceful settlement of disputes. <i>See</i>	
Mexico: Jan. 22, 1943.....	1118	Arbitration.	
Monaco: Feb. 15, 1939 (extra-		Pious Fund (claims): Mexico,	
dition).....	1272	May 22, 1902.....	912
Money orders. <i>See</i> Postal arrange-		Plantation rubber investigations,	
ments.		Mexico	
Morocco		Apr. 11, 1941.....	1052
Peace and friendship		July 14, 1942.....	1067
June 23, July 6, and July 15,		Mar. 3–Apr. 3, 1943.....	1125
1786.....	1278	Port development, Liberia	
Sept. 16 and Oct. 1, 1836.....	1286	Construction of port and port	
Protection of trademarks in Mo-		works	
rocco: Italy, June 13, 1903,		Dec. 31, 1943.....	635
and Mar. 12, 1904.....	110	Feb. 23 and 29, 1944.....	639
Most-favored-nation treatment. <i>See</i>		Permanent free port area in Li-	
Commercial relations.		beria: July 24 and 26, 1948.	643
Motor vehicles, trailers, and air-		Port of Shimoda: Japan, June 23,	
planes, stolen or embezzled, re-		1854.....	357
covery: Oct. 6, 1936.....	1020	Postal arrangements	
Muscat: Sept. 21, 1833 (amity and		Korea: Feb. 17 and Apr. 13, 1949	
commerce).....	1291	(parcel post).....	500
Narcotic drugs		Lebanon: Jan. 21 and Oct. 8,	
Italy: Jan. 5 and Apr. 27,		1946, and Mar. 15, 1947	
1928.....	156	(money orders).....	571
Japan		Mexico: Dec. 11, 1861.....	821
Feb. 16 and July 6, 1928.....	452	Prisoner of war claims, settlement:	
Apr. 23 and Sept. 6, 1929.....	455	<i>See under</i> Claims, Italy.	
Mexico		Property (motor vehicles, trailers,	
Dec. 23, 1925.....	949	and airplanes), stolen or em-	
Aug. 5 and Oct. 2, 1930.....	967	bezzled, recovery of: Mexico,	
Nationality, liability for military		Oct. 6, 1936.....	1020
service of naturalized persons		Property settlement ( <i>see also</i> Claims)	
and persons born with double		Japan: Mar. 25, 1937 (perpetual	
nationality: Lithuania, Oct. 18,		leaseholds).....	464
1937.....	690	Korea: Sept. 11, 1948 (financial	
Naturalization: Mexico, July 10,		and property settlement)....	481
1868.....	831	Luxembourg: Aug. 29, 1946	
Navigation and commerce. <i>See</i> Com-		(lend-lease settlement).....	718
mercial relations.		Mexico	
Parcel post. <i>See</i> Postal arrangements.		Compensation for expropriated	
Patents, protection of, Japan. <i>See</i>		lands: Nov. 9, 1938–Apr.	
Industrial property protection,		18, 1939.....	1038
Japan.		Expropriation of petroleum	
Peace and friendship ( <i>see also</i> Com-		properties	
mercial relations)		Nov. 19, 1941.....	1055
Japan		Apr. 17, 1942, and Sept. 25	
Mar. 31, 1854.....	351	and 29, 1943.....	1150
June 17, 1954.....	355	Publications exchange	
Mexico: Feb. 2, 1848 (Treaty of		Iraq: Feb. 16, 1944.....	14
Guadalupe Hidalgo).....	791	Liberia: Jan. 15, 1942.....	621
Morocco		Mexico	
June 23, July 6, and July 15,		Sept. 9 and 24, 1937 (journals	
1786.....	1278	and parliamentary docu-	
Sept. 16 and Oct. 1, 1836.....	1286	ments).....	1025
Peace commissions: <i>See</i> Concilia-		June 3 and Aug. 29, 1938.....	1028
tions		Radio communications: Italy,	
		Mar. 27, 1918.....	134

	<i>Page</i>		<i>Page</i>
Radiobroadcasting: Mexico, Aug. 24 and 28, 1940.....	1047	Special Claims Commission, extension: Mexico, Aug. 17, 1929.....	963
Radiotelegraph service: Italy, Apr. 24, 1945.....	184	Taxation, double	
Railways, Mexican		Ireland	
Nov. 18, 1942.....	1104	Estate taxes: Sept. 13, 1949....	69
Sept. 21-Dec. 29, 1944, and Apr. 17, 1945.....	1200	Shipping profits: Aug. 24, 1933, and Jan. 9, 1934.....	31
Relief assistance, Italy		Taxes on income: Sept. 13, 1949, and Dec. 20, 1951..	69
July 4, 1947.....	204	Italy: Mar. 10 and May 5, 1926 (shipping profits).....	151
Jan. 3, 1948.....	255	Japan: Mar. 31 and June 8, 1926 (shipping profits).....	442
Nov. 26, 1948.....	328, 331	Telegraph service: Italy, Apr. 24, 1945.....	184
Right to pursue Indians across boundary line, Mexico		Telegraphic correspondence, censorship: Mexico, Oct. 20 and 27, 1943.....	1155
July 29, 1882.....	847	Tijuana River, utilization of waters: Mexico, Feb. 3 and Nov. 14, 1944.....	1166
Sept. 21, 1882.....	854	Trademarks	
June 25, 1890.....	881	Italy	
Nov. 25, 1892.....	884	June 1, 1882.....	101
June 4, 1896.....	889	June 13, 1903, and Mar. 12, 1904 (in Morocco).....	110
Rights in former German islands in the Pacific: Japan, Feb. 11, 1922.....	430	Dec. 18, 1905 (in China)....	113
Rights of American citizens in Japan: June 17, 1857.....	359	Japan. <i>See</i> Industrial property protection, Japan.	
Rights of American nationals in Lebanon: Sept. 7 and 8, 1944.....	562	Lithuania: Sept. 14 and Oct. 11, 1929.....	675
Rights of consular officers. <i>See</i> Consular rights.		Luxembourg: Dec. 23 and 27, 1904.....	699
Rio Colorado (Colorado River)		Treaty registration: League of Nations, Jan. 22 and 23, 1934....	558
Boundary waters. <i>See under</i> Boundary waters, Mexico.		Tuna commission, Mexico	
Utilization of waters: Mexico, Feb. 3 and Nov. 14, 1944....	1166	Jan. 25, 1949.....	1242
Rio Grande		Jan. 26 and 31, 1949.....	1242
Boundary. <i>See</i> Boundary line west of Rio Grande <i>and see under</i> Boundary waters, Mexico.		Vessels	
Distribution of waters: May 21, 1906.....	924	Assistance to and salvage of: Mexico, June 13, 1935.....	1015
Rectification: Feb. 1, 1933.....	976	<i>Awa Maru</i> claim, settlement: Japan, Apr. 14, 1949.....	467
Utilization of waters: Feb. 3 and Nov. 14, 1944.....	1166	Inspection certificates (passenger vessels), recognition: Italy, June 1 and Aug. 5 and 17, 1931.....	161
Root-Takahira Agreement (policy in Far East): Japan, Nov. 30, 1908.....	414	Shipwreck expenses, reimbursement: Japan, May 17, 1880.	381
Rubber investigations. <i>See</i> Plantation rubber investigations.		Transfer of coastal vessels: Korea, May 18, 1949.....	507
(Ryukyu) Loochoo: July 11, 1854.....	692	Visa fees for nonimmigrants	
Shipping profits. <i>See under</i> Taxation, double.		Iraq: Feb. 27, 1939.....	12
Smuggling, suppression of ( <i>see also</i> Narcotic drugs)		Ireland: Mar. 23, 1937.....	33
Italy: June 3, 1924.....	141		
Japan: May 31, 1928.....	446		
Mexico: Dec. 23, 1925.....	949		

	<i>Page</i>		<i>Page</i>
Visa fees for nonimmigrants—Con.		Visas—Continued	
Italy: Feb. 11, 21, and 26, 1929..	158	Oct. 22–Nov. 13, 1947.....	654
Japan: July 6 and 7, 1926.....	444	Luxembourg: Apr. 25 and May	
Latvia: Feb. 18 and Mar. 27,		22 and 26, 1936.....	710
1935.....	556		
Liberia: Aug. 31, 1925.....	584	War graves, Italy	
Liechtenstein: Apr. 22, June 18,		Sept. 13 and 24, 1946.....	194
and June 30, 1926.....	644	Aug. 14, 1947.....	221
Lithuania		Dec. 18, 1947, and Jan. 21, 1948.	258
Mar. 11–Apr. 20, 1932.....	677	Mar. 24 and Apr. 19, 1948.....	304
Apr. 17, 1937.....	688	War with Mexico, termination	
Luxembourg: Apr. 25 and May		Suspension of hostilities: Feb. 29,	
22 and 26, 1936.....	710	1848.....	807
Mexico: Oct. 6 and 7, 1925.....	946	Treaty of Guadalupe Hidalgo:	
Visas		Feb. 2, 1848.....	791
Ireland: Aug. 1, 1949.....	66	Weather stations, Mexico	
Italy: Sept. 28 and 29, 1948.....	323	Oct. 13 and 20 and Nov. 10, 1942.	1099
Liberia		May 18 and June 14, 1943.....	1143
Aug. 31, 1925.....	584	May 12–June 28, 1945.....	1206
Oct. 27 and 28, 1947.....	641	Nov. 6, 1945, and Apr. 12, 1946	
Liechtenstein		(Guadalupe Island).....	1211
Apr. 22, June 18, and June 30,		Mar. 29 and Aug. 15, 1949.....	1259
1926.....	644		





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